

Understanding Anti-Roma Hate Crimes and Addressing the Security Needs of Roma and Sinti Communities

A Practical Guide



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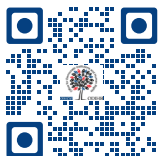
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Contents

Acknowledgments	iii
Foreword	vii
Executive summary	viii
Introduction	1
PART ONE: Understanding the context and the security challenge	7
1. STRUCTURAL AND INSTITUTIONAL COMPONENTS OF ANTI-ROMA INTOLERANCE AND DISCRIMINATION	10
2. ANTI-ROMA HATE CRIMES IN THE OSCE REGION: BACKGROUND	22
3. ANTI-ROMA HATE CRIMES IN THE OSCE REGION: KEY FEATURES	27
4. ANTI-ROMA HATE CRIMES IN THE OSCE REGION: SECURITY CHALLENGES AND IMPACT	38
PART TWO: International commitments, obligations and standards on tolerance, non-discrimination and the protection of Roma and Sinti	47
1. INTERNATIONAL HUMAN RIGHTS COMMITMENTS AND STANDARDS	48
OSCE Human Dimension Commitments	48
INTERNATIONAL AND REGIONAL STANDARDS	52
International standards	52
Regional standards	54
European Court of Human Rights (ECtHR) case law	55
European Union standards	57
2. KEY PRINCIPLES GUIDING RESPONSES TO ANTI-ROMA HATE CRIMES AND CORRESPONDING SECURITY CHALLENGES	59
Rights-based	59
Victim-centred	60
Non-discriminatory	61
Participatory	62
Shared and collaborative	63
Empathetic	63
Gender-sensitive	64
Transparent	64
Holistic	65
Proactive	66

PART THREE: Practical responses to Anti-Roma hate crimes and corresponding security challenges	67
1. PRACTICAL STEPS	68
Acknowledging the problem	68
Raising awareness	71
Recognizing and recording the anti-Roma bias motivation of hate crimes	73
Building trust between the government and Roma and Sinti communities	76
Assessing security risks and preventing attacks	81
Providing protection to Roma and Sinti individuals and/or communities, including in special situations or during particular events	84
Working with Roma and Sinti communities to set up crisis management systems	86
Reassuring the community in case of an attack	88
Providing support to the victims of anti-Roma attacks	90
Annexes	95
Annexe 1: Selection of ECtHR judgements	96
Annexe 2: Selection of case studies: Bias indicators	103
Annexe 3: Matrix of suggested actions for key stakeholders	106
Annexe 4: About Roma and Sinti: What police officers need to know	114
Annexe 5: Defining the terminology	120

Foreword

Roma and Sinti communities are among the most vulnerable minorities in the region covered by the participating States of the OSCE. Throughout history, they have been subjected to intolerance and discrimination, including harmful discourse and stereotyping. These communities continue to suffer alarming levels of deprivation, marginalization, and discrimination even today.

Often intolerance escalates to manifestations of anti-Roma hate crimes extending inequality, undermining security and harming social cohesion. The OSCE Office for Democratic Institutions and Human Rights' (ODIHR) annual hate crime reporting indicates a variety of hate crimes targeting Roma and Sinti. Several cases have occurred in recent years involving assault, excessive force by law enforcement, physical assault, property damage, and murder involving explosives or firearms. The reality is probably even worse as Roma communities often lack trust in institutions, resulting in under-reporting of incidents and failure to bring claims to court.

Rigorous implementation of OSCE commitments on equality, tolerance, and non-discrimination is essential in order to combat acts motivated by prejudice, intolerance, and hatred. In addition, these commitments could serve as benchmarks against which to assess legislation, policies and practices related to human rights, particularly those that may affect communities at risk of exclusion and discrimination, such as Roma and Sinti. All policies and programmes should consider the particular situation of Roma and Sinti women, who are often victims of discrimination and hate crime based on both ethnicity and gender.

It is noteworthy that 2023 marks 20 years since the adoption of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area. The document provides ODIHR with a specific mandate to assist OSCE participating States, inter alia, in developing programmes to combat discrimination and racial violence against Roma and Sinti as well as to support capacity-building and empowerment of Roma and Sinti communities.

Designed to advance the Action Plan and other related commitments, this publication provides stakeholders with an understanding of the nature and manifestations of anti-Roma hate crimes. It gives an overview of the security situation of Roma and Sinti populations, an analysis of their security needs, and information about positive actions that can help safeguard their property and personal security. Participating States are encouraged to use this practical guide to start a thorough assessment and implement effective measures to address the problems faced by Roma and Sinti.

— *Matteo Mecacci*,
Director of ODIHR

Executive summary

What are the challenges ahead?

Intolerance, exclusion, discrimination and violence have affected Roma and Sinti communities for centuries and continue to be a concern in the Organization for Security and Co-operation in Europe (OSCE) region and beyond. The primary cause of these human rights violations is the multigenerational transmission of racial and ethnic stereotypes about Roma and Sinti individuals and communities. Egregious abuses have included, but are not limited to: exclusion from or limited access to social, political, educational, health, welfare and other structures and institutions; lack of access to clean water, electricity, sewage and/or sanitation; lack of access to employment opportunities, housing facilities or leisure activities; racial and ethnic profiling, including from public agencies and institutions; discriminatory violence, including ‘hate speech’, hate crimes and forced evictions; increased vulnerability to trafficking. The most atrocious examples of historical persecution of Roma and Sinti include slavery, extermination and genocide, e.g., the Holocaust.

Across the OSCE region, anti-Roma violence, hatred and discrimination targets Roma and Sinti women, men, boys, girls, individuals and communities, as well as people perceived to be Roma or Sinti. In recent years, violence and vandalism have been perpetrated against Roma and Sinti homes, neighbourhoods, property, institutions and organizations, cemeteries and monuments. Anti-Roma bias fuels hate crimes, incidents and threats that adversely affect not only the victims, but also the daily lives of Roma and Sinti individuals and communities.

Anti-Roma violence and threats of violence endanger the physical security of Roma and Sinti communities, instil a sense of fear and insecurity in the communities and simultaneously prevent these communities from engaging in activities that further their economic, social and political progress. Repetitive occurrences of hate crimes — often following a familiar pattern — may have an isolating effect on those communities and can result in the complete alienation of Roma and Sinti communities. These communities may become more segregated as a defence mechanism, and thus face further marginalization and discrimination in their everyday lives.

Why should this be of concern to participating States?

Several Ministerial Council decisions have repeatedly reaffirmed the threat that hate crimes pose to the security of individuals and to social cohesion, as well as their potential to lead to conflict and violence on a wider scale.¹

¹ See, for example, OSCE [Ministerial Council, Decision 6/02](https://www.osce.org/files/f/documents/b/f/40521.pdf), “Tolerance and Non-Discrimination”, Porto, 6 December 2002, <<https://www.osce.org/files/f/documents/b/f/40521.pdf>>; OSCE [Ministerial Council, Deci-](#)

OSCE participating States have committed to recognizing, recording and reporting the anti-Roma bias motivation of hate crimes and have supported efforts by OSCE institutions to develop effective and comprehensive responses to hate crimes. OSCE participating States have repeatedly condemned and pledged to address “totalitarianism, racial and ethnic hatred, xenophobia and discrimination against anyone, as well as persecution on religious and ideological grounds” beginning with the Copenhagen Document of the Conference on Security and Co-operation Europe in 1990.²

With the 2003 OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Region, the participating States recognized “the particular difficulties faced by Roma and Sinti people and the need to undertake effective measures in order to eradicate discrimination against them and to bring about equality of opportunities (...)”³

What can governments do?

Governments can adopt a range of measures to address the problem of anti-Roma bias, discrimination and violence. They can:

- **Acknowledge** that anti-Roma intolerance and prejudice pose a threat to the security and stability of society and act as a barrier to the inclusion of Roma and Sinti communities within wider society, and that it needs to be addressed comprehensively and systemically by governments;
- **Assess risk and prevent attacks** by enhancing co-operation between law enforcement and Roma and Sinti communities through formal communication, transparency and joint planning and action, including regular meetings. This ensures that various levels of law enforcement are engaging with and prioritizing the security of communities;
- **Raise awareness** of the phenomenon of anti-Roma hatred and its adverse and systemic impact, challenging it through capacity-building measures with political representatives, civil servants, criminal justice officials, equality bodies, police, civil society and the wider public to enhance social cohesion in the long term and reinforce values based on the protection of human rights for all;

sion 12/04, “Tolerance and Non-Discrimination”, Sofia, 7 December 2004, <<https://www.osce.org/files/f/documents/3/7/23133.pdf>>; OSCE Ministerial Council, Decision 10/05, “Tolerance and Non-Discriminations: Promoting Mutual Respect and Understanding”, Ljubljana, 6 December 2005, <<https://www.osce.org/mc/17462>>; OSCE Ministerial Council, Decision 13/06, “Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding”, Brussels, 6 December 2006, <<https://www.osce.org/mc/23114>>; OSCE Ministerial Council, Decision 10/07, “Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding”, Madrid, 3 December 2007, <<https://www.osce.org/mc/29452>>.

2 “Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE”, OSCE, 29 June 1990, <<https://www.osce.org/odihr/elections/14304>>.

3 “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area”, OSCE, 27 November 2003, <<https://www.osce.org/odihr/17554>>.

- **Build trust** by developing and institutionalizing working partnerships with Roma and Sinti communities, civil society organizations and individuals. This could include an agreement whereby law enforcement share information with civil society or community partners to ensure a broader understanding of the frequency and types of cases, as well as issues related to anti-Roma hate crimes and incidents;
- **Perform regular reviews** of policies and working practices in order to detect mistakes, shortcomings or procedures that are outdated or no longer best practice or human rights-compliant;
- **Adopt a high standard of scrutiny for institutional accountability**, acknowledging overt, institutionalized and structural discriminatory practices and failings;
- **Seek to remove as many barriers** as possible such as physical access, language barriers, cost, procedural bureaucracy, etc.;
- **Establish an independent, autonomous institution**, outside the structures of law enforcement and the Ministry of Interior, to ensure that proper internal investigations into anti-Roma discrimination by law enforcement are conducted and that officers found to have engaged in discriminatory acts are held responsible for their actions, ensuring that such investigations are transparent, impartial and open to independent scrutiny;
- **Improve protection** for Roma and Sinti individuals, communities, institutions and sites, including financial assistance to improve security measures, such as using enhanced police patrols during electoral campaigns or other instances when anti-Roma violence might be expected, or by paying additional attention during occasions that might be celebrated or marked by hate groups or individual perpetrators;
- **Consider and incorporate expertise within Roma and Sinti communities** when conducting threat assessments, planning security and/or developing crisis management systems to ensure the best possible joint planning and response to emergencies. This should include expertise encompassing the diversity of the Roma and Sinti community and reflecting the needs of both men and women;
- **Recognize and record** any anti-Roma bias motivation when investigating and prosecuting criminal acts and sensitize law enforcement agencies to the specific features of hate crimes against Roma and Sinti, including situations with local, national or international triggers, e.g., aggressive nationalistic rallies that have been repeatedly shown to trigger anti-Roma hate incidents and crimes;⁴

4 Notably, the intersection of ethnicity, 'race', gender, origin and religion (among other factors) can mean that anti-Roma bias motivation is not recorded as such, especially where the recording system does not recognize the possibility of multiple biases nor allow for adequate data disaggregation.

- **Provide evidence** of the security needs of Roma and Sinti communities by working with those communities, as well as with grass-roots civil society organizations, to exchange disaggregated data on hate incidents, including by sex and gender, and to share information on anti-Roma hate crimes and threats through regular engagement and the establishment of clear and transparent data-sharing agreements;
- **Reassure** Roma and Sinti communities of the state's commitment to protecting all communities by demonstrating the solidarity and support of the wider society in case of an attack and/or a threat;
- **Support victims** and assist communities with returning to their daily lives and regaining a sense of safety and security after an attack. Provide physical, psychological, economic and other support to victims of anti-Roma attacks and their wider communities, while recognizing that, although the primary responsibility for reassurance and trust in public services lies with the state, private organizations or civil society can also offer support;
- **Coordinate efforts** with local government authorities, police agencies or private businesses to achieve meaningful outcomes for victims of intolerance against Roma and Sinti while working to improve minority communities' trust in government services and agencies;
- **Support research** by academics and civil society groups into the narratives and ideologies of hate groups and individuals promoting intolerant rhetoric that targets Roma, Sinti and other communities within their respective countries or regions. Such research can help identify trends for police and government organizations that can support efforts to better address anti-Roma hate crimes; and
- **Ensure that public messaging** recognizes hate crimes not only as threats to the dignity and integrity of an individual, but also to entire communities and societies, stating unequivocally to the broader public that hate crimes, intolerance and discrimination against any group or individual will not be tolerated.⁵

⁵ States may want to consider whether public messaging should include challenging any intolerant rhetoric that may have led to an increase in anti-Roma hate incidents at a specific juncture in time. Messages should also be delivered promptly and jointly with community organizations, groups and representatives, including religious or belief communities, condemning intolerance and hate and promoting tolerance, equality and inclusion.

Introduction

Background

Participating States of the Organization for Security and Co-operation in Europe (OSCE) recognized the danger of exclusion, discrimination and hatred targeting Roma and Sinti as early as 1990.⁶ Recognizing the particular difficulties faced by Roma and Sinti, and the need to undertake effective measures to eradicate racism and discrimination against these communities, in Maastricht in 2003, participating States adopted the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area⁷, hereafter (the Action Plan). A further three Roma and Sinti-focused Ministerial Council Decisions⁸ and the Astana Declaration of 2010 were adopted, expanding OSCE commitments on Roma and Sinti while placing further emphasis on access to early education, the rise of violent manifestations of intolerance against Roma and Sinti and challenges faced by Roma women, youth and children. The Action Plan relies on the framework of international and regional human rights law, existing OSCE commitments and examples of best practices from countries throughout the OSCE region where these are in place, aiming to foster such practices elsewhere. The special measures foreseen by the Action Plan, intent on improving the situation of Roma and Sinti people, are based on the International Convention on the Elimination of All Forms of Racial Discrimination.⁹

Establishment and function of the ODIHR Contact Point for Roma and Sinti Issues (CPRSI)

The Contact Point for Roma and Sinti Issues (CPRSI) was established in 1994 within the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw. It was the first such office within an intergovernmental organization established to promote Roma and Sinti rights and their integration in society. The CPRSI is tasked with assisting participating States in implementing effectively OSCE commitments pertaining to Roma and Sinti by sharing its expertise, providing assistance, raising awareness and assessing progress in improving the situation of Roma and Sinti throughout the OSCE region. The guiding principle in the efforts of participating States and relevant OSCE institutions

6 "Document of the Copenhagen Meeting", OSCE, *op. cit.*, note 2.

7 "Action Plan on Improving the Situation of Roma and Sinti", OSCE, *op. cit.*, note 3.

8 In Maastricht (2003), Athens (2009) and Kiev (2013).

9 "International Convention on the Elimination of All Forms of Racial Discrimination", OHCHR, UN General Assembly resolution 2106 (XX), 21 December 1965, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>>. Article I, para. 4: "Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

is that each policy and implementation strategy should be elaborated and implemented with the active participation of Roma and Sinti communities. This is essential to ensure the meaningful participation of Roma and Sinti in all decisions that affect their lives. Roma and Sinti should work alongside local, national and international authorities in the development of these strategies. Likewise, Roma and Sinti communities should be equal partners and should share the responsibility for the betterment of their welfare.

Effective and human rights-compliant policing in Roma and Sinti communities: ODIHR training for law enforcement officers

Police officers play a vital role in the protection and promotion of the human rights of all people. This is especially true for police officers working at the local level, who interact with community members daily. Police officers can greatly benefit from training or educational programmes that strengthen their understanding and capacity to respect and protect the rights of all people, particularly those who are often systemically and institutionally excluded or discriminated against, such as Roma and Sinti. In 2010, in cooperation with the OSCE Strategic Police Matters Unit (SPMU), ODIHR published the manual *Police and Roma and Sinti: Good Practices in Building Trust and Understanding*,¹⁰ sharing principles and good practices to improve relations between police and Roma and Sinti communities. In a follow-up to the manual, ODIHR also developed a training course entitled *Effective and Human Rights-Compliant Policing in Roma and Sinti Communities*¹¹ to strengthen the capacities of local police officers to work effectively with Roma, Sinti and mixed communities, while complying with international human rights standards. This training remains available, upon request, to all participating States when and if needed.

Why is this Guide necessary?

Intolerance and discrimination have affected Roma and Sinti communities for centuries and continue to be a concern in the OSCE region. Too often, this intolerance can transmute into anti-Roma hate crimes, ranging from anti-Roma graffiti to racially motivated violence. Hate crime has a significant, long-lasting impact on victims, perpetuating inequality and undermining wider societal security and cohesion. Anti-Roma hate crimes send a message of exclusion not only to Roma and Sinti victims and their communities, but society as a whole. Everyone has a role to play in addressing anti-Roma hate crimes — indeed all forms of intolerance and discrimination.

Anti-Roma rhetoric perpetuated in the media, on social networks and by political actors, coupled with Roma and Sinti marginalization, has led many Roma and Sinti individuals and families to seek better conditions and opportunities elsewhere through migration, often still encountering negative reactions in their destinations. ODIHR's annual hate

10 “Police and Roma and Sinti: Good Practices in Building Trust and Understanding”, OSCE/ODIHR, 29 November 2010, <<https://www.osce.org/odihr/67843>>.

11 “Effective and Human Rights-Compliant Policing in Roma and Sinti Communities: OSCE/ODIHR Training for Law Enforcement Officers”, OSCE ODIHR, 10 November 2016, <<https://www.osce.org/odihr/280536>>.

crime reporting presents a range of hate crimes targeting Roma and Sinti. Assault, property damage and murder — involving the use of explosives, firearms or Molotov cocktails — have featured regularly in these reports. Arson attacks against Roma and Sinti homes are among the particularly worrying incidents reported to ODIHR.¹²

A number of factors suggest that the reported data provide only a fragment of the overall picture of hate crimes against Roma and Sinti. While some participating States do record anti-Roma hate crimes, these may not be disaggregated in their statistics and are instead included under the heading of racist and xenophobic hate crimes. In addition, excessive force against or ill-treatment of Roma, including, for example, during evictions or stop-and-search actions by the police, can contribute to a lack of trust in the authorities. This, combined with a lack of resources in Roma and Sinti communities to monitor and report hate crimes means that hate crimes are likely to be significantly under-reported.

Against the widespread fear caused by the COVID-19 pandemic, a surge in manifestations of prejudice and racism has occurred, coupled with some authorities undertaking hasty and biased measures against Roma and Sinti on the alleged grounds of public safety. Anti-Roma rhetoric in the public arena has further fuelled hate and intolerance, leading to hate incidents, crimes and racially motivated violence, with confirmed cases of harassment, damage to property, physical assault and violent attacks against Roma.¹³

Law enforcement authorities are primarily responsible for ensuring the security of Roma and Sinti communities — especially when these communities lack the resources to address the challenges they face. For this reason, the authorities, government officials and political representatives need to remain alert and fully aware of the risks while developing, funding and implementing structured measures to address the security challenges facing their Roma and Sinti communities.

What is the purpose and scope of this Guide?

The purpose of this Guide is to describe and analyse hate incidents and hate crimes faced by Roma and Sinti, as well as the corresponding security challenges. Considering cases from many of the 57 OSCE participating States, this Guide highlights measures that promote safety and security without discrimination, in line with OSCE commitments. This Guide provides relevant stakeholders with an overview of the situations Roma and Sinti communities face, an analysis of their corresponding security needs and areas where positive actions could improve their access to rights.

12 [Anti-Roma hate crime web page](https://hatecrime.osce.org/anti-roma-hate-crime), OSCE/ODIHR, <<https://hatecrime.osce.org/anti-roma-hate-crime>>.

13 “OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic”, OSCE/ODIHR, 17 July 2020, <<https://www.osce.org/odihr/human-rights-states-of-emergency-covid19>>.

Who is this Guide for?

This Guide centres on the practical measures that can be taken by those responsible for dealing with and addressing hate crimes, incidents and discrimination against Roma and Sinti, as well as protecting Roma and Sinti communities. These are primarily government officials and political representatives, but, hopefully, these practical measures are useful to civil society and the broader public as well.

This Guide aims to elicit and encourage wider analysis and research, as well as broader stakeholder engagement, to reduce and counter anti-Roma sentiment and hatred, which remains a challenge across the OSCE region. This Guide acknowledges that the situation varies across the OSCE area in terms of the levels and nature of intolerance and discrimination, and the approaches taken by the authorities. Therefore, these recommendations and findings should be understood in this light and tailored to the local context.

With this in mind, this Guide aims to:

- **Raise awareness** of the security challenges Roma and Sinti communities face due to hate incidents and crimes;
- **Build government officials' capacity** (both policymakers and officials, such as law enforcement and the judiciary) to understand the specific features of hate crimes against Roma and Sinti and identify practical steps to address the security needs of Roma and Sinti communities;
- **Support law enforcement** in its efforts adequately to recognize, record and respond to anti-Roma hate crimes;
- **Facilitate the sharing of best practices** from various OSCE participating States, focusing on models for better police and community responses to anti-Roma hate crimes;
- **Promote communication** and collaboration between local police officials and members of Roma and Sinti communities, including local community activists, security professionals and volunteers, while presenting practical suggestions for cooperation in the fight against intolerance of Roma and Sinti; and
- **Support civil society advocacy** efforts by providing both guidance and an overview of relevant government obligations for government accountability for security concerns related to anti-Roma hate crimes.

This Guide primarily focuses on hate incidents and crimes and, therefore, its direct beneficiaries are those working within the criminal system such as policymakers, law enforcement, judges, prosecutors, civil society organizations or community representatives. Since the challenges of exclusion and discrimination impact on the whole of society, the recommendations and solutions are also relevant to institutions and individuals

responsible for addressing racial discrimination and for creating an environment of tolerance and non-discrimination, such as social services, equality bodies, municipalities, welfare offices, and educational institutions.

How was this Guide developed?

This Guide was prepared by ODIHR and builds on the Office's many years of human rights monitoring and expertise, particularly in the fields of Roma and Sinti and tolerance and non-discrimination, consultations with civil society organizations and relevant state actors, and training activities with law enforcement agencies and police associations. It draws on earlier publications developed by ODIHR to address anti-Semitism (*Understanding Anti-Semitic Hate Crimes: Addressing the Security Needs of Jewish Communities*)¹⁴ and intolerance of Muslims (*Understanding Anti-Muslim Hate Crimes: Addressing the Security Needs of Muslim Communities*).¹⁵ This Guide was developed through an analysis of legal frameworks, monitoring reports from international bodies and civil society as well as pertinent OSCE documents. This Guide was subjected to a peer review process involving ODIHR senior personnel, civil society representatives, and an expert focus group, including law enforcement representatives.

How is this Guide structured?

This Guide contains three main parts and annexes.

Part One (Understanding the context and the security challenge)

This part details the specific situation and needs of Roma and Sinti individuals and communities in relation to hate incidents and crimes. It includes in-depth analyses and case studies of anti-Roma hate crimes, police misconduct, group violence, intersectional discrimination and in/sufficient responses from competent authorities. It also provides an overview of situations in which hate crimes and other challenges to security occur in Roma and Sinti communities in the OSCE region. The aim is to explain the broader effects of marginalization and exclusion on the security situation of Roma and Sinti, as well as to present some of the key features of hate crimes and discrimination faced by Roma and Sinti individuals and communities.

Part Two (International obligations, standards and commitments)

Drawing on OSCE commitments and other international human rights obligations and standards, this part lists the key government obligations and sets out the principles that should underpin government policies and initiatives in terms of approach, treatment

14 "Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities: A Practical Guide", OSCE/ODIHR, 15 May 2017, <<https://www.osce.org/odihr/317166>>.

15 "Understanding Anti-Muslim Hate Crimes – Addressing the Security Needs of Muslim Communities: A Practical Guide", OSCE/ODIHR, 15 May 2020, <<https://www.osce.org/odihr/muslim-security-guide>>.

and response to discrimination and hate crimes, including against Roma and Sinti communities.

Part Three (Practical responses)

This part explains how governments should respond practically to anti-Roma hate crimes and address the corresponding security challenges Roma and Sinti communities face — and how to do so effectively. It advises on actions to support participating States in responding adequately to the security challenges faced by Roma and Sinti individuals and communities. It also makes recommendations on institutional improvements to increase the prevention of and effective responses to hate crimes, capacity-building for law enforcement and other institutions, information collecting and monitoring, investigation and prosecution, and access to victim support and the most important steps to be taken.

The **Annexes** contain case studies from across the OSCE region describing specific situations pertaining to the security situation of Roma and Sinti in OSCE participating States (Annexes 1 and 2). They also include a short matrix of suggested actions for key stakeholders (Annexe 3), a brief overview of the most important things that police officers should know about Roma and Sinti (Annexe 4) and some terminological clarifications (Annexe 5).

PART ONE:
**Understanding the context
and the security challenge**

In OSCE terms, security is understood as comprehensive, cooperative, equal, indivisible and grounded in human rights. The three complementary dimensions of the OSCE's comprehensive approach to security (politico-military, economic and environmental, and human) are considered to be equally important.¹⁶ Respect for human rights and fundamental freedoms for all, without distinction as to "race, sex, language or religion" is specifically acknowledged in the first principles guiding mutual relations among OSCE participating States and has been an integral aspect of the OSCE's concept of security since the Helsinki meeting in 1975.¹⁷ This includes the effective exercise of civil, political, economic, social, cultural and other rights and freedoms, all of which derive from the inherent dignity of the human person and which are essential for free and full human development. Participating States recognize that respect for the universal significance of human rights and fundamental freedoms is an essential factor for peace, justice and well-being, to ensure the development of amicable relations and co-operation among all States.¹⁸

Intolerance and discrimination against Roma and Sinti predominantly occur due to deeply rooted, racial and ethnic stereotypes and prejudices about Roma and Sinti communities passed down from generation to generation. One example is Roma and Sinti being portrayed as "beggars, criminals, profiteers, and lazy".¹⁹ Mainstream political discourse and the media stigmatize and dehumanise Roma and Sinti, representing them as a homogenous group with fixed and inherent characteristics, often conflated with "crime, incivility, laziness, welfare dependency and promiscuity".²⁰ These, and other longstanding images and tropes, serve as building blocks for a racist, supremacist ideology that racializes²¹ Roma and Sinti and tends to portray them as inferior and sub-human. A recent study confirmed that it is not actual relative poverty, marginality or ghettoization that feed widespread anti-Roma sentiment among the public. It is "the fact that (Roma are) members of a group which (non-Roma) consider collectively as different from, and as inferior to, their own group".²² The study also suggests that one of the ways to see the broader processes giving rise to such longstanding perceptions of human inferiority are found, among others, in Norbert Elias's theory of relations between the 'established' and

16 "Freedom of Religion or Belief and Security, Policy Guidance", OSCE/ODIHR, 9 September 2019, <<https://www.osce.org/files/f/documents/e/2/429389.pdf>>.

17 "Conference on Security and Co-Operation in Europe Final Act", OSCE, 1 August 1975, <<https://www.osce.org/files/f/documents/5/c/39501.pdf>>.

18 *Ibid.* para. VII.

19 Nariman, Hadi Sam, et al. (2020), "Anti-Roma Bias (Stereotypes, Prejudice, Behavioral Tendencies): A Network Approach Toward Attitude Strength", *Frontiers in Psychology*, Vol. 11, 2020, <<https://doi.org/10.3389/fpsyg.2020.02071>>.

20 Crețan, Remus and Ryan Powell, "The Power of Group Stigmatization: Wealthy Roma, Urban Space and Strategies of Defence in Post-Socialist Romania", *International Journal of Urban and Regional Research*, Vol. 42, No. 3, 2018, p. 423, <<https://onlinelibrary.wiley.com/doi/pdf/10.1111/1468-2427.12626>>.

21 "ECRI's Opinion on the Concept of 'Racialisation'", ECRI, 8 December 2021, <<https://rm.coe.int/ecri-opinion-on-the-concept-of-racialisation/1680a4dcc2>>.

22 Crețan, "The Power of Group Stigmatization", *op. cit.*, note 20.

the ‘outsiders’.²³ This theory emphasizes the way in which ‘established’ (non-Roma) and ‘outsider’ (Roma) groups are bonded together in particular ways, mediated by power imbalances, with separation driven by powerful group controls:

“The established group attributed to its members superior human characteristics; it excluded all members of the other group from non-occupational social contact with its own members; the taboo on such contacts was kept alive by means of social control such as praise-gossip about those who observed it and the threat of blame-gossip against suspected offenders.”²⁴

Consequently, these stereotypes and prejudices inform mainstream opinions, views and beliefs. For example, in 10 out of the 16 countries polled in the Pew Research Center’s *Spring 2019 Global Attitudes Survey*, 50 per cent or more of the population surveyed reported an unfavourable view of Roma and Sinti.²⁵ In fact, such attitudes are very often manifested in a range of exclusionary, marginalizing, discriminatory and/or violent actions and human rights violations occurring at individual, interpersonal, institutional and national levels.²⁶

These human rights violations have included, but have not been limited to:

- Exclusion from or limited access to social, political, educational, health, welfare or other structures and institutions;
- Discrimination in access to clean water, electricity, sewerage, sanitation, etc.;
- Discrimination in access to jobs, housing or leisure activities;
- Ethnic and racial profiling, including by public institutions and agencies;
- Discriminatory violence, including different types of hate speech, incidents and hate crimes;
- Special segregation and forced eviction;
- Trafficking;
- Slavery; and
- Extermination and genocide, e.g., the Holocaust.

23 *Ibid.*

24 *Ibid.*

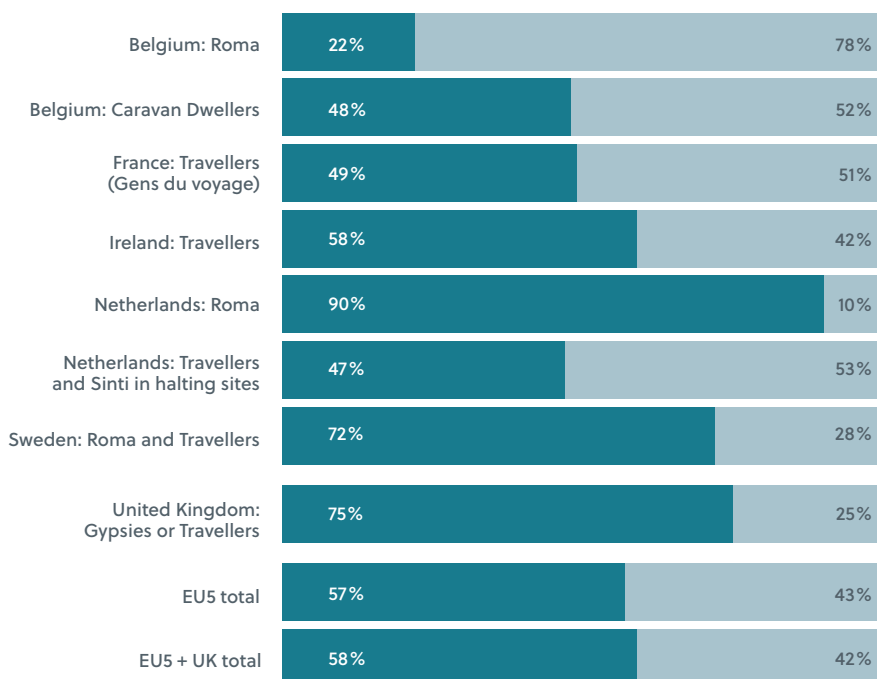
25 “Unfavorable Views of Roma are Widespread in Central, Eastern Europe”, Pew Research Center, 10 October 2019, <https://www.pewresearch.org/global/2019/10/14/minority-groups/pg_10-15-19-europe-values-06-04>.

26 Nariman, “Anti-Roma Bias”, *op. cit.*, note 19.

1. STRUCTURAL AND INSTITUTIONAL COMPONENTS OF ANTI-ROMA INTOLERANCE AND DISCRIMINATION

ANTI-ROMA RACIAL AND ETHNIC PROFILING

Data from the European Union Agency for Fundamental Rights (FRA) “Roma and Travellers Survey 2021”²⁷ shows the prevalence of racial and ethnic profiling of Roma or Sinti because of their ethnic or immigrant background in one year:



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Police stop because of ethnic or immigrant background in the past 12 months.

■ Yes ■ No

According to the FRA, discriminatory ethnic profiling involves:

- Treating an individual less favourably than others who are in a similar situation (in other words ‘discriminating’), e.g., by exercising police powers such as stop-and-search; and

²⁷ [Roma and Travellers survey website](https://fra.europa.eu/en/data-and-maps/2022/roma-and-travellers-survey), European Union Agency for Fundamental Rights (europa.eu), <<https://fra.europa.eu/en/data-and-maps/2022/roma-and-travellers-survey>>.

- Deciding to exercise police powers based only, or mainly, on that person's race, ethnicity or religion.²⁸

Profiling as a tool of law enforcement is not unlawful per se and is a pillar of preventive policing. It only becomes unlawful when that profiling is deemed to be discriminatory, by unfairly targeting a protected characteristic. Both men and women can be victims of profiling. Profiling depends on the country, region, political or community tensions and can happen on the street, in shops and markets, on public transportation, etc.

This can include discriminatory institutional policies implemented under the guise of preventive policing (e.g., security cameras disproportionately situated in Roma-majority neighbourhoods, mass police raids, the use of Special Forces to deal with civil matters, arbitrary powers for stop-and-search, ID checks). Such actions can create the perception of increased criminality in Roma and Sinti communities by increasing the number of interventions, arrests and incarcerations of Roma and Sinti individuals.

Despite its widespread use, such profiling has little to no effect in reducing crime rates, and may even increase crime according to a study on the efficacy and effects of racial profiling.²⁹ Individuals belonging to groups that have been criminally stereotyped for a long time may internalize the racism and even start living up to the stereotypes in a phenomenon known as 'Labelling Theory'; especially if this is combined with other compounding conditions, such as racialized territorial segregation or poor socio-economic status.³⁰

The European Code on Police Ethics states that the police must carry out their tasks in a fair manner, guided in particular by the principles of impartiality and non-discrimination.³¹ The 2003 Action Plan invites participating States to cooperate with the OSCE High Commissioner on National Minorities (HCNM), the ODIHR CPRSI and the OSCE SPMU in order "to develop codes of conduct to prevent racial profiling".³²

POLICE ABUSE AND VIOLENCE AGAINST ROMA AND SINTI

Law enforcement officers and public servants live and work in societies in which racism against Roma and Sinti is ingrained. Therefore racist undertones, ideas and excluding attitudes may sometimes be embedded in existing protocols, regulations and practices.

28 "Towards More Effective Policing. Understanding and Preventing Discriminatory Ethnic Profiling: A Guide" EU FRA, Luxembourg, 2010, <https://fra.europa.eu/sites/default/files/fra_uploads/1133-Guide-ethnic-profiling_EN.pdf>.

29 Glaser, Jack, "The Efficacy and Effect of Racial Profiling: A Mathematical Simulation Approach", *Journal of Policy Analysis and Management*, Vol. 25, No. 2, 2006, pp. 395-416, <<https://www.jstor.org/stable/30162726>>.

30 Bernburg, Jón Gunnar, "Labeling Theory", in *Handbook on Crime and Deviance* (New York: Springer, 2009), pp.187-207, <https://www.researchgate.net/publication/226795096_Labeling_Theory>.

31 "Recommendation Rec(2001)10 of the Committee of Ministers to Member States on the European Code of Police Ethics", Council of Europe, 19 September 2001, <<https://rm.coe.int/16805e297e>>.

32 "Action Plan on Improving the Situation of Roma and Sinti", OSCE, *op. cit.*, note 3.

Case Highlight: In the murder of Stephen Lawrence in the UK, the subsequent inquiry in 1999 described “institutional racism” as: “the collective failure of an organization to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour that amount to discrimination through prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people”.³³

The existence of “excessive use of force” and “police abuse and violence against Roma and Sinti” were also acknowledged in the Action Plan.³⁴ This recommends participating States to:

- Develop policies that promote awareness among law enforcement institutions regarding the situation of Roma and Sinti people and that counter prejudice and negative stereotypes;
- Develop training programmes to prevent excessive use of force and to promote awareness of and respect for human rights; and
- Develop policies (1) to improve relations between Roma and Sinti communities and the police to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people.

Excessive use of force, for example, could be the use of violence with non-lethal weapons against unarmed, but aggressive citizens or the use of unnecessarily violent tactics to subdue a member of the public who is showing little to no resistance. In some instances it could be the deployment of Special Forces or gendarmerie to deal with a minor crime in a majority Roma neighbourhood. In the most extreme cases it is the use of lethal force in situations that could be diffused using other methods. There are numerous examples throughout the OSCE region of deadly force being used inappropriately by law enforcement officials against Roma and Sinti sometimes in the context of petty crimes such as stealing firewood or minor public disorder offences.³⁵

Roma or Sinti communities, particularly racially segregated communities, are often subject to a policing approach that treats them as a collective entity and a security threat, rather than as a community of individuals with security needs. This approach is best exemplified by the phenomenon of large-scale police operations focusing solely on Roma or Sinti communities.

33 “The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny”, Home Office, February 1999, Cm 4262-I, para 6.34, <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf>.

34 “Action Plan on Improving the Situation of Roma and Sinti”, OSCE, *op. cit.*, note 3.

35 Jonathan Lee, “Romani Man Shot Dead in Greece”, ERRC, 28 March 2019, <<http://www.errc.org/news/romani-man-shot-dead-in-greece>>.

Case Highlight: A police operation in the Bolintin Vale area of Romania in 2020 is one example of the peculiar vulnerability of Roma communities to disproportionate use of force by police. A video shows the victim being held down, rendered defenceless and repeatedly beaten by police. The reason is clearly audible on the video: the victim's use of the Romani language on social media posts. The video also includes clear threats to destroy the victim's home. The behaviour of the police in the incident — alongside the assault with batons, other officers witnessing the assault and failing to intervene, and the involvement of the local police commander — indicates that such behaviour is deemed acceptable in a Roma or Sinti community.³⁶

Excessive use of force and police abuse and violence against Roma and Sinti can amount to anti-Roma hate crimes by police.

Case Highlight: Sixty-five police officers entered a Roma neighbourhood in Moldava nad Bodvou (Slovakia) to investigate “increased criminal activity”. Dressed in riot gear and armed with batons and dogs, they carried out a violent raid, injuring over 30 Roma people. The injured included children and people with disabilities.³⁷ The Ministry of Interior conducted an internal investigation into the actions of the police officers, but found no wrongdoing on the part of the officers. After the case went public, no further measures were taken to ensure such interventions were not repeated. By the time investigators questioned the Roma in the community, all the victims' injuries had healed and, due to the time that had passed, it was difficult for the victims to recall information about the incident in great detail. Irregularities in the testimonies of the victims were attributed to their “Roma mentality”, which, according to both a government-hired psychologist and an investigating officer, is characterized by a lack of self-discipline, neglect of commitments towards others, aggression, asocial behaviour and an inability to adapt to social standards. In contrast, the testimonies of the police officers were taken as truth by the inspectorate. Even when several victims identified one of the police officers as a perpetrator, the investigating officer stated that this did not prove anything. The investigation was discontinued and the case eventually brought before the Constitutional Court. The Court ruled there was no problem with the lack of independence of the inspectorate (within the Ministry of Interior), the delays in starting the investigation, nor the investigation itself, which it deemed to be sufficient and effective. The Court did not question the use of the “Roma mentality” argument in the criminal proceedings of the case.³⁸ The authorities went

36 Torotcoisimona, “Police Violence Against Roma in Romania”, ERGO Network, blog, 2 May 2020, <<https://romareact.org/police-violence-against-roma-in-romania>>.

37 *M.H. & Others v. Slovakia*, Application 14099/18, European Court of Human Rights, communicated 17 September 2018 (pending), <<https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%2201-186979%22%5D%7D>>.

38 Michal Zalesak, “Moldava nad Bodvou: Five Years On and Still No Justice for Roma Victims of Police Brutality”, ERRC, 22 June 2018, <<http://www.errc.org/news/moldava-nad-bodvou-five-years-on-and-still-no-justice-for-roma-victims-of-police-brutality>>.

a step further and brought charges against several Roma involved in the legal proceedings and accused them of giving false testimony.³⁹ The raid has been the subject of two applications to the European Court of Human Rights (ECtHR) by Roma who believe that domestic courts failed to deliver justice. The judgement on the first case (*R.R. v. Slovakia*) was published on 1 December 2020 and found a violation of Article 3 (degrading and inhuman treatment) along with Article 14 (discrimination). Each applicant was awarded €20,000 plus €6,500 in legal costs.⁴⁰ The second case is still pending before the Court.⁴¹

In some countries, the discriminatory approach by law enforcement has historically included state compilation and use of registries and data sets specifically focused on Roma and Sinti. Such databases often record details about members of the Roma and Sinti community regardless of whether the community members are of actual criminal interest. The compilation and maintenance of these databases perpetuates the myth of Roma criminality in the minds of state officials and further damages relations between police and a community that can still recall when such registries were used as the basis for their segregation, transportation and extermination during the Holocaust. States found to have maintained such registries indiscriminately have faced heavy penalties from the ECtHR.

Case Highlight: Skåne police administration in southern Sweden kept a register consisting of 4,700 Roma individuals or people married to Roma. Several of the registered individuals were minors and hundreds of the registered were already deceased. The Stockholm District Court found that this was a case of ethnic discrimination. Three children and eight adults who received legal representation from Civil Rights Defenders won the case on all counts and were awarded 30,000 Swedish krona each (about €3,200) in compensation.⁴²

39 Roman Cuprik, “How Beaten Roma Became Suspected Criminals”, *The Slovak Spectator*, 7 September 2020, <<https://spectator.sme.sk/c/22482373/how-beaten-roma-became-suspected-criminals.html>>.

40 *R.R. v. Slovakia*, European Court of Human Rights, application 20649/18, Judgement of 1 December 2020, <<https://hudoc.echr.coe.int/fre#%7B%22tabview%22%3A%22document%22%2C%22itemid%22%3A%22001-204154%22%7D%3E>>.

41 *M.H. & Others v. Slovakia*, European Court of Human Rights, *op. cit.*, note 37.

42 “Historic Court Ruling: Swedish State Guilty of Ethnic Discrimination”, Civil Rights Defenders, 10 June 2016, <<https://www.liberties.eu/en/stories/swedish-state-guilty-of-ethnic-discrimination/9042>>.

THE IMPACT OF THE COVID-19 PANDEMIC ON ROMA AND SINTI

Roma and Sinti, along with refugees, asylum seekers and migrants living in segregated settlements and camps across the OSCE, have been subjected to disproportionate and discriminatory responses by authorities during the COVID-19 pandemic.⁴³ In particular, Roma communities living in marginalized conditions, suffering from social exclusion and poverty, have faced many barriers.⁴⁴

On the pretext of enforcing emergency social distancing measures, Roma and Sinti communities were targeted by police in several countries, and civil society organizations observed several violent attacks on Romani communities and individuals. These attacks included the use of disproportionate force, tear gassing of women and children, inhumane treatment of detained people, forced evictions and police attempts to obstruct the delivery of humanitarian aid.⁴⁵

Case Highlight: In Slovakia, five Roma settlements were placed under mandatory quarantine enforced by the police and military, claiming that this would contain the spread of COVID-19. Four Roma girls and a boy, between seven and eleven years old, from the quarantined Romani settlement of Krompachy, reported that they were beaten with a truncheon by a police officer for playing outside the quarantine zone. In tears, one of the girls shared, “We went for wood and the cop began to chase us and shouted at us that, if we didn’t stop, he would shoot us. We stopped and he took us into a tunnel and beat us there.”⁴⁶ According to the victims, the incident was witnessed by a military employee.

Despite a state of emergency and lockdowns in some countries, neo-Nazi movements called on their supporters to rally against ‘gypsy crime’. While ignoring a ban on public gatherings, Neo-Nazis and far-right ultraS marched through a city and sang racist anti-Roma slogans and made fascist salutes on multiple occasions.⁴⁷

43 “Policing the pandemic: Human rights violations in the enforcement of COVID-19 measures in Europe”, Amnesty International, EUR 01/2511/2020, <https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR_0125112020ENGLISH.pdf>.

44 “Coronavirus pandemic in the EU – Impact on Roma and Travellers”, European Union Agency for Fundamental Rights (2020), Bulletin No 5, 1 March to 30 June 2020, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-roma_en.pdf.

45 *Ibid.*

46 Bernard Rorke, Jonathan Lee, “Roma Rights in the Time of Covid”, European Roma Rights Centre, September 2020, p. 48, <http://www.errc.org/uploads/upload_en/file/5265_file1_roma-rights-in-the-time-of-covid..pdf>.

47 *Ibid.* p. 14, p. 45.

A survey conducted by civil society organizations reported that several Roma were unjustly blamed for spreading the COVID-19 virus.⁴⁸ As a result, many experienced direct discrimination from police, medical personnel, civil servants, the educational system, neighbours or their employers, as well as in stores and on public transport. Many Roma experienced increased hate speech or offensive language, refusal of services by municipalities, interference with their freedom of movement, lockdowns, police violence or racist acts.

According to ODIHR data collected during the COVID-19 pandemic, 41 per cent of news articles related to Roma and Sinti contained elements of ‘hate speech’.⁴⁹

INSUFFICIENT INSTITUTIONAL RESPONSE OR NEGLIGENCE IN CASES OF ANTI-ROMA DISCRIMINATION, RACISM AND VIOLENCE

In parallel, Roma and Sinti sometimes experience inadequate responses or negligence when they are victims of discriminatory acts and violence. In some situations, they are discriminated against by receiving less protection from crime than non-Roma.⁵⁰

The lack of response or inadequate response to crimes committed against Roma or Sinti individuals and communities often translates into lack of access to legal redress mechanisms and ways to hold the authorities accountable. This marginalizes Roma and Sinti communities even further, creating a need for self-reliance and isolationism based on an unwillingness to engage with state bodies that have lost community credibility by failing to protect Roma and Sinti.

Inadequate responses can include: police not responding at all to reports of violence in a Roma or Sinti community; taking too long to arrive at the scene of an incident; not taking seriously known risks of hate crimes against Roma and Sinti or assuming hate crime complaints by Roma and Sinti are fabrications or exaggerations. In more serious cases, police officers may be directly complicit in a hate crime instead of simple negligence, e.g., police officers at the scene of violent hate crimes who fail to intervene. In the worst cases, police officers may actively collude with perpetrators to commit hate crimes, including: direct involvement in the crime itself; purposely misleading investigations; and persecuting and intimidating victims after a crime has been committed to prevent victims from filing a criminal complaint.

48 “The impact of COVID-19 on Roma communities in the European Union and the Western Balkans”, European Roma Grassroots Organizations (ERGO) Network, December 2020, <<https://ergonetwork.eu/wp-content/uploads/2021/04/Ergo-covidstudy-final-web-double-v2.pdf>>.

49 “Roma and Sinti in the Media: 2020 Monitoring”, OSCE/ODIHR, 17 December 2021, <<https://www.osce.org/odihr/roma-sinti-monitoring-infographic>>.

50 Isabelle Chopin, Catharina Germaine and Judit Tanczos, “Roma and the Enforcement of Anti-Discrimination Law”, European Network of Legal Experts in Gender Equality and Non-Discrimination, European Union, 2017, <<https://ec.europa.eu/newsroom/just/items/605239>>.

Case Highlight: In the *Alković* case in Montenegro, after carefully examining the conduct of the police, the ECtHR found the police response inadequate. In one incident, bullets were fired; the accused (the victim’s neighbour) denied they had fired the bullets, but admitted that they had heard gunfire and had seen the casings. The Court criticized the police for not collecting the casings, nor investigating whether the alleged perpetrators had a gun. The Court found that “the applicant was not provided with the required protection of his right to psychological integrity”. In its written submission to the Court as a third party, The European Roma Rights Centre (ERRC) highlighted evidence of institutional racism within the Montenegrin police, who usually treated serious hate crimes as misdemeanours and seldom won convictions.⁵¹

When a hate crime is perpetrated against Roma and Sinti (including ‘hate speech’ which meets the criteria of being a criminal offence), an ineffective investigation by law enforcement can create an additional security threat to Roma and Sinti communities. Investigations that are considered unprofessional and ineffective at bringing perpetrators to justice can do greater harm to the credibility of the state to protect Roma and Sinti than the crime itself — especially when internal investigations by police forces into allegations of police abuse rarely result in meaningful consequences for perpetrators of violence. Investigations can also be ineffective when investigators fail to consider the ethnic and/or racial motives in crimes committed against Roma and Sinti. If the investigating officers discount ethnic and/or racial motivation in the initial stage of an investigation the required evidence is also likely to be discounted, and hate crime charges (which usually entail more severe sentencing) are unlikely to be brought by the public prosecutor at a later date. For example, in the case of Rudne, the National Police of Lviv opened a criminal case of “hooliganism” rather than a crime involving racial hatred.⁵²

Additionally, in many cases, domestic courts lack a complete understanding of the concepts of both direct and indirect discrimination and are unaware of the systemic nature of security issues facing Roma and Sinti. This can mean that even cases with proven bias are considered as a series of ‘one-offs’, rather than a pattern of racially motivated rights violations. Frequently, the outcome of a case is influenced earlier in the process, when the charges brought by the prosecutor do not include the motive of ethnic or racial hatred evident in the crime, even where the police competently investigated this aspect of the crime.

Aside from ineffective judicial proceedings due to evidential problems, the greatest barrier to effective justice for Roma and Sinti victims of hate crimes is the length of proceedings. It can often be many years between the incident and a judgement. It frequently takes more than a decade for Roma and Sinti to receive any form of justice after a hate crime has

51 *Alković v. Montenegro*, European Court of Human Rights, Application 66895/10, Judgement of 5 December 2017, <<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-179216%22%5D%7D>>.

52 Jonathan Lee, “Roma Burned from Their Homes by Masked Men as Violence Escalates in Ukraine”, European Roma Rights Centre, 12 May 2018, <<http://www.errc.org/news/roma-burned-from-their-homes-by-masked-men-as-violence-escalates-in-ukraine>>.

been committed against them. Justice delayed for this long is effectively justice denied and can no longer be considered an effective remedy.

The number of cases before the ECtHR concerning hate crimes against Roma and Sinti is testament to the inability of multiple judiciaries to deliver timely justice for Roma and Sinti.⁵³

Case Highlight: A 51-year-old, off-duty police officer took an illegally purchased gun and drove to a Roma neighbourhood in the town of Hurbanovo (Slovakia). He stopped in front of one house at around 11 a.m. and, without saying a word, shot at a Roma family who were in the yard. Three of them died and two others were seriously injured.⁵⁴ The shooter later admitted to police that when he was preparing his gun, he was thinking about how to “deal with” Roma from Hurbanovo. Despite his admission to the police about targeting Roma, the perpetrator was not accused of committing murder with racist motives. He was found guilty of murder (without any aggravating racist motives) and sentenced to nine years of imprisonment, including three years of protective supervision, as well as psychological treatment. The surviving family members took the case to the ECtHR on the basis that the investigation, prosecution and trial failed to take into account the racist motivation for the murders, and that procedural flaws prevented the applicants from effectively participating in the proceedings.⁵⁵ On 11 December 2018, the ECtHR found in favour of the applicants and ruled that Slovakia had violated Article 14 (discrimination) taken in conjunction with Article 2 (the right to life), as the Slovak authorities discriminated against the applicants in their failure to investigate the possible racist motives behind a murder and prosecute it accordingly. The Court stated, “The prosecuting authorities failed to examine a possible racist motive in the face of powerful racist indicators and in particular failed to give any reasons whatsoever on whether the attack of 16 June 2012 had or had not been motivated by racial hatred.” The Court noted a range of failures on the part of the authorities, including: investigators failed to investigate whether there was a racist motive for the attack; prosecutors did not instruct the police to investigate a possible racist motivation; prosecutors did not address the racist overtones behind the attack by including a racist motive as an aggravating circumstance in the criminal charges; the trial court judgement against the murderer was brief and did not address the question of the murderer’s motivations; and the prosecutor waived his right to appeal, making it impossible for an appeal court to review whether the punishment was too light. The Court awarded the full amount of compensation that the applicants’ requested: €50,000.

53 Term “Roma” found in the [database of the European Court of Human Rights](https://hudoc.echr.coe.int/eng#%7B%22fulltext%22%3A%22Roma%22%2C%22sort%22%3A%22kdate%20Descending%22%7D%3E) (2021), <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22%3A%22Roma%22%2C%22sort%22%3A%22kdate%20Descending%22%7D%3E>, [Accessed 5 September 2022].

54 “Slovak Off-duty Policeman Kills Three”, *BBC News* website, 16 June 2012, <<https://www.bbc.co.uk/news/world-europe-18474442>>.

55 *Lakatošová and Lakatoš v. Slovakia*, European Court of Human Rights, Application 655/16, Judgement of 11 December 2018, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-188265%22%7D%3E>.

The Council of Europe's (CoE) European Commission against Racism and Intolerance (ECRI) General Policy Recommendation 11 on combating racism and racial discrimination in policing aims to help the police promote security and human rights for all through adequate policing and covers racism and racial discrimination in the context of combating all crime, including terrorism. It offers specific recommendations on racial profiling, racial discrimination and racially motivated misconduct by the police, the role of the police in combating racist offences and monitoring racist incidents, and relations between the police and members of minority groups.⁵⁶

DISCRIMINATION IN HEALTH CARE

Roma and Sinti frequently report discriminatory treatment from medical staff in health-care settings, as well as physical violence or medical negligence. Roma women report facing different forms of violence in access to health care.

For example, research carried out in Bulgaria by the European Roma Rights Centre (ERRC) and the Bulgarian Helsinki Committee⁵⁷ found that patients reported that their hands, and sometimes legs, were tied before administering anaesthesia “because they were nervous”, but no explanation was provided to the patients. Roma patients described how they “were not permitted to scream”. One interviewee said that, while giving birth to her third child, she was tied up with a belt, told to shut up, struck on the legs and pinched by medical staff (in the town of Varna). Elsewhere, female patients alleged they were pinched to make them push harder while staff were pressing on their abdomens in an attempt to force them to give birth. One patient described how they were hit and pulled so hard that they fell on the floor, breaking a leg and causing injuries to the baby. Several patients claimed that after a vaginal birth they were not provided with anaesthesia while having perineal stitches administered, and when one patient complained about the pain she was racially abused by staff. Similar research in Hungary⁵⁸ revealed physical abuse of Roma women in childbirth by medical personnel. One Roma woman interviewed was only 14 years old when she gave birth to her first baby and, when she was screaming during labour, a midwife pushed a pillow into her mouth and slapped her face while a male obstetrician repeatedly hit her thighs during delivery. Another interviewee was 16 years old when she had her first child. She was yelling from pain during labour when a midwife slapped her face and racially abused her. Patients thought that no one would believe them if they shared these experiences.

56 “General Policy Recommendation 11 on combating racism and racial discrimination in policing”, ECRI, 29 June 2007, <<https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.11>>.

57 “Reproductive Rights of Romani Women in Bulgaria”, ERRC, April 2020, <<http://www.errc.org/reports--submissions/cause-of-action-reproductive-rights-of-romani-women-in-bulgaria>>.

58 “Reproductive Rights of Romani Women in Hungary”, ERRC, 30 April 2020, <<http://www.errc.org/reports--submissions/cause-of-action-reproductive-rights-of-romani-women-in-hungary>>.

Coercive sterilization is a particular form of violence committed against Roma and Sinti women. There are cases recorded in Hungary, the Czech Republic and Slovakia, among other places. Thousands of women have been unlawfully sterilized while receiving caesarean sections or during other surgeries since the 1960s. An ERRC report found that, in the Czech Republic, Roma women were subjected to sterilization without being properly informed that this operation would be performed. In some instances, the women claimed that their consent forms and other medical documentation were manipulated and their signatures forged.⁵⁹ In a case against Slovakia, the ECtHR found that Slovakian authorities had displayed gross disregard for the victim's right to autonomy and patient choice and that the sterilization procedure was neither immediately necessary, from a medical point of view, nor had the victim given her free and informed consent, which amounted to ill-treatment.⁶⁰

Until now, courts have not treated such cases as hate crimes. In 2006, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) found that Hungary had violated the Convention on the Elimination of All Forms of Discrimination against Women in connection with the sterilization of a Roma woman without her consent in January 2001.⁶¹ A.S. was coercively sterilized by doctors in a public hospital. While being operated on after a miscarriage, she was asked to sign consent forms that included a note indicating that A.S. also consented to being sterilized. The barely legible note used the Latin word for sterilization, which was unknown to A.S. The Committee recommended that Hungary pay A.S. compensation and take measures to make sure health personnel are aware of, and carry out patients' rights to fully informed consent.⁶²

Numerous reports throughout the OSCE region document ambulances arriving late when called to Roma or Sinti neighbourhoods, being blocked from entering by police officers, or sometimes not arriving at all. A 2006 study by the European Roma Rights Centre demonstrated the scale of this problem across Europe and found that, in many countries, access to health care was obstructed by the reality of residential segregation in Roma and Sinti majority areas without proper public services.⁶³ In the context of violent hate crimes, the use of emergency medical services in the immediate aftermath of an incident can be a life-or-death situation. The same study shows that some doctors from the emergency services do not always respond to calls from Roma and Sinti, assuming that the calls are not about an urgent case.

59 "Coercive and Cruel: Sterilisation and its Consequences for Romani Women in the Czech Republic (1966-2016)", ERRC, 28 November 2016, <<http://www.errc.org/reports-and-submissions/coercive-and-cruel-sterilisation-and-its-consequences-for-romani-women-in-the-czech-republic-1966-2016>>.

60 "Forced Sterilisation of Roma Woman Leads to Stricter Rules on Consent to Treatment", CoE website, <<https://www.coe.int/en/web/impact-convention-human-rights/-/forced-sterilisation-of-roma-woman-leads-to-stricter-rules-on-consent-to-treatment>>, [Accessed 5 September 2022].

61 "CEDAW finds Hungary violated convention in sterilisation case", ERRC, 13 November 2006, <<http://www.errc.org/roma-rights-journal/cedaw-finds-hungary-violated-convention-in-sterilisation-case>>.

62 *Ibid.*

63 "Ambulance Not on the Way", ERRC, September 2006, <http://www.errc.org/uploads/upload_en/file/01/E6/mooooo1E6.pdf>.

Case Highlight: On the night of 24 January 2020, a Roma man died in the village of Csenyété, Hungary, after an ambulance driver refused to enter the majority Roma village without a police escort. The mayor of the village, István Kiss, received a call sometime after 7 p.m. that a local resident had fallen ill and collapsed without a pulse. The mayor placed an emergency call and, when the ambulance failed to arrive, he found it on the outskirts of the village. The paramedics told him they could not go into the village until a police escort arrived. The mayor then drove to the victim's house and transported the unconscious man to the paramedics and their ambulance, which still stood at the edge of the village. The paramedics were unable to revive the man, whose cause of death was a pulmonary embolism. The mayor said this was not the first time such an incident had happened in the village — a year before, a five-year-old Romani boy died in similar circumstances when an ambulance did not arrive. In the aftermath of the incident, far-right media commentators spuriously described the tragedy as proof that no-go areas exist in Hungary. Csenyété is sometimes described in the media as the poorest village in Hungary. The residents have not had a local doctor for more than ten years. The closest medical service is in the town of Encs, which is 18 km away with no regular bus service.⁶⁴

TERRITORIAL SEGREGATION AND HOUSING DISCRIMINATION

A common issue that Roma and Sinti face is territorial segregation, generally poor quality housing and vulnerability to evictions. A report by FRA, covering EU countries, noted that this is common in 15 countries (Belgium, Bulgaria, Croatia, Cyprus, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Poland, Portugal, Romania, Slovenia and Spain). “In Spain, for instance, following the economic crisis in 2008 and the ensuing social policies, many Roma have been unable to pay their mortgages and have been forced into substandard housing.”⁶⁵

Evictions carried out without recourse to suitable alternative accommodation, without adequate consultation and without reasonable notice are often not compliant with international human rights standards. Additionally, mass evictions also cause problems for local authorities who are expected to provide services for forcibly relocated communities and address the planning and development issues that arise. These problems are magnified when legislation on planning, land use, control, health, trespass, etc., does not consider the disproportionate effect on particular communities and their situation or way of life.

64 Czinkóczi Sándor, “Csenyété polgármestere szerint a településen azért halt meg egy ember, mert a mentősöknek a falu szélén kellett várniuk a rendőrökre”, [According to the mayor of Csenyété, one person died in the settlement because the paramedics had to wait for the police on the edge of the village], <https://444.hu/2020/01/26/csenyete-polgarmestere-szerint-a-telepulesen-ezert-halt-meg-egy-ember-mert-a-mentosoknek-a-falu-szelen-kellett-varniuk-a-rendorokre>, 26 January 2020, <<https://444.hu/2020/01/26/csenyete-polgarmestere-szerint-a-telepulesen-ezert-halt-meg-egy-ember-mert-a-mentosoknek-a-falu-szelen-kellett-varniuk-a-rendorokre>>.

65 “Roma and the Enforcement of Anti-Discrimination Law”, *op. cit.*, note 50.

Case Highlight: Tirana – Lake Area (Mun. 11), Albania – ‘A large Roma settlement located at the outskirts of the capital, built on waste land next to the poisonous Tirana city lake. No water resources are available here – people buy bottled water from a seller who comes to the settlement frequently (sometimes he does not come, on rainy days for example, and then the inhabitants use water from the poisoned lake). The settlement was evicted in summer 2015 on the pretext of a German tourist being robbed by one of the Roma’⁶⁶.

In addition to Roma living in segregated areas across the EU (e.g., in Austria, Belgium, Croatia, France, Hungary, Italy, Lithuania, Romania, Slovakia, and Slovenia), the shortage of mobile home sites is a specific issue of concern in many countries. In the Netherlands, for example, Roma and Travellers often live in designated trailer camps, but there seems to be a general shortage of these spaces. The Netherlands Institute for Human Rights has found that a series of municipal policies amount, in practice, to the closure of trailer camps, which constitutes discrimination on the grounds of ethnic identity.⁶⁷

2. ANTI-ROMA HATE CRIMES IN THE OSCE REGION: BACKGROUND

Among the most egregious manifestations of intolerance are hate crimes. Hate crimes are *criminal offences* committed with a *bias motivation*.⁶⁸ This means that a perpetrator selects the victim or target because of their real or perceived protected characteristics — such as their specific religion, faith, 'race', sexual orientation or disability, or their affiliation with these characteristics. All hate crimes have two distinct elements: (1) they are acts that constitute an offence under the relevant criminal law; and (2) in committing the crime, the perpetrator acts on the basis of bias or prejudice.⁶⁹ On the other hand, hate incidents, while committed because of a real or perceived specific protected characteristic, either do not reach the level of criminal conduct or are not reported as crimes.

Hate crime has a significant, long-lasting impact on victims, perpetuates inequality and undermines security and social cohesion. Anti-Roma hate crimes send a message of exclusion not only to Roma and Sinti victims and their communities, but to society as a whole.

66 “Thirsting for Justice: New Report Reveals Depth of Discrimination faced by Europe’s Roma in Accessing Water”, European Roma Rights Centre, 22 March, 2017, <[thirsting-for-justice-march-2017.pdf](https://errc.org/thirsting-for-justice-march-2017.pdf) (errc.org)>.

67 *Ibid.*

68 OSCE Ministerial Council, *Decision No. 9/09 on “Combating Hate Crimes”*, Athens, 2 December 2009, <<https://www.osce.org/cio/40695>>.

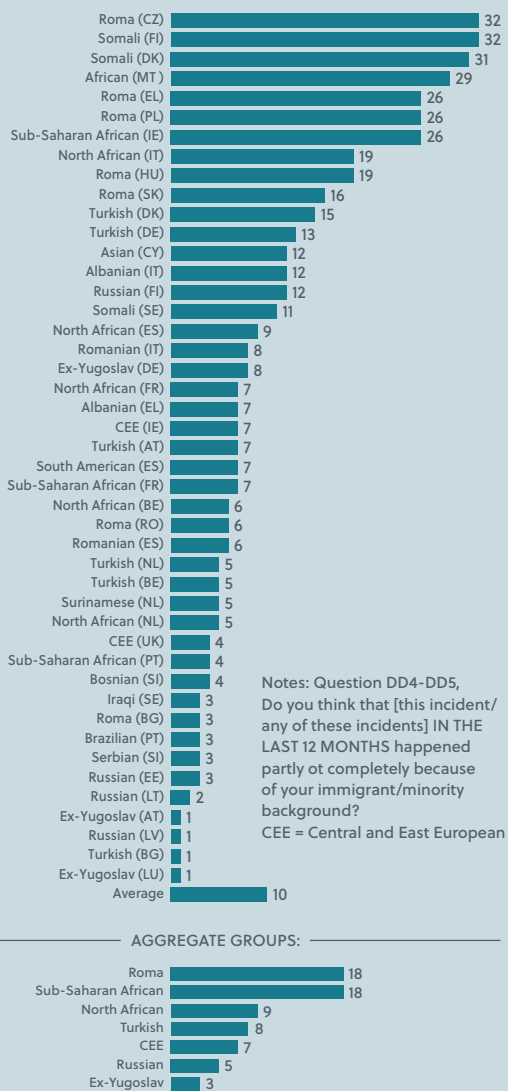
69 For a more complete discussion of the nature and impact of hate crimes, see “*Hate Crime Laws: A Practical Guide*”, revised ed., OSCE/ODIHR, 23 September 2022, <<https://www.osce.org/odihr/523940>>. Other ODIHR hate crime publications, including on victim support, are available at <<https://www.osce.org/resources/publications>>.

Anti-Roma hate crimes are crimes that target an individual, group or property due to their real or perceived Roma or Sinti identity. The perpetrator of an anti-Roma hate crime may also target an individual who is neither Roma nor Sinti but has some sort of association with Roma or Sinti, like a partner or a lawyer.⁷⁰ People or property mistakenly targeted as Roma and Sinti are also considered victims of anti-Roma violence and should be treated accordingly.

Frequently, perpetrators of anti-Roma hate crimes and incidents identify their targets through a combination of features that are often specific to different contexts and might include style of clothing, ethnicity, skin colour, a name associated with local Roma or Sinti families, facial features, attire, mode of transport, profession, accent, language/dialect, etc. Therefore, the features targeted will often differ depending on the context. Recently migrated Roma and Sinti (either internally within a state or internationally) are highly vulnerable to potential hate crimes and incidents.

Notably, there are no typical perpetrators of anti-Roma hate crimes. Despite the common understanding that such crimes are committed only by organized hate groups or far-right ‘extremists’, such crimes are committed by a wide range of perpetrators. These can be ordinary, often otherwise non-violent people. They can be rural or urban,

In-person crime with a perceived ‘racist’ motive suffered by members of ethnic minority and immigrant groups, by EU Member State (%)



⁷⁰ That is, by association, as shown in the case law of the European Court of Human Rights and the Court of Justice of the European Union where courts found that applicants may be discriminated against indirectly and directly by their association with Roma and Sinti. See commentary on C-83/14 CHEZ Razpredelenie Bulgaria AD, <<https://curia.europa.eu/juris/liste.jsf?num=C-83/14>>; “Škorjanec v Croatia: Victims of Racist Hate-crime ‘By Association’ Protected by ECHR”, 13 June 2017, <<https://strasbourgobservers.com/2017/06/13/skorjanec-v-croatia-victims-of-racist-hate-crime-by-association-protected-by-echr>>.

male or female, far-right or with views from across the political spectrum, from ethnic minorities or the majority ethnicity.

Indicators of anti-Roma prejudice and bias (i.e., bias indicators) are the main tool used to help identify cases involving anti-Roma hate crimes. In some instances, the indicators and, therefore, the motivation of the perpetrator, may be evident (e.g., slurs). Other cases may require a nuanced understanding of the context and anti-Roma stereotypes, prejudices and codes (e.g., significant messages, places or dates), which may not be immediately obvious. It is important to note that the bias motivation of an anti-Roma hate crime perpetrator often intersects with other biases; notably sexist, racist or xenophobic biases, or bias against someone on the grounds of their religion or belief.

Anti-Roma hate crimes can also target buildings or premises associated with Roma or Sinti organizations, or cultural spaces and monuments associated with historical events or commemorations (e.g., Holocaust memorial monuments, Roma and Sinti civil society organizations' offices or community centres in Roma or Sinti neighbourhoods). Vandalism and destruction of private property, anti-Roma graffiti or violent marches and demonstrations are common anti-Roma hate crimes and incidents.

TWO MODELS

Despite the common use of the term 'hate crime', the notion of 'hate' can lead to misunderstandings. In fact, the key constitutive element of a hate crime is the bias motivation, not hate. In practice, there are two key models of 'hate crime' legislation. "The first type of hate crime legislation uses hate-related terminology and is based on the premise that perpetrators act out of hatred or hostility towards a particular characteristic of the victim, such as the victim's skin colour, ethnic or national origin, or religion. The second type does not use hate-related terminology but focuses on perpetrators' selection of the target due to their or its association with a group sharing a protected characteristic."⁷¹ These two different forms of hate crime legislation are referred to, in the ODIHR Guide that details this distinction, as the 'hostility' and the 'discriminatory selection' models:

In the **hostility model**, the perpetrator must have committed the offence because of hostility or hatred based on one of the protected characteristics. Some OSCE participating States have laws that specifically require hatred, hostility or enmity.⁷² They require evidence that the perpetrator acted out of some kind of hostility towards the victim.⁷³

In the **discriminatory selection model**, the perpetrator deliberately targets the victim because of a protected characteristic, but no actual hatred or hostility is necessary to

71 "Hate Crime Laws: A Practical Guide", *op. cit.*, note 68.

72 See, e.g., Art. 63(1)(f) of the Russian Federation's Criminal Code; Art. 62(1)(f) of Tajikistan's Criminal Code; Art. 58(1)(f) of Turkmenistan's Criminal Code; Art. 67(1)(3) of Ukraine's Criminal Code; Art. 63(1)(6) of Armenia's Criminal Code; Art. 61(1)(6) of Azerbaijan's Criminal Code.

73 "Hate Crime Laws: A Practical Guide", *op. cit.*, note 68, p. 58.

prove the offence.⁷⁴ The bias motivation depends on the selection of the victim or target based on a preconceived idea or bias about the group to which the victim belongs or with which the perpetrator associates them. For example, a perpetrator who attacks a migrant, thinking that an immigrant is less likely to report the crime to the police, would fall within the discriminatory selection category.⁷⁵

Many participating States do not mention hatred or hostility in their hate crime laws. Instead, the laws require that the perpetrator acted “because of” or “by reason of” the victim’s protected characteristic. In other words, the laws require a causal link between the characteristic and the perpetrator’s conduct, but do not require a specific emotion or feeling on the part of the perpetrator towards the victim.

The discriminatory selection law is broader because it applies to perpetrators who harbour no hostility or hatred towards their victim but select them based on prejudices or stereotypes about their identity or vulnerabilities. A discriminatory selection law does not require that hate be proven as an element of the offence. When a hate crime law requires ‘hostility’, it may be interpreted as requiring an assessment of the perpetrator’s mental state — an exercise that may be difficult and for which most law enforcement officials are not trained. However, proving that the perpetrator selected a victim or a target because of their perceived membership or association with a group can also be difficult in practice.⁷⁶

Nevertheless, the impact of a hate crime on the victim and members of their community does differ based on which model is used or recognized in a state’s legal system; from the victim’s perspective, what matters is that the victim was targeted because of a fundamental aspect of their identity.

INTERSECTIONALITY

Intersectionality is the study of overlapping or intersecting social identities and related systems of oppression, domination or discrimination. It examines how various categories such as gender, ‘race’, ethnicity, class, disability, sexual orientation, religion or age, interact on multiple and often simultaneous levels, proposing that each element or trait of a person is inextricably linked to all the other elements.⁷⁷ Moreover, a particular social identity is not uniform among all people who share that identity. All Roma or Sinti do

74 For example, in Bulgaria, Denmark, France and North Macedonia.

75 “Hate Crime Laws: A Practical Guide”, *op. cit.* note 68, p. 60.

76 “Hate Crime Laws: A Practical Guide”, *op. cit.*, note 67, p. 61.

77 Intersectionality is a qualitative analytic framework that identifies how interlocking systems of power affect those who are most marginalized in society. The term was coined by black feminist scholar Kimberlé Williams Crenshaw in 1989. Crenshaw, Kimberlé, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics”, *University of Chicago Legal Forum*, No. 1, Article 8, 1989, pp. 139-167. For more elaborate exploration refer to Lykke, Nina, *Feminist Studies: A Guide to Intersectional Theory, Methodology and Writing* (New York/London: Routledge, 2012); Helma Lutz et al. (eds.), *Framing Intersectionality: Debates on a Multi-Faceted Concept in Gender Studies* (Surrey: Ashgate, 2011).

not belong to one homogeneous community. Their lived experience is also mediated by other aspects of their social identity — especially their gender or class, for example — and so is the impact of the hate crime.

Like all women and girls, Roma and Sinti women and girls face sexual, physical and verbal harassment in public with alarming regularity. As with public harassment of women and girls in general, cases are frequent yet so rarely reported that incidents that are not visible in the news or on social media are seldom brought to broader public attention. But Roma and Sinti women and girls face the additional aspect of harassment motivated in full, or in part, by their ethnicity. Usually this occurs on the street or on public transport, and the typical perpetrators are non-Roma men. Roma and Sinti women and girls, depending on the group they belong to and the geographic region they live in, may often be easily identified in public by the way they dress or their skin colour. This makes them easier to target for ethnic, racial and gender-based harassment. Roma and Sinti women are more likely to have their gender referenced alongside racist language during incidents of far-right violence, as well as face direct threats of rape or other sexual violence from attackers.⁷⁸

A frequently cited reason for the under-recording of hate crimes is related to mixed motive crimes, where victims were targeted due to more than one bias indicator or motive. Research, including a study from the European Network against Racism (ENAR), shows that the understanding of intersectionality and hate crimes is at the developmental stage in many national police authorities.⁷⁹ This also appears to be the case for researchers, workers in civil society organizations and those in criminal justice institutions. Some law enforcement forms or systems for recording hate crimes allow for multiple flagging or checking of multiple boxes in reference to bias indicators. However, to categorize hate crimes using an intersectional approach, police and relevant authorities should ground their methods in an understanding that victims' identities are multifaceted and intersectional and, therefore, need a multi-layered response.

Case Highlight: The ECtHR, in its judgement in *Alković v. Montenegro*, recognized that a Roma man and his family from Montenegro were harassed by neighbours for being both Roma and Muslim. The family won their case for being subjected to racial and religious slurs, death threats, graffiti painted on their door, attacks on their car and gunfire aimed at their apartment.⁸⁰

78 Jonathan Lee, “Roma Camp Attacked and Tents Burned Down by Unknown Assailants in Ukraine”, European Roma Rights Centre, 4 May 2020, <<http://www.errc.org/news/roma-camp-attacked-and-tents-burned-down-by-unknown-assailants-in-ukraine>>.

79 Ojeaku Nwabuzo, “Racist Crime and Institutional Racism in Europe”, ENAR, 2019, <https://www.enar-eu.org/wp-content/uploads/shadowreport2018_final.pdf>.

80 *Alković v. Montenegro*, *op. cit.*, note 51.

3. ANTI-ROMA HATE CRIMES IN THE OSCE REGION: KEY FEATURES

As mentioned before, hate crimes against Roma or Sinti are crimes that target an individual due to their actual or perceived Roma or Sinti identity. Perpetrators may identify and target an individual due to their real or perceived ethnicity, skin colour, clothing, language or name, and will often make references to existing negative stereotypes about Roma and Sinti. Anti-Roma hate crimes can also target a building, institution, business or residential neighbourhood perceived to be associated with Roma or Sinti.

BIAS INDICATORS: A KEY TOOL

Bias indicators are a useful tool for police, prosecutors and civil society organizations to analyse whether a reported crime might be a hate crime; their purpose is to trigger the process of finding evidence through skilful questioning or a thorough investigation. A bias indicator could be, but does not necessarily have to be, evidence in a courtroom.

Bias indicators are one or more facts that suggest a crime may have been committed with a bias motivation. They provide objective criteria to judge the probable motive, but do not necessarily prove that an offender's actions were motivated by bias. Police agencies should record and note these bias motivations and indicators when interviewing and engaging with victims of violence against Roma and Sinti.

After years of diligent hate crime data collection, ODIHR developed several indicators to help recognize the potential bias in hate crimes with different motivations.⁸¹ Several indicators can help identify anti-Roma bias specifically in a potential hate crime. Such bias indicators can prompt law enforcement authorities to investigate a crime as an anti-Roma hate crime, enabling a tailored response, including adequate prosecution and victim support. ODIHR has also published a *factsheet* to assist stakeholders in understanding anti-Roma hate crimes specifically. The factsheet is currently available in 11 languages.⁸²

What follows is a non-exhaustive list of bias indicators for anti-Roma hate crimes.

Victim, witness or expert perception

If a victim or witness perceives that a criminal act was motivated by anti-Roma prejudice, the incident should be investigated as a hate crime. A third party that records such incidents, such as a civil society or community organization, or an independent expert, might also be able to identify a bias motivation that was not evident to the victim or a

81 [Hate Crime Factsheets](https://www.osce.org/odihr/hate_crime_factsheets) collection, OSCE/ODIHR, <https://www.osce.org/odihr/hate_crime_factsheets>, [Accessed 5 September 2022].

82 “Anti-Roma Hate Crime”, OSCE/ODIHR, 11 October 2021, <<https://www.osce.org/odihr/500599>>.

witness. Where this is the case, the police officer's own perception that the offence is a potential hate crime could be included as a bias indicator.

Comments, written statements, gestures or graffiti

Perpetrators of hate crimes frequently make their prejudices clear before, during or after the act. The crucial evidence in most hate crimes consists of the words or symbols used by the perpetrators themselves. Those who commit hate crimes generally want to send a message to their victims, their victims' communities and to society at large. These messages, from shouted insults to graffiti, are powerful evidence of bias motivation. The following questions can help determine whether an anti-Roma bias motivation was involved in a crime:

- Did the suspect make comments or written statements about Roma or Sinti, or the victim's real or perceived ethnicity, nationality, name, etc.? This can include the use of anti-Roma racist insults, tropes, stereotypes and prejudices. In this regard, recall that anti-Roma statements or slogans may wrongfully be presented as merely critical of cultural practices — such as “having big families” or other topics. Furthermore, it is important to note that anti-Roma abuse is often conflated with xenophobic statements and bias sentiment, which may be expressed through xenophobic language.
- Were drawings, graffiti, cartoons or works of art that depict and demonize Roma or Sinti left at the scene of the incident? Were Nazi-era or far-right symbols or signs that can be considered hate symbols in the context of the particular country left at the scene?

The context of the crime

Ethnic, skin colour or other differences between the perpetrator and victim are not, in themselves, a bias indicator. The questions below, however, can help shed light on the context of a crime and might provide hints as to whether anti-Roma bias could have been a motive:

- Was the victim visibly identifiable as a Roma or Sinti? Individuals may be a target for anti-Roma abuse if they are wearing specific ethnic, community or cultural dress.
- Did the crime target a person who has visibly stood up to raise awareness of the rights of the Roma and Sinti? Was the victim a prominent figure (e.g., a football player, artist or politician), who was known or assumed to be of Roma or Sinti descent?
- Was the victim engaged in activities organized by the Roma and Sinti community, an organization affiliated with the community or an organization that could be perceived as linked to the community at the time of the incident?

Organized hate groups

While not all hate crimes are perpetrated by organized groups, members or associates of hate groups are often involved in committing such crimes. Affirmative answers to the following questions would be bias indicators:

- Were there objects or items left at the scene that suggest the crime was the work of Neo-Nazis, other extremist nationalist organizations or an international terrorist organization?
- Has the perpetrator demonstrated any support for, or openly condoned the action or mission of a terrorist or 'extremist' organization that has targeted Roma and Sinti, or other marginalized and racialized communities?
- Did the actions of the perpetrator mirror the actions of previous perpetrators targeting Roma and Sinti communities?
- Has the perpetrator expressed support on social media for an anti-Roma group?
- Is there evidence that such a group is active in the area (e.g., anti-Roma posters, graffiti or leaflets)?
- Did the perpetrator use behaviour associated with membership in a hate organization, such as using Nazi salutes or other gestures associated with right-wing or nationalist supremacist movements or other movements?
- Did the perpetrator have clothing, tattoos or other insignia associating them with a hate group?
- Did a hate or neo-Nazi group recently make public threats towards the Roma or Sinti community, for example on social media or mainstream media?
- Did the perpetrator use specific terms that may indicate a bias against Roma or Sinti and terminology that originates from far-right rhetoric or ideology? Were drawings or graffiti of symbols, such as a Nazi symbol, a Ku Klux Klan sign, a Celtic cross or others, found at the scene of the crime or incident?

Location and timing

The location and timing of a crime can also be an indicator of anti-Roma bias. Answers to the following questions could reveal bias indicators:

- Was the targeted property a place of professional, legal, or cultural significance, such as a Roma or Sinti neighbourhood, a cultural club and/or other place that may be frequented by individuals from Roma and Sinti communities?
- Did the incident occur following high-profile events that intensified public debate around Roma or Sinti (e.g., a crime allegedly committed by a Roma or a Sinti)?
- Was the victim in or near an area or institution identified with Roma or Sinti (e.g., a Roma neighbourhood) when the incident occurred?
- Did the incident occur following or amid political campaigns that made scapegoats of Roma and Sinti and blamed them for various societal ills, such as crime or unemployment, or being beneficiaries of social welfare schemes?
- Did the incident occur on a date of particular significance? Such as:
 - International Romani Day 08 April, International Holocaust Remembrance Day 27 January, Roma Holocaust Memorial Day 02 August, World Day of Romani Language 05 November; or
 - A day of significance that nationalists, extremists and right-wing groups may use to organize rallies and marches (e.g., historical dates associated with supremacist views).

Patterns or frequency of previous crimes or incidents

Hate crimes are sometimes not single events but form part of a broader pattern. In seeking bias indicators, it is therefore relevant to ask:

- Have there been other anti-Roma incidents in the same area?
- Has there been a recent escalation of anti-Roma incidents, from low-level harassment and non-criminal activity to more serious criminal conduct, such as vandalism or assault?
- Has the victim, the community or the victim's organization recently received threats or other forms of intimidation, such as telephone calls, letters or email?
- Has anti-Roma or far-right literature been circulating recently in the local area?

Nature of the violence

As hate crimes tend to be message crimes, the degree of violence, damage and brutality tend to be serious and often exaggerated or symbolic. The following questions can reveal bias indicators:

- Did the attack show a modus operandi typical for an organized hate group or an ‘extremist’ or terrorist organization?
- Could the action have been inspired by, or seek to replicate a high-profile anti-Roma offence?
- Did the incident involve unprovoked and extreme violence or degrading and humiliating treatment?
- Was the incident carried out publicly or in a way to make it public, such as being recorded and posted on the Internet?
- Was specific language used against Roma and Sinti communities that may show ideology promoted by far-right and other hate groups?

Lack of other motive

- Is there any other clear motive? The lack of other motives is also a reason to consider a bias motivation.

TYPES OF ANTI-ROMA HATE CRIMES⁸³

The spectrum of criminal offences motivated by anti-Roma bias is broad, ranging from high profile attacks to minor incidents, which can escalate if not properly addressed. These attacks can be executed by individuals acting alone or those who are members of an organized hate group.

Attacks against people

Individuals are attacked for many reasons, but they may be particularly vulnerable because of societal, political or other factors that make them identifiable, for example, if they:

- Wear specific ethnic or cultural clothing such as Roma or Sinti dress, e.g., Diklo (a traditional headscarf worn by some Vlax Roma women) or, more generally, women if they wear gold necklaces, bracelets, skirts and/or headscarves that are often embellished with golden coins, etc.;
- Publicly identify as representing a Roma or Sinti community or organization;
- Are in the proximity of a Roma or Sinti neighbourhood;

⁸³ All examples in this section are taken from the ODIHR Hate Crime Reporting website. For more information and examples, see *Anti-Roma Hate Crime, op. cit.*, note 12.

- Participate in a Roma or Sinti public gathering or event;
- Celebrate a Roma or Sinti holiday;
- Speak Romani or other language or dialect that, in a particular context, could potentially indicate that a person is Roma or Sinti; or
- Are a person of colour or in other ways could be assumed to be Roma or Sinti.

Criminal acts motivated by anti-Roma bias also target people who are perceived to be Roma or Sinti or are associated with the Roma or Sinti community because of friendships or social relationships. Anti-Roma attacks can target activists or experts, both in person and online, who fight the discrimination against Roma and Sinti or who raise awareness of their history and culture, without actually being Roma or Sinti themselves.

Based on ODIHR's hate crime reporting, the following sections provide some examples of anti-Roma hate crimes and incidents against individuals observed in the OSCE region.

Murder

- **Greece** An 18-year-old Roma man was shot dead and two Roma teenage boys were injured when shot at 30 to 40 times by police officers as they fled, unarmed, in a car (2021).
- **Spain** A Roma man died after being shot several times by the owner of a private farm. Before the incident, the victim's family had been experiencing hostility in the same town (2020).
- **Poland** A Roma man was physically assaulted and had his pelvic bone and legs broken outside his house at night. The victim died of his wounds in hospital (2019).
- **Belarus** A Roma couple was stabbed with a knife. Both victims sustained injuries and the pregnant female victim died as a result. The perpetrator was sentenced (2018).

Other violent attacks

- **Finland** A Roma woman was physically assaulted by a male security guard in a grocery store. The woman was thrown to the ground, held by the arms, strangled, pulled by the hair and stepped on, causing breathing difficulties and broken teeth (2021).
- **Albania** Two Egyptian men were subjected to anti-Roma insults and physically abused by police officers at night. One victim was wounded and found unconscious and covered in blood (2020).

- **Bosnia and Herzegovina** A Roma man was subjected to anti-Muslim insults and physically assaulted. A police officer present at the scene did not intervene. (2019).
- **Ukraine** A lawyer working on the case of a murdered Roma victim was subjected to racist insults, threatened, blackmailed and beaten by a group (2018).
- **Italy** A Roma woman was beaten, pulled by her hair and repeatedly thrown against the side of a metro train. An investigation was opened into the incident (2018).

As mentioned previously the terms, ‘excessive use of force’ and ‘police abuse and violence against Roma and Sinti’ are acknowledged in the Action Plan on Improving the Situation of Roma and Sinti within the OSCE area.⁸⁴ Such events include either inadequate response from the police, or police officers being complicit in a hate crime through more direct means than simple negligence.

- **Germany** A pregnant Roma woman seeking asylum was severely beaten, placed in custody and denied medical attention by police officers (2021).
- **Czech Republic** A young Roma man with Asperger’s syndrome was beaten by a police officer and required hospitalization. The victim had previously been targeted by police in similar incidents (2021).
- **Romania** A group of Roma men were rounded up and forced to lie face down on the ground by a group of police officers. One of the men was repeatedly beaten and subjected to anti-Roma insults (2020).
- **Serbia** A Roma man was beaten by police officers, who also slapped the victim’s mother. The police had been called because loud music was being played by the victim (2020).

Group violence against Roma or Sinti neighbourhoods

ODIHR hate crime data records show that anti-Roma hate crimes and incidents usually have the highest number of victims under the violent attacks category in comparison with other hate crime types.⁸⁵ Generally, the data shows that larger scale attacks committed against Roma or Sinti neighbourhoods by organized groups is much more prevalent in comparison with other types of hate crime. Such group attacks (sometimes referred to as ‘mob attacks’) are sometimes represented as ‘revenge’ or acts of ‘collective punishment’ on the whole Roma or Sinti neighbourhood or community, due to a real or alleged incident or crime committed by someone of real or assumed Roma or Sinti identity.

84 “Action Plan on Improving the Situation of Roma and Sinti”, OSCE, *op. cit.*, note 3.

85 This was particularly true in 2019, where 650 victims were listed for a single case. See also OSCE ODIHR (2020), “Lack of Hate Crime Recording Means Victims and Their Needs Too Often Remain Invisible, OSCE’s Human Rights Office Says”, <<https://www.osce.org/odihr/470415>>, [Accessed 6 September 2022].

- **Spain** Outbreaks of violence against Roma families occurred following the arrest of two Roma detained in connection with the stabbing of a man in the town of Peal de Becerro. Thirty Roma people had to flee their homes (2022).
- **Moldova** Approximately 120 Roma people, including children, were subjected to violence and death threats in an attack organized via a social network in revenge for an alleged attempted rape (2021).
- **Bulgaria** A Roma community isolated by the police and under COVID-19 related curfew was targeted when the authorities sprayed disinfectant on the community and their houses from an aeroplane (2020).
- **Russian Federation** Roma people were attacked with stones and other objects during a mass brawl involving members of the local non-Roma population. Subsequently, more than 650 Roma residents were forcibly evicted from their houses, and a few dozen Roma people were arrested and treated improperly in detention. After the eviction, the houses of some Roma residents were robbed, damaged and vandalized with anti-Roma graffiti (2019).
- **Italy** Sixty-five Sinti people were threatened when their houses were targeted with explosives at night. The houses were damaged and four cars were destroyed (2018).

Threats

Anti-Roma threats are usually directed at individuals or neighbourhoods, community leaders, politicians, celebrities, Roma and Sinti owned businesses, etc. Threats can include various forms of threatening behaviour, death threats and bomb threats. These threats may be conveyed by mail, email or social media, over the telephone, in person, with hand gestures, in leaflets, through graffiti or by other means. Threats may contain anti-Roma slogans and symbols as shorthand for anti-Roma violence, murder and destruction.

The following are recent examples from the OSCE region:

- **Czech Republic** A Roma woman was subjected to anti-Roma insults, harassed and threatened when her front door was vandalized with anti-Roma and misogynistic graffiti (2021).
- **Croatia** A Roma family with three children was subjected to anti-Roma insults and threatened with death by a man attempting to attack the children's father with a knife (2021).
- **Bulgaria** A Roma man in a wheelchair was subjected to racist insults, slapped and spat on by three male perpetrators. The victim's nephew was also attacked (2020).

- **Serbia** A Roma family was subjected to anti-Roma death threats at night in front of their house by two men. The perpetrators shot a dog belonging to the victim's neighbour during the incident (2020).

Incitement to violence⁸⁶

Direct and immediate incitement to criminal acts is universally prohibited in the OSCE region. Where such incitement occurs with a bias motive, it should be categorized as a hate crime given the existence of the base criminal offence. The same applies to bias-motivated direct threats communicated with words or speech, which may constitute hate crimes and need to be addressed as such.⁸⁷ In particular, the bias motivation must be investigated.

- **Italy** Groups inciting mob violence against Roma families lawfully offered housing in majority non-Roma neighbourhoods led to racist verbal abuse and threats of rape.⁸⁸
- **Moldova** The Roma community felt threatened when anti-Roma insults and incitement to violence were posted online by members of a far-right group. The incident was investigated as a hate speech incident (2020).

“Hate speech”⁸⁹

Beyond direct and immediate incitement to criminal acts, other intolerant, racist or biased speech and public discourse may create a climate conducive to hate crimes. ‘Hate speech’ does not automatically also constitute a hate crime, because most forms of ‘hate speech’ are not considered criminal offences in OSCE countries. Some OSCE participating States do have laws or provisions that criminalize ‘hate speech’⁹⁰ based on the content of that speech, but the prohibited content differs widely. In some jurisdictions speech that incites hatred or insults certain groups is penalized. Other common prohibitions include speech that denigrates a person’s or a nation’s ‘honour’, ‘dignity’, etc. There may also be restrictions on specific historical subjects, the most notable being laws that

86 For more details about defining “incitement to violence” see “United Nations’ Standards” in “Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence”, UN Office of the High Commissioner for Human Rights (OHCHR), 5 October 2012, <<https://www.ohchr.org/en/documents/outcome-documents/rabat-plan-action>>.

87 For a case analysis related to “verbal hate crimes” committed online, see Kundrak, Viktor, “Beizaras and Levickas v. Lithuania: Recognizing Individual Harm Caused by Cyber Hate?”, *East European Yearbook on Human Rights*, No. 1, 2020. <<https://eeyhr.eu/issue/issue-nr-1-2020/>>.

88 Rosi Mangiacavallo, “Violent Anti-Roma Racism in Italy: A Tipping Point or the Toxic ‘New Normal’”, European Roma Rights Centre, 21 May 2019, <<http://www.errc.org/news/violent-anti-roma-racism-in-italy-a-tipping-point-or-the-toxic-new-normal>>.

89 “Hate Crime Laws: A Practical Guide”, *op. cit.*, note 67.

90 There is no internationally agreed upon definition of hate speech. However, the term was defined by the Council of Europe Committee of Ministers in a Recommendation adopted in May 2022 (*Recommendation CM/Rec(2022)16*). The Recommendation distinguishes between (i) hate speech that is prohibited under criminal law; (ii) hate speech that is subject to civil or administrative law; and (iii) other offensive or harmful types of expression requiring alternative responses. See also “Rabat Plan of Action”, *op. cit.*, note 85.

prohibit Holocaust denial or the glorification of Nazi ideology. Hate speech laws among OSCE participating States vary considerably.⁹¹

However, racist or biased speech before, during or after a crime may constitute evidence of motive and should form part of any criminal investigation. Similarly, items in the perpetrator's possession, such as books, music or posters that suggest a bias or prejudice, could constitute part of the evidence of a motive.

Attacks against property:

Any case where anti-Roma slurs, slogans or symbols are used to damage and vandalize property may be considered an anti-Roma incident, regardless of whether the property concerned is in fact affiliated with a Roma or Sinti community, institution or individual.

Common targets of property attacks can include:

Offices, tents, private houses and cars of Roma or Sinti individuals

- **Ireland** The house of a Roma family was attacked at night by a group throwing rocks, bottles and cans and kicking their front door. Racist language was used (2016).

Commemorative sites and activities

- **Hungary** A memorial commemorating Roma victims of the Holocaust was vandalized with homophobic and anti-Semitic graffiti (2019).

Buildings in a town/city

- **Italy** A city was vandalized with anti-Roma graffiti inciting violence (2020).

Cemeteries

- **Bosnia and Herzegovina** A Muslim cemetery was vandalized when two Roma Muslim and two Bosniak Muslim gravestones were knocked down (2019).

Roma cultural centres or research institutions

- **Serbia** A Roma museum was vandalized when its windows were broken (2020).

⁹¹ The OSCE has addressed hate speech, intolerant discourse or cyber hate through a series of documents. See e.g., OSCE Ministerial Council, Decision 6/02, *op. cit.*, note 1; OSCE Ministerial Council, Decision No. 4/03, "Tolerance and Non-Discrimination", Maastricht, 2 December 2003; OSCE Ministerial Council, Decision 10/05, *op. cit.*, note 1; OSCE Ministerial Council, Decision 13/06, *op. cit.*, note 1; OSCE Ministerial Council, Decision No. 9/09, *op. cit.*, note 67.

Schools attended mainly by Roma or Sinti children

- **North Macedonia** The walls of a primary school attended mainly by Roma children were vandalized with swastikas and anti-Roma graffiti. The police opened an investigation into the incident (2017).

Places of worship

- **France** An Evangelical church frequented by Roma was targeted in an attempted arson attack (2016).

Anti-Roma attacks against property can take the following forms:

Arson

- **Bulgaria** A house belonging to a Roma family was set on fire and several other homes were vandalized by a group of masked men during mass anti-Roma protests (2019).
- **Ireland** Two caravans belonging to Travellers were targeted in arson attacks that occurred in the same area on two separate days. The residents of the caravans were homeless as a result of the attacks (2019).

Drawing graffiti, swastika on walls, buildings, cars

- **Hungary** A memorial commemorating Roma victims of the Holocaust was vandalized with anti-Roma inscriptions. The incident occurred three days after an anti-Roma march had been held by far-right groups (2020).
- **Austria** A theatre poster was vandalized with anti-Roma and xenophobic graffiti (2018).

Damaging cemeteries, graves, commemoration sites, houses of worship, schools or cultural buildings

- **Ukraine** Around 35 Roma graves in local cemeteries were vandalized over the course of several years (2020).
- **Germany** A memorial commemorating the Roma and Sinti victims of World War II was vandalized. The police initiated a hate crime investigation into the incident (2019).

Damaging offices, private houses and cars of Roma individuals

- **North Macedonia** The office of a Roma rights organization was broken into and vandalized, and office supplies were stolen. The organization had been the target of vandalism in the past (2020).

- **Ukraine** The house of a Roma family was damaged when a group of 30 youths entered its yard, damaging a fence and gate, and destroying property (2020).

Throwing stones, bottles and cans

- **Poland** A Roma family was threatened and had their house damaged by a group who threw stones and bottles at the residence (2016).

Demolishing Roma or Sinti property

- **Bulgaria** Five Roma houses were demolished by the authorities without legal grounds following calls for their demolition by a government minister and member of a far-right party, who also advocated the ethnic cleansing of Roma people (2019).

4. ANTI-ROMA HATE CRIMES IN THE OSCE REGION: SECURITY CHALLENGES AND IMPACT

As previously described, the impact of a hate crime can be far greater than that of crimes committed without a bias motive, particularly in its impact on communities, individual victims and those immediately associated with the victims.

Every victim of hate crime is different and is affected differently. Many factors can influence the impact of victimization, including: the type of incident; a person's previous experience with discrimination, devaluation and disadvantage; the existence of social support circles; and an individual's economic and psychological resilience. The impact of a hate crime can depend on the intersectional nature of identities, when several personal characteristics operate and interact with each other at the same time so as to be inextricable, such as ethnicity, skin colour, sex or gender and class.⁹²

IMPACT ON EMOTIONAL AND PSYCHOLOGICAL WELL-BEING

The great majority of people have a fundamental need to belong, and a sense of attachment to others is essential for their well-being. Anti-Roma hate crimes, as with other hate crimes, are acts of marginalization and exclusion. They send a message that Roma and Sinti people are unwelcome in their school, workplace, neighbourhood, town, city or country. In some cases, the exclusionary message is very explicit in the insults hurled by perpetrators. Rejection, ostracism and social exclusion can trigger reflexive pain and distress. The greater the rejection, the greater the potential socio-emotional and psychological distress.

92 For a compendium of relevant ODIHR hate crime victim support publications please visit <https://www.osce.org/odihr/hate-crime-victim-support>, <<https://www.osce.org/odihr/hate-crime-victim-support>>.

The emotional impact involves mental distress that could be short-lived or could last for some weeks. The psychological impact involves more persistent and long-lasting mental distress. A well-established body of research suggests that victims of a hate crime are more likely to suffer protracted and higher levels of depression and withdrawal, vulnerability, anxiety and nervousness; an extreme sense of isolation; long-lasting fear; protracted psychosomatic symptoms; significant problems with their job or schoolwork; as well as major problems with family members or friends.⁹³

The fear of (repeat) victimization is typical among hate crime victims. Realizing that they have been targeted for their social identity and characteristics that they cannot change, victims are afraid that this could happen again at any time. Each hate crime act, therefore, sends a threat of future victimization, not only to the person directly on the receiving end, but also to others who share their social identity and characteristics, as well as other communities that face discrimination.⁹⁴

To manage this fear, victims and potential victims might, often unconsciously, use coping mechanisms. They often normalize their experience by accepting and normalizing devaluation, discrimination and intolerance. Some people also internalize racist views and start viewing themselves as deserving such treatment. Coping responses to the fear of repeat victimization can involve changes in behaviour. Hate crime victims are more likely to report avoidance measures, such as trying to stay alert, being less trusting of people and avoiding certain areas at certain times. Victims may fear going out at night or partying in order to avoid places where attackers might gather. In some cases, victims may decide to move home or emigrate.⁹⁵

IMPACT ON ROMA AND SINTI EXPRESSION OF IDENTITY

The impact of a hate crime usually goes beyond an individual target. The community that shares the characteristics of the victim, and other groups that experience isolation, aggression and harassment, may experience the attack as if they themselves were the victim and may fear future attacks. These effects can be magnified where a community has historically been marginalized and subjected to prejudice, discrimination or even persecution. Moreover, hate crimes can produce a feeling of decreased safety and security among people who simply know or heard about the incident, regardless of their affiliation to any particular community group.⁹⁶

93 “Understanding the Needs of Hate Crime Victims”, OSCE/ODIHR and VBRG, 7 September 2020, <<https://www.osce.org/files/f/documents/0/5/463011.pdf>>.

94 “Model Guidance on Individual Needs Assessments of Hate Crime Victims”, OSCE/ODIHR and VBRG, 15 June 2021, <https://www.osce.org/files/f/documents/5/9/489782_o.pdf>.

95 “Understanding the Needs of Hate Crime Victims”, *op. cit.*, note 92.

96 “Model Guidance on Individual Needs Assessments of Hate Crime Victims”, *op. cit.*, note 93.

Some hate crime victims try to conceal aspects of their social identity in public by not wearing their cultural symbols, changing their attire, not speaking their language and not mentioning their place of origin. Hate crimes can further impact the lives, security and public participation of Roma and Sinti. Individuals may refrain from being socially or politically active. They may close community organizations or decrease their activity. The fear of an attack may prevent communities from organizing their cultural or religious events, celebrating holidays or organizing public events.

IMPACT ON ROMA AND SINTI COMMUNITY LIFE

The impact of a single hate crime can prevent Roma and Sinti from enjoying a wide range of rights in their everyday lives. In the aftermath of hate crimes in their community, Roma and Sinti families may be unwilling to send children to school, travel to work, visit public areas, use public services, or participate in electoral processes.⁹⁷

The habitual occurrence of hate crimes that follow a familiar pattern may have an isolating effect on those communities and can result in the complete alienation of Roma and Sinti communities. These communities may become more segregated as a defence mechanism, and thus face further marginalization and discrimination in their everyday lives. The process of isolation or segregation, often referred to as 'ghettoization' occurs through cyclical discrimination in different areas of life, as well as through a degree of self-isolation in response to discrimination and exclusion.⁹⁸

Equally, the fear of victimization might force the community and its members to be more cautious, often self-censoring, in public. Some victims may turn to alcohol or drugs. Others may retaliate aggressively (verbally or physically) to individuals or groups representing the attacker, which can lead to victims becoming criminally liable.⁹⁹

IMPACT OF GROUP VIOLENCE

Group violence, often in the form of an act of 'collective punishment', typically involves a combination of threats, property destruction, arson, etc. It also often results in Roma and Sinti leaving their homes and fleeing for their lives.¹⁰⁰ Those who flee often have to resort to living in improvised homes with the added risks of a lack of proper housing, i.e., poor sanitation and limited access to community services, power, transport and

97 OSCE CPRSI (2015), "Project to Develop a Training Curriculum for Police on Effective and Human Rights Compliant Strategies for Working with Roma and Sinti Communities, Report on Assessment Trips to Ukraine, Slovakia and Sweden" [internal document/unpublished].

98 Mionel, Viorel and Silviu Neagu, "The Socio-spatial Dimension of the Bucharest Ghettos", *Transylvanian Review of Administrative Sciences*, No. 33, 2011, pp. 197–217, <https://www.researchgate.net/figure/The-stages-of-ghettoization-process-through-the-disadvantages-cycles_fig1_267026689>.

99 "Understanding the Needs of Hate Crime Victims", *op. cit.*, note 92.

100 Jonathan Lee, "Mob Justice: Collective Punishment Against Roma in Europe", ERRC, March 2019, <http://www.errc.org/uploads/upload_en/file/5136_file1_mob-justice-collective-punishment-against-roma-in-europe-march-2019.pdf>.

education. Also the chances of further inter-ethnic and intergroup conflict arising in the future drastically increases after such events, with suspicion deepening, segregation increasing and the potential for retaliatory acts growing. These ruptures tend to last for decades, often influencing several generations.

Case Highlight: An analysis of the Gyöngyöspata far-right occupation in Hungary describes the aftermath in the town as a “cold peace” between the residents. “While the fear and terror gripping the Roma community gradually subsided after the departure of paramilitaries, its members could not come to terms with the support manifested by a great number of Magyar [ethnic Hungarian] families for the groups that terrorized their children. On the other side, the majority’s frustration and anger was further fuelled by the way the media portrayed both the village and the events of the ‘burning spring’.”¹⁰¹

IMPACT ON CHILDREN AND YOUTH

Stereotyping, discrimination, hate incidents and crimes against Roma and Sinti children and families can lead to children being afraid to go to school, leave their homes or engage in social or cultural activities with others. Children may feel inadequate, that they don’t belong and even attempt suicide. Children and youth belonging to groups that have been stereotyped for a long time are more prone to internalizing the racism.

Case Highlight: A case of ethnic profiling in Greece in 2013 resulted in a four-year-old, blonde-haired, Roma child being removed from a family because officers assumed that her adoptive parents had stolen her. The case (which later turned out to be unfounded) became a Europe-wide, and then global, news sensation. The story of the stolen “blonde angel” was on the front page of major newspapers and the prime slot on global TV news channels. This in turn sparked countless false reports of stolen children and further rights abuses of Roma families throughout Europe.¹⁰²

101 “Gyöngyöspata 2011: The Laboratory of the Hungarian Far-Right. A Case Study of Political Mobilization and Interethnic Conflict”, Ecpolis Foundation, 2012, <http://pdc.ceu.hu/archive/00006555/01/Ecpolis_Gyongyospata2012.pdf>.

102 “Greek Maria’s Adoptive Parents Cleared of Kidnap Charges Two Years After Arrest”, *Traveller’s Times* website, 16 November 2015, <<https://travellerstimes.org.uk/news/2015/11/greek-marias-adoptive-parents-cleared-kidnap-charges-two-years-after-arrest>>.

IMPACT OF INADEQUATE INSTITUTIONAL RESPONSE

When the hate context is not addressed by the authorities and no clear message is sent to the perpetrators, communities often lose trust in their security and the state authorities, leading to reduced engagement between communities and police. This reduced engagement leads to the non-reporting of crimes perpetrated against Roma citizens and their continued lack of security. An European Union Agency for Fundamental Rights (FRA) survey in 2019 indicated that over 40 per cent of Roma have experienced hate-motivated harassment and that seven per cent of these incidents involved physical assault. Over 90 per cent of those affected by such incidents did not report them, and over 50 per cent of those who did not report hate incidents thought that nothing would be done to address them.¹⁰³

The effect of non-reporting is that there is not enough solid data on these incidents, making it much more difficult to measure the trends, types and impacts. Moreover, the lack of engagement further hampers police in their crime reduction efforts, not only in relation to Roma and Sinti, but for all communities.

In some extreme cases, a lack of support from the authorities may force communities to relocate to another place, city or even country. This results in additional challenges, not only for those who leave and who may experience rights abuses as a vulnerable migrant, but also for the community they leave behind. Those left behind are likely to be those who cannot travel easily or find employment: the elderly, children, people with disabilities, and women who often perform traditional family gender roles. These people become more vulnerable to hate crimes as part of a community that may be perceived to be weaker.

The consequences of failing to address hate crimes adequately are twofold:

- Firstly, the failure to detect and punish hate crimes in accordance with the law creates an air of impunity, encouraging repeat victimization, and increasing the number of perpetrators who feel emboldened to commit such crimes. Over time this impunity also leads to an increase in the severity of such crimes.¹⁰⁴
- Secondly, the risk of retaliatory violence and vigilantism escalates in communities that are continually exposed to hate crimes yet see no tangible rule of law response. The retaliatory violence by the community is often seen in increased regularity, severity or in the higher numbers of people involved.¹⁰⁵

103 “Roma and Travellers in Six Countries”, EU FRA, 23 September 2020, <<https://fra.europa.eu/en/publication/2020/roma-travellers-survey>>.

104 Neil Chakraborti, “Responding to Hate Crime: Escalating Problems, Continued Failings”, *Criminology & Criminal Justice*, Vol. 18, No. 4, 2017, <<https://doi.org/10.1177/1748895817736096>>.

105 Kellina M. Craig, “Retaliation, Fear or Rage: An Investigation of African American and White Reactions to Racist Hate Crime”, *Journal of Interpersonal Violence*, Vol. 14, No. 2, 1999, <<https://doi.org/10.1177/088626099014002003>>.

Case Highlight: A 27-year-old Roma man, Miroslav Demeter, was beaten to death in a pizzeria in Žatec, in the Czech Republic on 18 October 2016, after getting into a fight with other customers and police officers. The incident occurred at around 7 p.m. according to eye-witness accounts. The Roma man was reported to have been harassing female customers, which led to a fight breaking out between him and others. Witnesses say at least some of his four or more attackers seemed to be trained in martial arts and beat him severely. It is unclear whether his attackers were employees, customers or both.

The police arrived at the scene and allegedly beat the Roma man some more, according to witnesses. At the very least, they failed to protect the man from his attackers who continued to hit him until he collapsed onto the floor and was restrained by officers. A witness at the time stated, “As the police were trying to put the man on the ground, the other attackers were jumping on him, they were hitting him in front of the police. I don’t know if the attackers were customers, they were just ordinary guys. There was verbal abuse.”¹⁰⁶

A video was posted online showing the aftermath of the attacks. The footage is unclear, but the cries of the man lying on the floor of the pizzeria can distinctly be heard, and the police officer holding him pinned to the ground can plainly be seen. The victim died shortly after collapsing and a police officer can be seen performing chest compressions on the Roma man.

The state police made a statement the same day in which they said no one had been detained for questioning, and they had not yet pressed charges against any of the attackers. The autopsy report stated that the death of the Roma man was not caused by any third-party intervention of the assailants or police officers.¹⁰⁷ In February 2017 the police closed the investigation into his death, finding that no crime had been committed in relation to the incident. No police officers were found culpable for having a role in his death, and no charges were brought against his attackers.¹⁰⁸ A complaint from the family of the Roma man was rejected by the state prosecutor in April 2017.¹⁰⁹ The case has not reached the ECtHR.

106 “No Arrests After Romani Man Beaten to Death in Czech Republic”, ERRC 21 October 2016, <<http://www.errc.org/press-releases/no-arrests-after-romani-man-beaten-to-death-in-czech-republic>>.

107 *Ibid.*

108 Zdeněk Ryšavý, “As US protests continue against police murder, ROMEA recalls 2016 case of Romani man who died in police custody under circumstances like George Floyd”, *romea.cz* news website, 1 June 2020, <<https://romea.cz/en/news/world/as-us-protests-continue-against-police-murder-romea-recalls-2016-case-of-romani-man-who-died-in-police-custody-under>>.

109 Jitka Votavová, “Czech State Prosecutor Rejects Complaint from Family of Romani Man Who Died in Presence of Police”, *romea.cz* news website, 28 April 2017, <<http://www.romea.cz/en/news/czech/czech-state-prosecutor-rejects-complaint-from-family-of-romani-man-who-died-in-presence-of-police>>.

SECONDARY VICTIMIZATION AS A RESULT OF INADEQUATE INSTITUTIONAL RESPONSE

According to the European Crime Prevention Network: “secondary victimization refers to the victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim. This includes, but is not limited to, not recognizing and treating the victim in a respectful manner, an insensitive and unprofessional manner when approaching the victim and discrimination of the victim in any kind.”¹¹⁰

For many targets of hate crime, secondary victimization can lead to further humiliation, degradation and isolation, which will likely have an even greater impact on their emotional and psychological health and social and economic well-being. The response and behaviour of the representatives of criminal justice agencies, and professionals in institutions supporting the victims of crime (including medical and psychological services, lawyers and legal services, social workers and civil society victim support services), can therefore have a critical impact on hate crime victims. Very often, systemic gaps in the hate crime victim support system specifically affect Roma and Sinti victims and the institutional response can contribute to secondary victimization of Roma and Sinti. These systemic ‘gaps’ include:

- Failing to respond, or offering an unhelpful or denigrating response;
- Attributing responsibility for the crime to victims, or claiming the culpability of the victim (victim-blaming);
- Minimizing the seriousness of the hate crime and trivializing the individual experience and consequences;
- Denying the victim’s perspective in the assessment and evaluation of the crime, not taking a bias motivation into consideration or dismissing it as irrelevant;
- Displaying negative attitudes or reinforcing the prejudices of the perpetrator, and treating the victim accordingly;
- Expressing sympathy and understanding for the perpetrator;
- Lacking the appropriate knowledge, experience and skills to acknowledge the significance of the victim’s identity in the crime they suffered;
- Lacking consideration for individual needs, especially for information and justice; or
- Denying the victims’ rights or victim status.

¹¹⁰ “Understanding the Needs of Hate Crime Victims”, *op. cit.*, note 92.

In addition, perpetrators and their relatives, the public, the media (especially), and defenders of perpetrators in court proceedings can positively or negatively influence, prevent or cause secondary victimization.¹¹¹

Case Highlight: “On 18 April 2016, a Roma boy was brutally beaten up in an EU member state. The perpetrator racially abused and physically assaulted the victim because the victim said that he considered himself equal to the attacker despite their different ethnicities. Although the court’s judgement explicitly acknowledged a racial bias motivation, the proceedings were accompanied by a number of racist outbursts that further re-victimized the victim and exposed the weakness of the criminal justice system’s response to hate crimes. In the medical examination following the attack, the court physician used an ethnic slur and minimized the attack, saying: ‘[The victim] was kicked just a little.’ The investigating officer also used an ethnic slur. The perpetrator of this brutal racist assault on a minor was given a lenient sentence: a probationary period of three years with four months of community service. In the sentencing, the criminal justice system effectively conveyed an institutional tolerance to hate crimes. Against the climate of the long-term marginalization of Roma and racist public discourse, this case resulted in an international solidarity campaign #RomaAreEqual, initiated by the European Roma Rights Centre. Within days, the online campaign was shared by thousands across Europe, including international organizations”.¹¹²

There are also instances when the police may assume not only that Roma or Sinti victims of a crime are lying, but that they doing so to profit from a crime which they committed. In this case, police may attempt to extract a confession from the Roma victims for a crime they believe the victim committed.

Case Highlight: In 2017, after reporting their car stolen, a Roma couple were tortured by Serbian police in an attempt to extract a confession from them of insurance fraud. The incident occurred on 21 April 2017, when the couple, Marko and Sandra, reported the theft of their car to Mladenovac police station. They were told they needed to report the case in Belgrade and police officers drove them there in an unmarked car. When they arrived, they were made to undergo a polygraph test before being separated for interrogation. The couple were detained for 13 hours at a police station in Belgrade where officers tortured the husband, racially abused the wife and threatened to have their children taken by social services. They were subjected to racial slurs, asphyxiation, whipping with a baton and death threats with a pistol. The Belgrade Higher

¹¹¹ *Ibid.*

¹¹² *Ibid.*

Court ruled that the Serbian Ministry of Interior discriminated against the couple and awarded €4,675 to the husband and €1,700 to the wife for the discriminatory treatment, physical pain and fear they endured.¹¹³

In cases where Roma and Sinti are charged with a crime following their interaction with the police (e.g., accusation of false testimony), the public attention that such charges bring can, in effect, amount to tertiary victimization. Roma and Sinti individuals who have been the victims of a crime, and have been further victimized by the police, become the subject of media persecution which follows the pattern of negative framing and stereotyping of Roma and Sinti.

Furthermore, if the ‘discriminatory selection model’ (as opposed to the ‘hostility’ model described above) is used as the basis for defining the concept of hate crime in the national criminal code, then this can be problematic for Roma and Sinti communities in some countries. Misuse of this model may occur where, e.g., a property crime (theft, etc.) committed by a Roma or Sinti individual and targeting someone from the majority population can be turned into an alleged hate crime committed by the Roma and Sinti person. This can then further be abused by politicians to strengthen the ‘Roma criminality’ narrative.

113 “Roma Tortured by Serbian Police Win Court Case Against Ministry of Interior”, ERRC, 22 July 2020, <<http://www.errc.org/press-releases/roma-tortured-by-serbian-police-win-court-case-against-ministry-of-interior#:~:text=Roma%20Tortured%20by%20Serbian%20Police%20Win%20Court%20Case%20against%20Ministry%20of%20Interior,-22%20July%202020&text=Brussels,%20>>.

PART TWO:
**International commitments,
obligations and standards on
tolerance, non-discrimination and
the protection of Roma and Sinti**

1. INTERNATIONAL HUMAN RIGHTS COMMITMENTS AND STANDARDS

OSCE HUMAN DIMENSION COMMITMENTS

OSCE participating States have repeatedly condemned and pledged to address “totalitarianism, racial and ethnic hatred, xenophobia and discrimination against anyone, as well as persecution on religious and ideological grounds” beginning with the Copenhagen Document of the Conference on Security and Co-operation Europe in 1990.¹¹⁴

In 2003, participating States recognized “the particular difficulties faced by Roma and Sinti people and the need to undertake effective measures in order to eradicate discrimination against them and to bring about equality of opportunities (...)”, creating the “OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Region”.¹¹⁵

The Action Plan recommends that OSCE participating States¹¹⁶:

- Implement legislation that:
 - Imposes heavier sentences for racially motivated crimes by both private individuals and public officials; and
 - Provides equal access to effective remedies (judicial, administrative, conciliation or mediation procedures);
- Document, in a manner consistent with national and international standards on the protection of data, all types and relevant cases of discrimination in order to better assess the situation and respond to the needs of Roma and Sinti people;
- Ensure the vigorous and effective investigation of acts of violence against Roma and Sinti people, especially where there are reasonable grounds to suspect that the acts were racially motivated, and prosecute those responsible in accordance with domestic law and consistent with human rights standards;
- Ensure no impunity for perpetrators of discriminatory or violent acts, *inter alia*, ensure police take prompt and effective investigative and punitive action;

114 “Document of the Copenhagen Meeting, OSCE”, *op. cit.*, note 2.

115 “Action Plan on Improving the Situation of Roma and Sinti”, OSCE, *op. cit.*, note 3.

116 Most of the recommendations from the Action Plan have been subsequently repeated in OSCE Ministerial Council decisions. See OSCE Ministerial Council, Decision No. 8/09, “Enhancing OSCE Efforts to Ensure Roma and Sinti Sustainable Integration”, Athens, 2 December 2009; OSCE Ministerial Council, Decision No. 4/13, “Enhancing OSCE Efforts to Implement the Action Plan”, Kyiv, 9 December 2013.

- Facilitate access to justice for Roma and Sinti people through measures such as legal aid and the provision of information in the Romani language;
- Elaborate, where appropriate, and in close partnership with international organizations and Roma NGOs, policy statements, codes of conduct, practical guidance manuals and training programmes; and
- Encourage Roma and Sinti people to work in law enforcement institutions as a sustainable means of promoting tolerance and diversity.

The same Action Plan also recommends that participating States:

- Develop policies that promote awareness among law enforcement institutions regarding the situation of Roma and Sinti people and that counter prejudice and negative stereotypes;
- Develop training programmes to prevent excessive use of force and to promote awareness of and respect for human rights;
- Develop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people;
- Develop policies and procedures to ensure an effective police response to racially motivated violence against Roma and Sinti people; and
- Assess the gap between international standards on police and current national practices in consultation with national police forces, NGOs and representatives of Roma and Sinti communities.

Various OSCE Ministerial Council Decisions have also acknowledged the need to undertake a comprehensive response to the broad range of manifestations of intolerance and racism, including hate crimes:

- In Maastricht in 2003, OSCE participating States were encouraged to “collect and keep records on reliable information and statistics on hate crimes, including on forms of violent manifestations of racism, xenophobia, discrimination”;¹¹⁷ and
- In Ljubljana in 2005, ODIHR was tasked with “assist(ing) participating States upon their request in developing appropriate methodologies and capacities for collecting and maintaining reliable information and statistics about hate crimes and violent

¹¹⁷ OSCE Ministerial Council, Decision No. 4/03, *op. cit.*, note 89.

manifestations of intolerance and discrimination, with a view to helping them to collect comparable data and statistics”.¹¹⁸

These calls demonstrated the need to monitor and measure hate crimes in OSCE participating States. Additional Ministerial Council Decisions were adopted in 2006 and 2007, relating to tolerance and non-discrimination. Among other things, they:

- Reaffirmed “the need for determination by the participating States in combating all acts and manifestations of hate, including hate crimes, recognizing that the efforts required to address them often involve a common approach, while at the same time recognizing the uniqueness of the manifestations and historical background of each form”;¹¹⁹ and
- Acknowledged, again, that, “the primary responsibility for addressing acts of intolerance and discrimination rests with participating States, including their political representatives”.¹²⁰

Ministerial Council Decision No. 10/07 also called for “continued efforts by political representatives, including parliamentarians, to strongly reject and condemn manifestations of racism, xenophobia, anti-Semitism, discrimination and intolerance, including against Christians, Jews, Muslims and members of other religions, as well as violent manifestations of extremism associated with aggressive nationalism and neo-Nazism, while continuing to respect freedom of expression”.¹²¹

In 2009, participating States also committed themselves to:

- Collecting, maintaining and making public reliable data and statistics in sufficient detail on hate crimes and violent manifestations of intolerance, including the numbers of cases reported to police personnel, of persons prosecuted and of sentences imposed;
- Enacting, where appropriate, specific, tailored legislation to combat hate crimes, providing for effective penalties that take into account the gravity of such crimes;
- Taking appropriate measures to encourage victims to report hate crimes, recognizing that under-reporting of hate crimes prevents states from devising efficient policies, while exploring, as complementary measures, methods for facilitating the contribution of civil society to combat hate crimes;

118 OSCE Ministerial Council, Decision No. 10/05, *op. cit.*, note 1.

119 OSCE Ministerial Council, Decision No. 13/06, *op. cit.*, note 1.

120 OSCE Ministerial Council, Decision No. 10/07, *op. cit.*, note 1.

121 *Ibid.*

- Introducing or further developing professional training and capacity-building activities for police personnel, prosecutors and judicial officials dealing with hate crimes;
- Exploring ways, in co-operation with relevant and trusted actors, to provide victims of hate crimes with access to counselling, legal and consular assistance, as well as effective access to justice;
- Investigating hate crimes promptly and ensuring that the motives of those convicted of hate crimes are acknowledged and publicly condemned by the relevant authorities and by the political leadership;
- Ensuring co-operation, where appropriate, at the national and international levels, including with relevant international bodies and between police, to combat violent organized hate crime; and
- Conducting awareness-raising and education efforts, particularly with police authorities, directed towards communities and relevant civil society groups that assist victims of hate crimes.¹²²

OSCE participating States also committed “to address the rise of violent manifestations of intolerance against Roma and Sinti”¹²³ as well as to: “(...) to step up their efforts in promoting tolerance and combating prejudices against Roma and Sinti people in order to prevent their further marginalization and exclusion and to address the rise of violent manifestations of intolerance against Roma and Sinti as well as to unequivocally and publicly condemn any violence targeting Roma and Sinti, and to take all necessary measures to ensure access to effective remedies, in accordance with national judicial, administrative, mediation and conciliation procedures, as well as to secure co-ordination between responsible authorities at all levels in this regard.”¹²⁴

Despite these wide-ranging political commitments consensually agreed by OSCE participating States, the “Third Status Report on the Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area ‘For Roma, with Roma’” highlighted the growing anti-Roma rhetoric and populist political discourse. Anti-Roma racism and scapegoating in many places remains a prominent tactic for mobilizing constituencies driven by hate, resentment and prejudice.¹²⁵

122 OSCE Ministerial Council, Decision No. 9/09, *op. cit.*, note 67.

123 OSCE Ministerial Council, Decision No. 8/09, *op. cit.*, note 115.

124 *Ibid.*

125 “Third Status Report. Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area. For Roma, With Roma 2018”, OSCE/ODIHR, 11 December 2018, <<https://www.osce.org/files/f/documents/6/8/406127.pdf>>.

INTERNATIONAL AND REGIONAL STANDARDS

International standards

Under international human rights law, governments have an obligation to respect, protect and fulfil human rights. They have taken on these obligations through the ratification of enforceable international human rights treaties.

The Universal Declaration of Human Rights (UDHR) sets out fundamental human rights for universal protection.¹²⁶ Article 2 prohibits discrimination of any kind regarding the entitlement to human rights; Article 3 protects the right to life; Article 5 prohibits torture or cruel, inhuman or degrading treatment or punishment; Article 7 guarantees equal protection under the law without discrimination; Article 8 guarantees the right to an effective remedy by the competent national tribunals for acts violating fundamental rights; Article 9 prohibits arbitrary arrest, detention or exile; and Article 12 prohibits arbitrary interference with privacy, family and home life.

Article 4(a) of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)¹²⁷ and Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR)¹²⁸ require states to curtail advocacy of hatred that incites discrimination, hostility or violence. Further, Article 4(a) of CERD prohibits the mere “dissemination of ideas based on racial superiority or hatred” without reference to incitement.

The UN Rabat Plan of Action¹²⁹ on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, is a non-binding text that has, nevertheless, received broad approval by the international community. It lists six factors which can be used to determine whether speech amounts to “incitement to discrimination, hostility or violence” and whether it is serious enough to warrant restrictive legal measures: context, speaker (including the standing of the

126 [Universal Declaration of Human Rights](https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf), UN General Assembly, 1948, <https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf>.

127 [International Convention on the Elimination of All Forms of Racial Discrimination](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial), UN General Assembly (1965), <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>>. Article 4(a) provides: “(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof.”

128 *International Covenant on Civil and Political Rights*, *op. cit.*, note 2. Article 20 (2) provides: “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

129 “Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”, in “[Report of the United Nations High Commissioner for Human Rights on the prohibition of incitement to national, racial or religious hatred](https://undocs.org/A/HRC/22/17/Add.4)”, United Nations General Assembly, 11 January 2013, <<https://undocs.org/A/HRC/22/17/Add.4>>.

individual or organization), intent, content or form, extent of the speech and likelihood of harm occurring (including imminence).¹³⁰

The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power states that victims of crimes, should:

- Be treated with compassion and respect for their dignity;
- Be entitled to access the mechanisms of justice and receive prompt redress, as provided for by national legislation, for the harm they have suffered; and
- Be provided with proper assistance throughout the legal process.¹³¹

In addition, this Declaration stipulates that victims should receive compensation. When compensation is not fully available from the offender or other sources, states should endeavour to provide financial compensation to victims and their families. The Declaration includes other provisions relevant to addressing anti-Roma attacks, noting that:

- Police, justice, health, social services and other personnel concerned should receive training to sensitize them to the needs of victims and guidelines to ensure proper and prompt aid; and
- In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted, particularly since a core part of a person's identity is targeted in a hate crime.

The UN Guidelines for the Prevention of Crime¹³² sets out recommendations for effective crime prevention:

- Create, maintain and promote a context to allow relevant governmental institutions and all segments of civil society play a role in preventing crime;
- Address fear of crimes;
- Ensure community involvement and co-operation/partnerships;
- Consider the special needs of vulnerable members of society;

¹³⁰ "Freedom of Religion or Belief and Security", OSCE/ODIHR, *op. cit.*, note 16.

¹³¹ UN General Assembly (1985), [Resolution 40/34, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse), <<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>>.

¹³² [Action to Promote Effective Crime Prevention](https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/resolution_2002-13.pdf), ECOSOC Resolution 2002/13, (2002), <https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/resolution_2002-13.pdf>.

- Develop government structures that foster partnerships with NGOs; and
- Promote the capacity of communities to respond to their own needs.

Regional standards

The Council of Europe's European Commission against Racism and Intolerance (ECRI), among other things, issues non-binding General Policy Recommendations (GPRs) addressed to the governments of all its member states. These recommendations provide guidelines that policymakers are invited to use when drawing up national strategies and policies. The following GPRs, among others, focus on the security and welfare of Roma and Sinti:

- ECRI General Policy Recommendation No. 3 Combating Racism and Intolerance Against Roma/Gypsies;¹³³
- ECRI General Policy Recommendation No. 13 Combating Antigypsyism and Discrimination Against Roma;¹³⁴
- ECRI General Policy Recommendation No. 10 Combating Racism and Racial Discrimination in and through School Education;¹³⁵
- ECRI General Policy Recommendation No. 11 Combating Racism and Racial Discrimination in Policing;¹³⁶ and
- Thematic Action Plan on the Inclusion of Roma and Travellers.¹³⁷

Key themes from GPR Nos. 3 and 13 are that governments must develop, implement and fund national strategies and policies that promote the empowerment and participation of Roma and engage Roma as equal partners in working to eliminate racism, intolerance and discrimination.

These strategies must ensure:

- The adoption of policies underpinned by clear political will and long-term investment designed to improve the situation of Roma;

133 ECRI (1998). Available at <http://hudoc.ecri.coe.int/eng?i=REC-03-1998-029-ENG>.

134 ECRI (2011). Available at <http://hudoc.ecri.coe.int/eng?i=REC-13-2011-037-ENG>.

135 ECRI (2006). Available at <http://hudoc.ecri.coe.int/eng?i=REC-10-2007-006-ENG>.

136 ECRI (2007). Available at <http://hudoc.ecri.coe.int/eng?i=REC-11-2007-039-ENG>.

137 ECRI (2016). Available at <https://rm.coe.int/1680684b5e>.

- Targeted activities to combat racist violence and antigypsyism and implement effective legal protection against all forms of discrimination in employment, housing, education, health, access to goods and services and in the exercise of all public authorities' duties; and
- Collection and analysis of statistical data to monitor progress.¹³⁸

These same GPRs encourage:

- Roma victims of racist violence and crime to lodge complaints;
- Public condemnation of all hate speech and violence against Roma, and investigation and prosecution of hate speech, in particular on the internet;
- Police training in human rights and awareness-raising of the problems Roma face; and
- Promotion of Roma recruitment in the police.¹³⁹

The European Convention on Human Rights (ECHR) protects all, including Roma and Sinti, from discrimination and hate crimes by state or non-state parties primarily through the following articles: Article 2 (right to life); Article 3 (prohibition of torture, or inhuman or degrading treatment or punishment); Article 5 (right to liberty and security); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination). In responding to potential acts of discrimination or hate crimes, including against Roma and Sinti, state authorities are committed to respecting Article 13 (right to an effective remedy), as well as Article 14.¹⁴⁰

EUROPEAN COURT OF HUMAN RIGHTS (ECtHR) CASE LAW

The case law of the ECtHR has established the practical obligations states have in protecting Roma and Sinti from discrimination and hate crimes. The binding effect of ECtHR decisions means that the principles of these decisions need to be respected by ratifying states when applying national legislation.¹⁴¹ Several influential judgements from the Court explicitly identify obligations of state authorities in relation to the security of Roma and Sinti:

¹³⁸ "Fighting Racism, Intolerance and Discrimination against Roma", ECRI General Policy Recommendations Nos. 3 & 13, <<https://rm.coe.int/ecri-general-policy-recommendation-nos-3-13-key-topics-fighting-racism/16808b763c>>.

¹³⁹ *Ibid.*

¹⁴⁰ *European Convention on Human Rights*, Council of Europe (1953), <https://www.echr.coe.int/documents/convention_eng.pdf>.

¹⁴¹ The ECtHR case law applies to 46 of the 57 member states. *European Court of Human Rights - ECHR, CEDH, news, information, press releases*, ECtHR website, <<https://www.echr.coe.int/Pages/home.aspx?p=home>>.

- States have an active duty to unmask racial motives, including anti-Roma motives, by conducting thorough investigations;
- Bias indicators must be used when recording crime;
- Specific hate crime provisions are not required as states' obligations stem directly from the ECtHR and state authorities are obliged to prosecute hate crimes; and
- Victims by association are also protected, as the argument that a victim is not a Roma or Sinti does not hold if bias is present.

D.H. and Others v. the Czech Republic¹⁴²

Aside from being the first, high profile case on the illegal segregation of Roma schoolchildren, this judgement included specific comments on the special protection that marginalized Roma communities require from state authorities because of their “turbulent history”.

Moldovan and Others v. Romania¹⁴³

An important case demonstrating states' obligations to provide justice in the aftermath of hate crimes, this judgement found that law enforcement, the judiciary and national authorities had failed to prevent, protect and prosecute a pogrom, which resulted in the death of three Roma men.

Burlya and Others v. Ukraine¹⁴⁴

The Court found local authorities explicitly responsible for a pogrom committed against a Roma community, as well as a lack of justice for the victims in the aftermath of the hate crime. The judgement rejected the government's arguments that the victims could have returned to their homes after the attack, as the local authorities' actions demonstrated that they would not protect the victims in the event of further attacks.

Fedorchenko and Lozenko v. Ukraine¹⁴⁵

This judgement held that States have an obligation to conduct an independent and effective investigation into all deaths, particularly those in which State agents were involved.

142 *D.H. and Others v. the Czech Republic* (App no 57325/00) ECHR 2007-IV 241, <<https://hudoc.echr.coe.int/fre#%22itemid%22:%22002-2439%22>>.

143 *Moldovan and Others v. Romania*, European Court of Human Rights, Applications 41138/98 and 64320/01, Judgement No. 2 of 12 July 2005, <https://hudoc.echr.coe.int/fre#%22itemid%22:%22001-69670%22>].

144 *Burlya and Others v. Ukraine*, European Court of Human Rights, Application 3289/10, Judgement of 6 November 2018, <<https://hudoc.echr.coe.int/eng#%22itemid%22:%22001-187508%22>>.

145 *Fedorchenko and Lozenko v. Ukraine*, European Court of Human Rights, Application 387/03, Judgement of 20 September 2012, <<https://hudoc.echr.coe.int/eng#%22itemid%22:%22001-113119%22>>.

the enactment of any specific legislation, it does require that criminal justice systems recognize and sentence bias-motivated crimes appropriately, placing the responsibility on investigators and prosecutors to bring these cases before the courts.

Directive 2012/29/EU Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime (the EU Victims' Rights Directive) highlights victims of hate crime as particularly vulnerable and entitled to enhanced protection and support, banning discrimination in access to such protection and assistance. The Directive identifies hate crime victims as particularly at risk of secondary or repeat victimization. It states, "This risk needs to be assessed by law enforcement at the earliest possible stage of criminal proceedings as part of the individual assessment of the victim. Special protection measures provided for in the Victims Directive are to be applied where necessary, in addition to the protection accorded to a victim of any crime."¹⁵⁰

The EU Anti-racism Action Plan 2020–2025 reaffirms existing commitments on non-discrimination for Member States, while proposing additional initiatives to combat discrimination against racialized groups in the European Union.¹⁵¹ The first direct contribution to implementing the Plan has been the EU Roma Strategic Framework on Equality, Inclusion and Participation, with Guidelines and Indicators.¹⁵²

The EU High Level Group on Combating Hate Speech and Hate Crime (HLG), which is mandated to inform the European Commission on the preparation of legislative proposals and policy initiatives in the area of hate speech and hate crime, recommends that (among other things)¹⁵³:

- Focus is put on more effective investigation and prosecution of hate crimes against Roma and Sinti;
- Hate crimes are met with adequate and deterring penalties;
- Efforts are made to improve recording, reporting and data collection of anti-Roma hate crimes;

150 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime, and Replacing Council Framework Decision 2001/220/JHA, EU (2012), <<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>>.

151 "EU Anti-racism Action Plan 2020-2025", EU (2020), <https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en>.

152 "EU Roma Strategic Framework on Equality, Inclusion and Participation", EU (2020), <https://ec.europa.eu/info/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en>.

153 "Antigypsyism: Increasing its Recognition to Better Understand and Address its Manifestations", EU High Level Group on Combating Racism, Xenophobia and Other Forms of Intolerance (2019), <https://ec.europa.eu/newsroom/just/document.cfm?doc_id=5565>2>.

- Access to justice, protection and support for Romani victims of hate crime improves; and
- Measures are taken to progressively eradicate anti-Roma rhetoric and the use of racially discriminatory, biased, dehumanising or stereotyping language or images by media to prevent hate crime.

The HLG further advises states take measures to:

- Build the capacities of national authorities and professionals in providing targeted counselling and support to, and fair treatment and equal rights of, Roma in key areas, such as discrimination, employment, education, housing, health, law enforcement, justice and victims' support;
- Explore and address authorities' conscious and unconscious bias to avoid perpetuation of discrimination, stereotypes and victimisation;
- Ensure accountability for abuse and discriminatory attitudes or practices by public authorities, in particular in the context of policing and law enforcement; and
- Foster proximity with communities and co-operation with community leaders and civil society representatives.

2. KEY PRINCIPLES GUIDING RESPONSES TO ANTI-ROMA HATE CRIMES AND CORRESPONDING SECURITY CHALLENGES

The following key principles should underpin government responses to hate or bias-motivated crimes against Roma and Sinti, and how they address the corresponding security challenges Roma and Sinti communities face. In light of the broader international human rights framework presented above, government responses should be:

RIGHTS-BASED

A human rights-based approach is grounded in international human rights standards and directed at promoting and protecting human rights. A human rights-based approach to addressing the security challenges faced by Roma and Sinti communities, therefore, should be based on the understanding that OSCE participating States are under a legal obligation to protect those communities equally.

A rights-based approach towards racism and discrimination against Roma and Sinti acknowledges that manifestations of bias or intolerance undermine fundamental human

rights principles and are, in turn also undermining the functioning of a democratic society.

Addressing intolerance against Roma and Sinti is not only integral to promoting and protecting the human rights of affected individuals and communities, but is necessary to secure the freedoms and democratic structures of the whole society. Additionally, links between the continued victimization of Roma and Sinti and their marginalization may enhance further division. Reducing anti-Roma hate crimes and supporting victims as soon as possible helps mitigate the impact on social cohesion.

It is important to note that governments, including law enforcement agencies, have a duty to ensure everyone's human rights, either through crime prevention or addressing the crimes. This fundamental duty must be understood and implemented by practitioners within key institutions.

VICTIM-CENTRED

OSCE ODIHR, the EU and the United Nations recognizes the importance of a victim-centred approach to preventing human rights violations. The High Commissioner for Human Rights has recommended implementing provisions on effective remedies for victims and has underlined the importance of establishing effective monitoring mechanisms to check for actual and potential violations.¹⁵⁴

Ministerial Council Decision No. 9/09¹⁵⁵ on Combating Hate Crimes acknowledges that victims of hate crimes may belong to both minority and majority communities and advises states to:

- “Explore ways to provide victims of hate crimes with access to counselling, legal and consular assistance, as well as effective access to justice, in co-operation with relevant actors; and
- Conduct awareness-raising and education efforts, particularly with law enforcement authorities, directed towards communities and civil society groups that assist victims of hate crimes.”

Hate crime policy commonly singles out protected characteristics such as race, language, religion or belief, ethnicity, nationality, sexual orientation, gender and gender identity, disability, etc. The reality, however, as previously mentioned, is that victims often experience acts of hate crime on the basis of intersections between these characteristics. For

¹⁵⁴ “The Role of Prevention in the Promotion and Protection of Human Rights: Report of the Office of the United Nations High Commissioner for Human Rights”, UN OHCHR (2015), <<https://digitallibrary.un.org/record/801293/usage>>.

¹⁵⁵ OSCE Ministerial Council, Decision No. 9/09, *op. cit.*, note 67.

example, Muslim women have their headscarves pulled, or particular sexualized and gendered epithets are reserved for lesbians, marginalized and/or vulnerable women, etc.

According to ODIHR's guide *Understanding the Needs of Hate Crime Victims* the intersections of all these aspects of hate crime victims' identities can also affect their needs. Consequently, professional victim support providers commonly agree that a victim-centred approach to identifying the needs of hate crime victims should be applied. Each case needs to be individually assessed.¹⁵⁶

A victim-centred approach should not only occur when taking the report or first speaking to the victim. The victim should be involved throughout the investigation and should be regularly updated and supported, even after the case has been finalized or if evidence is unavailable; if support is provided throughout the process, it may establish better relationships with the community and the victim.

The essence of a victim-centred approach is also enshrined in the aforementioned EU Victims' Rights Directive 2012/29/EU,¹⁵⁷ which aims to strengthen the rights, support, protection and participation of victims in criminal proceedings. It establishes minimum standards, including for hate crimes, and stipulates that victims of crime should be treated with respect and receive proper protection, support and access to justice. At the heart of this Directive is the well-being of the victim; it explicitly emphasizes victims of hate crimes as particularly vulnerable, stating that they should have their needs assessed on an individual basis and should be effectively referred to a specialist support provider. The Directive calls for a targeted and participatory approach towards the provision of information, support, protection and procedural rights.¹⁵⁸

NON-DISCRIMINATORY

Under international human rights law, states are obliged to ensure that all individuals within their territories and subject to their jurisdictions can enjoy their human rights without distinction or discrimination of any kind.¹⁵⁹ The State must, therefore, ensure that government officials do not engage in biased or discriminatory acts or negligence, including towards Roma and Sinti individuals or communities. The State must have checks in place to ensure that there are no systemic policies or practices that disproportionately exclude minorities within its structures and institutions. It is incompatible with the principle of non-discrimination to, for example: deny protection to Roma and Sinti communities; fail to recognize, record and report hate crimes against Roma and Sinti; or question the credibility of a Roma or Sinti victim or witness because of biased assumptions about them.

¹⁵⁶ "Understanding the Needs of Hate Crime Victims", *op. cit.*, note 92.

¹⁵⁷ *Directive 2012/29/EU*, *op. cit.*, note 148.

¹⁵⁸ "Understanding the Needs of Hate Crime Victims", *op. cit.*, note 92.

¹⁵⁹ For example, see Art. 2.1 of the ICCPR and Art. 14 of the ECHR.

ENAR's *Racist Crime and Institutional Racism in Europe* report suggests that multiple structural and institutional obstacles prevent the police (and other professionals in the criminal justice system) from correctly recording, investigating and prosecuting hate crimes. The main areas that are consistently present in different countries covered in the report are: insufficient resources and definitions of hate crimes; a lack of specialized units; racial bias; and limited racial/ethnic diversity within the criminal justice system.¹⁶⁰

PARTICIPATORY

Creating opportunities to hear the voices of Roma and Sinti victims is essential when developing a government response to anti-Roma hate crime and when assessing the security needs of Roma and Sinti communities. Participation ensures that Roma and Sinti individuals, communities and institutions have an integral stake in shaping the development of the work between governments and local Roma and Sinti individuals and communities. It is essential to include Roma and Sinti in the development of policies concerning them. Such roles should be developed in a non-tokenistic way: where the lived experiences of Roma and Sinti are considered from the outset of such initiatives and projects, and any resulting activities are developed with Roma and Sinti engagement throughout the process. The participation should be as open as possible, so that the participants in such a process reflect the diversity and plurality of Roma and Sinti experiences — offering a seat at the table and an equal voice for individuals irrespective of gender, ethnicity, religion or belief, affiliation or age, where all points of view are heard and can be considered.

Consideration should also be given to intersectionality. Therefore, effort should be made to reach out to both women and men in the community, e.g., to those who identify as LGBTI, who are living with a disability, are migrants or internally displaced persons, etc. Participation is essential to reflect the experiences of people with diverse heritage, backgrounds, nationalities and cultures, as well as to ensure that traditionally marginalized voices within the communities are heard.

In order to understand where, when and how hate crimes are taking place against Roma and Sinti individuals and communities, members of law enforcement agencies must work to share information with the community respectfully and collaboratively. This is only possible if the community has a certain level of trust towards law enforcement and vice versa. Trust that has been built up with great effort over a long time is easily undermined by inappropriate police activity, the inability to address key community security challenges and failures to investigate crimes against them; therefore, participation is a key part of the process.

¹⁶⁰ *Racist Crime and Institutional Racism in Europe*, *op. cit.*, note 77.

SHARED AND COLLABORATIVE

The starting point for the development of government and civil society responses should be the recognition that anti-Roma racism is a shared concern. While the greatest impact of racism is on the lives of Roma and Sinti people, the problem needs to be recognized and addressed by society as a whole, not just by the targeted community. Addressing racism and discrimination is a security and a human rights issue. Different stakeholders — notably government and community leaders, including leaders of religious or belief communities, representatives and experts — can build on each other's expertise and join forces in addressing the problem from different perspectives at the international, national and local levels.

When working and collaborating in strong coalitions,¹⁶¹ stakeholders are better placed to combat racism against Roma and Sinti if they join with a wide variety of civil society groups and other non-state actors. Not only is this good practice, but it also makes state bodies more accountable and offers a way for them to be more efficient. In this way the 'silo approach' — which leads to unnecessary conceptual fragmentation, increased costs and inefficiencies and less successful outcomes through duplication of effort or gaps in service — is avoided. Additionally, coalitions become stronger when partnerships are made with organizations working on other parallel issues such as women's rights, diverse groups countering racism, anti-Semitism and/or intolerance against Muslims and other forms of religious intolerance, LGBTI rights or disability rights.

EMPATHETIC

An empathetic response to anti-Roma hate crimes recognizes the vulnerability of individuals and communities, validating their lived experience and their experience as victims. Empathy from public authorities, law enforcement and society at large, requires acknowledgement and the desire to understand the sense of vulnerability Roma and Sinti feel following racist attacks, e.g., the feelings of the family of a Roma or Sinti victim. Such attacks have an emotional impact on victims, their families and their communities. Minority and marginalized communities are acutely vulnerable to hate crime and, in the aftermath of an incident, face the additional burdens of everyday marginalization and discrimination. Authorities and government officials should consider the perspectives of victims and understand that an anti-Roma hate crime may be one of several forms of anti-Roma intolerance and discrimination the victim has been facing.

Training and awareness-raising measures for government officials are effective tools for learning about the individual and collective impact of anti-Roma hate crime on the lives of those affected. It also enables increased evidence collection on victim impact which can be used during a prosecution. The training should be delivered in a way that raises

161 "Coalition Building for Tolerance and Non-Discrimination: A Practical Guide", OSCE/ODIHR, (2018), <<https://www.osce.org/odihr/385017>>.

awareness of hate crimes against Roma and Sinti, equipping government officials with a better understanding of the diversity of the community better to support the officials in performing their duties.

GENDER-SENSITIVE

Government measures to address hate crimes against Roma and Sinti and to identify the security needs of Roma or Sinti individuals and/or communities must be gender sensitive and gender mainstreamed. All hate crime incidents should be dealt with in an equal and non-discriminatory manner, regardless of the victim's gender. Tailoring government measures in a gender-sensitive fashion strengthens victim-centred responses to hate crimes.

Taking a gender-sensitive approach also means ensuring the presence of both male and female police officers, if and when deemed necessary and reasonably possible. Attention should be paid to increasing the number of women, including Roma and Sinti, in the police. Their participation would contribute to improved relations and provide the police with insight into the needs of the community. Training and professional development should also ensure police officers respond sensitively to cultural differences in areas such as Roma and Sinti family structures, gender roles, child-care, and general lifestyles.¹⁶²

Victims of hate crimes, including from Roma and Sinti communities, face various forms of marginalization and consider themselves members of different groups. Therefore, when considering measures and policies to address hate crime against a certain community and its members, governments should remember that identities are composed of different elements. While one measure might be beneficial to someone based on their ethnicity, it might be detrimental when based on their gender identity, sexual orientation, or religion or belief. This type of challenge demands a holistic, intersectional approach when addressing hate crimes. It means acknowledging that men and women, while holding the right to equal treatment, experience racism and discrimination in different ways. It means understanding that some types of hate crime are committed more often against women than against men, and that some hate crimes may be motivated by a range of biases, e.g., gender, ethnicity and religion or belief.

TRANSPARENT

Governments must be transparent about how they intend to address intolerance, discrimination and hate crimes against Roma and Sinti. Measures should consider the security needs of all communities, including Roma and Sinti communities who may be subject to anti-Roma hate crimes over a sustained period.

¹⁶² “Police and Roma and Sinti: Good Practices in Building Trust and Understanding”, OSCE/ODIHR, *op. cit.*, note 10.

Publishing police policies, and sharing action plans, status reports and results with the affected communities and the wider public is one way of making government efforts transparent. Making hate crime data readily available in accessible formats is another element of transparency. Regular consultations between law enforcement or other agencies and Roma and Sinti communities, especially at the local level, can ensure that police strategies are transparent, participatory and inclusive and that the communities targeted by hate crimes are kept fully informed of plans and developments. This may include sharing relevant threat assessments with Roma and Sinti communities, listening to concerns from community members about imminent threats (e.g., from far-right or other hate groups), and reassuring the communities of preventive police protection against expected violence. Consultations also enable communities to give feedback and participate in making government responses to hate crimes more effective. Transparency is also a key guiding principle for government efforts to work with civil society on improved reporting of hate crimes as a step to addressing the problem more effectively. Transparency is a core pillar of good community policing, which helps to build trust. Adopting an honest and realistic approach to working with Roma and Sinti communities and addressing their security challenges will yield benefits, where each stakeholder knows the motivations, intentions, capabilities and limitations of others.

HOLISTIC

OSCE participating States recognize the importance of a comprehensive approach to addressing security concerns. In addition, OSCE participating States are committed to a comprehensive approach to address intolerance, including against Roma and Sinti. Intolerance against Roma and Sinti is a complex, multi-faceted problem best considered part of a holistic and comprehensive response aimed at addressing all forms of intolerance, prejudice and hatred in society.

A focus on anti-Roma hate crime does not imply or suggest favouring one form of hatred; an effective policy towards this manifestation of hate can also be applied to other hate crimes. Only where the overall government response to all hate crimes is strong can responses to different strands of hate crimes be strong. A holistic approach to addressing hate crime should focus on the commonalities of the category of hate crime while acknowledging and tackling the specificities of different strands or forms, such as anti-Roma hate crime.

Anti-Roma hate crimes are even less likely to be reported, recorded, investigated or prosecuted — nor victims supported — in countries with overall weak responses to hate crime and weak victim support systems. There should be a mechanism for addressing all hate crime in place, including collection of data on anti-Roma hate crimes and their victims. When there is no mechanism in place there is more space for personal and institutional biases and gaps to be reflected in poor response, (mis)classification of bias, or bias not being considered at all.

This also means that minorities, including Roma and Sinti, should be employed in government institutions, including in police and other law enforcement bodies.

PROACTIVE

When it comes to addressing security challenges, including against Roma and Sinti communities, all too frequently, the responses from public authorities and law enforcement are reactive rather than proactive. A proactive approach to addressing discrimination and hate crimes against Roma and Sinti involves implementing many of the aforementioned approaches and principles and should prioritize community engagement, consultation, pre-emptive work and transparency. It involves acquiring real time information on tensions and threats that affect Roma and Sinti, predicting and assessing risks or potential harms to Roma and Sinti individuals and communities, as well as developing strategies to counter these risks or harms. Effective communication between stakeholders is most effective if done as a matter of routine, where a solid working relationship is already in place, effective and functioning before a crisis emerges.

Proactively engaging with Roma and Sinti communities about the security challenges they face also demonstrates a level of care and concern towards them; something extremely important for minority and marginalized communities.

Proactive policing also generally reduces crime within a community. However, care should be taken not to allow positive proactive policing to descend into oppressive domination of Roma and Sinti communities. For example, a strong uniformed police presence in a Roma-majority neighbourhood might do more to intimidate an already vulnerable community than it does to deter hate crimes if it takes place without a solid, trust-based partnership with the community and ongoing, open communication about policing aims and objectives with the community.¹⁶³

¹⁶³ “Training Needs Assessment Poland”, ODIHR CPRSI (2017), internal document/unpublished.

PART THREE:
**Practical responses to Anti-Roma
hate crimes and corresponding
security challenges**

This section offers practical solutions for several interconnected, overlapping, but distinct sets of issues. Some of the practical steps below will help address any manifestation of intolerance against Roma and Sinti, others are specific to criminal justice responses to hate crimes while others address the security challenges as perceived and experienced by Roma and Sinti individuals, communities and organizations.

1. PRACTICAL STEPS

ACKNOWLEDGING THE PROBLEM

The starting point for addressing anti-Roma hate crime is acknowledging that it poses a threat to the security and stability of victims, as well as having a broader impact on social cohesion, which requires a prompt and comprehensive response. Such acknowledgement is grounded in an understanding of the numerous ways in which anti-Roma hate crime and corresponding security challenges appear. Policymakers, academics, researchers, civil society and community members have a role in providing their expertise and advice on different manifestations of intolerance against Roma and Sinti and offering pathways for response. Official recognition of the problem allows governments to make clear that Roma and Sinti are not responsible for managing the issue for themselves. This, in turn, encourages Roma and Sinti individuals and communities to share their concerns.

Acknowledging that anti-Roma hate crime is a challenge can also serve as the basis for a critical review and assessment of existing prevention and response mechanisms. Measuring, monitoring and supporting victims in obtaining access to justice or even acknowledging their experiences also ensures that victims feel their voices are being heard and their experiences recognized.

Hate incidents and crimes remain under-reported by victims and under-recorded by official authorities. Here are some reasons why victims don't report:

- Belief that nothing will happen
- Mistrust or fear of the authorities
- Fear of retaliation
- Lack of knowledge about legislation and their rights
- Shame and embarrassment
- Denial
- Fear of disclosing their ethnic or religious affiliation
- Fear of arrest and/or deportation
- Experience of previous dissuasion by police or other authorities from filing a complaint.¹⁶⁴

¹⁶⁴ “Encouraging Hate Crime Reporting — The Role of Law Enforcement and Other Authorities”, FRA (2021), <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-hate-crime-reporting_en.pdf>.

It is important to stress that addressing anti-Roma intolerance, just as when tackling anti-Semitism or any other form of intolerance, means acknowledging the issue, taking a victim-centred approach, demonstrating results (including at a political level) and providing the legal and societal frameworks for challenging and countering hatred and intolerance. While a front-line police officer is likely to respond first to an anti-Roma attack, an effective, holistic response requires action from senior officers, civil servants and political leaders to send a strong message that hate will not be tolerated.

In some OSCE participating States, parliamentarians have taken the lead in putting intolerance against Roma and Sinti on the national agenda, including the related security concerns. A limited number of countries have prioritized the issue by setting up cross-governmental working groups to address different aspects, to ensure coordination and build trust between diverse communities, political representatives and civil servants.

There are various ways governments and parliamentarians can acknowledge the challenges of anti-Roma intolerance. These include:

- Demonstrating awareness of how intolerance against Roma and Sinti can be expressed in subtle and coded ways and ensuring that such manifestations are recognized, exposed and condemned;
- Commissioning expert opinions and recommendations from academics and researchers to improve the government's understanding of the problem, both online and offline;
- Establishing a legal framework that enables the government to address the security challenges faced by Roma and Sinti communities effectively within a wider framework of issues that may impact these communities;
- Engaging with the media to counter bias narratives and to issue strong statements condemning hate incidents and crimes; and
- Using social media to send clear messages of support to the Roma and Sinti communities.

Each option has its benefits, although it is important to stress that political will and commitment are essential at the national level to counter hatred and intolerance.

ECRI recommends that the governments of Council of Europe Member States combat racist violence and crimes against Roma, and should, for example:

“b. set up a comprehensive system for recording acts of violence against Roma;
(...)”

d. give the police, prosecuting authorities and judges special training concerning the legislation punishing racist crimes and its implementation as concerns Roma victims;¹⁶⁵

Recommendation

It is important for governments to recognize this problem officially. Some forms of recognition include: adopting a working definition of anti-Roma intolerance;¹⁶⁶ adopting a National Action Plan against Racism (NAPAR) with clear objectives related to anti-Roma intolerance;¹⁶⁷ and recording specifically anti-Roma bias in hate crimes.

While some governments may recognize the problem, they often lack data. Robust monitoring, recording and reporting of data on manifestations of anti-Roma discrimination and intolerance is key to understanding and documenting the scale of the problem.

Challenging anti-Roma intolerance strengthens broader national effort to address all forms of hate crime and to implement an effective measuring and monitoring system. This further ensures that states can be proactive in responding to hate crimes and monitoring issues while police and law enforcement agencies can be mobilized at specific points when required.

Appropriate funding for a national monitoring system is, therefore, an essential part of a strategy to support victims, measure hate crimes and reduce hate crimes over time. Without centralized support, an effective victim support and monitoring system cannot be sustained. Additional funding and support for data collection should also be provided to grassroots and community-level based initiatives and organizations.

Good practice example

The UK government and criminal justice agencies have committed to reducing the under-reporting of hate crime and have established a variety of reporting mechanisms. One such example is True Vision,¹⁶⁸ the government's online reporting portal. It allows victims or advocates to report crimes online, even anonymously. Additionally, the platform offers downloadable resources to encourage the Roma and Sinti communities to report hate crimes (e.g., reporting forms in other languages).

165 ECRI General Policy Recommendation No. 13, *op. cit.*, note 132.

166 For example, see Annexe 5 of this Guide.

167 For example, “Action Plans Against Racism”, ENAR, <https://www.enar-eu.org/about/action-plans-against-racism/>, (Accessed 7 September 2022).

168 “True Vision”, The National Police Chiefs’ Council (2022), <https://www.report-it.org.uk/your_police_force>.

RAISING AWARENESS

In the long term, hate crimes against Roma and Sinti and the corresponding security needs will only be addressed effectively if the underlying racism and prejudices that drive such attacks are dealt with holistically. This requires a focus not only on the effects of anti-Roma bias, but also on awareness of how perpetrators are exposed to, and why they end up embracing, anti-Roma intolerance. Raising awareness of the underlying hateful mechanisms and narratives that drive such behaviour is, thus, a key element of addressing anti-Roma hate crimes.

Understanding these mechanisms and their effect, as well as raising awareness about them, can take many forms. Awareness-raising and educational programmes can be aimed at youth, government officials and the wider public to help participants understand, deconstruct and reject anti-Roma prejudices. Parliamentary hearings on anti-Roma bias can also raise awareness by putting the issue, including its underlying reasons, on the national agenda.

The media can be a key partner in raising awareness of anti-Roma bias. Media outlets are uniquely placed to inform and mobilize the wider public on the prevalence of anti-Roma intolerance and its impact. Strategic partnering with the media for government efforts to counter and condemn anti-Roma intolerance can be very effective in raising public awareness of the problem.

Furthermore, targeted training and capacity-building programmes, as well as campaigns, roundtables, seminars and meetings organized at local, national and international levels, can contribute to raising awareness.

Recommendation

Awareness-raising efforts, campaigns and measures could be aimed at:

- Providing an understanding of the specific features of contemporary manifestations of anti-Roma bias. Whereas awareness-raising measures targeting law enforcement officials may focus on specific aspects of identifying and addressing hate crimes against Roma and Sinti, those targeting the wider public may focus on the range of manifestations of anti-Roma bias;
- Conveying that hate crimes against Roma and Sinti do not take place in a vacuum. Government officials should instead communicate that political and social tensions, as well as anti-Roma sentiments (online and offline) in the public and media discourse of politicians and policymakers, in the workplace and in daily situations, form the backdrop to many attacks. A key message might be that everybody can contribute to building a climate to ensure that all racist expressions are challenged;

this could occur through campaigns that encourage bystanders to support victims by challenging perpetrators (if bystanders feel comfortable doing so and if they are not in direct danger by doing so);

- Highlighting that manifestations of anti-Roma bias challenge the key values and human rights principles essential to free and democratic societies. A key message might be to call on societies at large to take ownership of the work to end racist biases, rather than viewing it as a problem to be solved by racialized communities themselves.
- Emphasizing little-known human stories that can serve as inspiring examples of how to take action against anti-Roma incidents;
- Drawing attention to the vibrant cultural, religious and educational life of the local Roma and Sinti community, as well as its contributions to society, highlighting the need for constant evolution and cooperation;
- Developing programmes aimed at government officials, youth and the public to raise awareness and understanding of intolerance against Roma and Sinti; and
- Creating an official police or government online presence that helps address anti-Roma sentiment and to counter fake news that creates fear and bias towards the Roma and Sinti communities.

Good practice example

- The Spanish non-profit intercultural social organization, Fundación Secretariado Gitano, provides services for the development of the Roma community throughout Spain. At the European level, it provides training and awareness-raising activities to key agents such as jurists and lawyers, police, security forces, media professionals, social services professionals and volunteers to promote equal treatment and fight discrimination against the Roma community and other groups that are ethnically or culturally different.¹⁶⁹ In addition to its awareness-raising campaigns, the organization conducts other activities aimed to counter common stereotypes or assumptions about Roma people and increase knowledge among important actors, such as journalists, in the development of the Roma public image.¹⁷⁰
- In response to under-reporting in Serbia, the Serbian Commissioner for Equality pursues a range of initiatives, including: training programmes for national councils

169 Van Caeneghem, Jozefien, *Legal Aspects of Ethnic Data Collection and Positive Action: The Roma Minority in Europe* (Switzerland: Springer, 2019).

170 “What We Do”, Gitanos (2014), <<https://www.gitanos.org/que-hacemos/>>.

for minorities (including the Roma national minority); visits to and awareness-raising activities in Roma settlements; publications on recognizing and reporting discrimination (in Romani); collaboration with organizations focused on Roma rights; publication of guidebooks and training courses for CSOs on situation testing and litigating; and strategic litigation.¹⁷¹

RECOGNIZING AND RECORDING THE ANTI-ROMA BIAS MOTIVATION OF HATE CRIMES

As explained in Part 1, Chapter 2, all hate crimes are motivated by bias. Recognizing and recording the specific bias motivation of a hate crime, including anti-Roma bias, ensures that the crime is classified as a hate crime. Collecting accurate, reliable, disaggregated data is essential for effective action against hate crimes, enabling police and the authorities to understand the scope of the problem, discern patterns, allocate resources and investigate cases more effectively. Policymakers can also use data to make informed decisions and to keep communities up-to-date on the threats and trends in hate crime occurrence.

Hate crime victims from all backgrounds share the damaging emotional experience of being targeted for their membership or perceived membership in a particular group. However, different groups are also likely to experience different crime patterns and varying levels of confidence in reporting offences. Therefore, it is useful to collect and analyse data on different bias motivations as separate categories so that each bias motivation can be addressed most effectively in terms of police presence and allocation of resources for victim support and crime prevention. OSCE participating States have recognized a range of bias motivations that may form the basis of hate crimes, including anti-Roma hate crimes.

Recommendation

In line with their OSCE commitments, governments should collect data on hate crimes, including crimes specifically motivated by anti-Roma bias, and make the data available to the public. Police, as first responders, should ensure that hate crimes against Roma and Sinti are classified and recorded, making the initial decision on how to record a crime and whether to include anti-Roma bias as a possible bias motivation. Several practical steps can be taken to record anti-Roma bias motivation for hate crimes:

- Enact and enforce hate crime legislation and put systems, routines and training in place to ensure that relevant officials recognize and record hate crimes against Roma and Sinti;

¹⁷¹ “Roma and Traveller Inclusion: Towards a New EU Framework. Learning from the Work of Equality Bodies”, EQUINET (2020), <https://equineteurope.org/wp-content/uploads/2020/07/Roma_Traveller-Inclusion_Equality-Bodies.pdf>.

- Set up a data-collection system to record hate crimes against Roma and Sinti through incident reporting forms and provide disaggregated data on each type of anti-Roma hate crime; this may require making changes to current incident reporting forms and IT systems;
- Demonstrate political leadership at the highest level of government by adopting policies requiring police officers to recognize and record anti-Roma bias motivations for hate crimes;
- Make sure that police agencies are using a set of specific indicators (i.e., “bias indicators”, referred to in Part One of this Guide) to help identify the anti-Roma bias motivation for hate crimes, while recognizing that the existence of such indicators does not, in itself, prove that an incident was a hate crime;
- Ensure police officers take the victim’s perception into account, recognizing that, if the victim perceives a crime as motivated by anti-Roma bias, this perceived bias motivation should be on the record and should form part of the investigation; and
- Organize training and awareness-raising events for police officers to increase their understanding of the specific features of hate crimes against Roma and Sinti, working in partnership with all stakeholders, prosecuting agencies, lawyers or civil society and community organizations.¹⁷²

The information police collect and characterize can be crucial to ensuring a crime is investigated and prosecuted as an anti-Roma hate crime. How police react at the scene of a hate crime can affect the recovery of victims, the community’s perception of government commitment to addressing hate crimes and the outcome of the investigation. The quality of information collected by the police is also critical to the development of long-term policies and government preventive action. Training police agencies to recognize and record hate crimes is, therefore, of pivotal importance. ODIHR has an assistance programme aimed at improving systems for monitoring and collecting data on hate crimes, i.e., the Information Against Hate Crimes Toolkit (INFAHCT) which helps build and strengthen the policies and capacities of national institutions and other structures to collect data on hate crimes.¹⁷³

172 See, e.g., “Effective and Human Rights-Compliant Policing in Roma and Sinti Communities”, OSCE/ODIHR, *op. cit.*, note 11.

173 “Programme Description”, Information Against Hate Crimes Toolkit (INFAHCT) (2018), <<https://www.osce.org/odihhr/INFAHCT>>.

Good practice example

- In November 2015, Ireland’s National Police and Security Service extended its recording of bias motivation indicators for hate incidents to include anti-Traveller and anti-Roma, as well as anti-Muslim incidents in addition to anti-Semitism, racism, sectarianism and xenophobia.¹⁷⁴
- In April 2022, Spanish law was amended to include specific mentions of anti-Roma racism in its anti-discrimination laws. The proposal will introduce the term ‘anti-gypsyism’ into the criminal code and make discrimination against the Roma community punishable by up to four years in prison.¹⁷⁵
- Call operators for police services in parts of the United Kingdom actively ask callers if they believe a reported incident is motivated by hatred. A call that is believed to be hate related is flagged for attention by a specialist supervisor who quality checks the police response against a best practice checklist and follows up with the victim and their community. The report is examined by management daily and the investigation is reviewed on a weekly and monthly basis until it is complete.¹⁷⁶
- ODIHR collects data from official state sources as well as from civil society and community sources. All the data is fully available online. Given below are excerpts from the data collected by ODIHR in 2020¹⁷⁷ and 2021.¹⁷⁸

174 “Data Collection in the Field of Ethnicity”, EC (2017), <https://ec.europa.eu/info/sites/default/files/data_collection_in_the_field_of_ethnicity.pdf>.

175 “Spain: Historic Step Taken by Parliament to Combat Antigypsyism”, European Roma Rights, 2022, <<http://www.errc.org/news/spain-historic-step-taken-by-parliament-to-combat-antigypsyism>>.

176 *Hate Crime Policy 590/2020*, Sussex Police, 2020, <<https://www.sussex.police.uk/SysSiteAssets/foi-media/sussex/policies/hate-crime-policy-590.pdf>>.

177 The list includes all OSCE participating States that submitted information about hate crimes to ODIHR in 2020. See *Anti-Roma Hate Crime*, *op. cit.*, note 12, <<https://hatecrime.osce.org/anti-roma-hate-crime?year=2020>>.

178 The list includes all OSCE participating States that submitted information about hate crimes to ODIHR in 2021. See *Anti-Roma Hate Crime*, *op. cit.*, note 12, <<https://hatecrime.osce.org/anti-roma-hate-crime?year=2021>>.

In 2020, the following **participating States** officially and specifically reported disaggregated data on hate crimes against Roma (nine states):

Croatia	Germany	Spain
Czech Republic	Greece	Sweden
Finland	Poland	Ukraine

In 2021, the following **participating States** officially and specifically reported disaggregated data on hate crimes against Roma (eight states):

Croatia	Finland	Poland
Cyprus	Germany	Spain
Czech Republic	Greece	

In 2020, anti-Roma incidents were reported by **civil society organizations** on the following states (18 states):

Albania	Germany	Poland
Austria	Greece	Romania
Bulgaria	Hungary	Serbia
Croatia	Italy	Slovakia
Czech Republic	Moldova	Spain
France	North Macedonia	Ukraine

In 2021, anti-Roma incidents were reported by **civil society organizations** on the following states (16 states):

Austria	Greece	Romania
Croatia	Hungary	Serbia
Czech Republic	Italy	Slovakia
Finland	Moldova	Spain
France	North Macedonia	
Germany	Poland	

BUILDING TRUST BETWEEN THE GOVERNMENT AND ROMA AND SINTI COMMUNITIES

All the steps described in previous sections are important for building trust between Roma and Sinti communities and governments. In parallel, many other steps are needed to build long-lasting and trusting relationships. Establishing channels for regular consultation and coordination can be especially important. Formally institutionalizing this cooperation — for example, through a Memorandum of Understanding — can be an effective way to build trust.

One important element for building trust between government and communities is to be open and transparent, providing key information whenever necessary. Governments should disclose more information about perpetrators and organized groups, admit previous mistakes and recognize barriers to engagement.

Regular reviews of policies and working practices should highlight mistakes, shortcomings and procedures that are out of date, or no longer best practice or rights-compliant. Participating States should adopt a benchmark for institutional accountability, acknowledging overt and institutionalized discriminatory practices and failings. Participating States should also seek to remove as many barriers to reporting and processing cases as possible, e.g., physical access, language, cost, procedural bureaucracy, etc. Police inspection services that are internal, or under the auspices of the Ministry of Interior, are not always independent and frequently fail to find officers liable for acts of gross misconduct or negligence they have committed. The establishment of an independent, autonomous institution, outside the law enforcement structures and the Ministry of Interior, is vital to ensuring that officers who commit hate crimes against Roma and Sinti are held responsible for their actions. The investigations of such bodies should be transparent and subject to public scrutiny at all stages.

Nowhere is this as vital as in internal investigations into failures and discrimination by law enforcement. All investigations should be open to independent scrutiny. In the past, a senior judicial figure investigated a police service in the United Kingdom for its failures in investigating a racist murder, finding the service to be institutionally racist.¹⁷⁹ Now, many services allow appointed community members to scrutinize investigations and offer independent advice on what points may have been missed and how to proceed. This practice forms part of a necessary culture of accountability that includes community stakeholders as well as political and judicial bodies.

An immediate and important step government officials can take to build trust is to visit Roma and Sinti institutions, organizations, events and neighbourhoods, liaising regularly with Roma and Sinti representatives and experts. This type of contact will enable officials to find out more about challenges related to anti-Roma hate crime and can help to verify that government policies and services are relevant to the community. Regular contact builds confidence in the government's willingness to address the greatest concerns of the communities. Visiting a Roma or Sinti organization or neighbourhood in the aftermath of a violent anti-Roma attack or after the desecration of a monument or graveyard can be an important sign of solidarity, but it must not be the first time a politician or government official from the national or local level reaches out.

Consultation, cooperation and coordination are particularly important when it comes to police agencies at both the national and local levels. Police officials, from senior leadership to front-line police officers, have a vital role in establishing long-lasting and collaborative

179 *The Stephen Lawrence Inquiry, op. cit.*, note 32, para. 6.34.

relationships with minority and racialized communities, including with leadership and security focal points. Establishing these channels of communication not only builds trust but can also guarantee that strategies and day-to-day operations are more effective and aligned with the needs of victims, especially at the local level. The frequency of such communication is crucial to building trust; sporadic contact will not suffice.

Building trust also means enforcing laws in Roma and Sinti communities as elsewhere in society. When public authorities, law enforcement and social services dismiss issues (e.g., domestic violence or robbery) as a ‘cultural trait’ and decline to intervene, they erode the communities’ trust in the credibility and competence of the authorities. The situation is likely to deteriorate further if communities feel they cannot turn to these government bodies when issues arise.

Recommendation

Build trust by establishing more regular and formal channels of cooperation between the communities and governments. Be transparent and honest, engaging with Roma and Sinti communities more widely and ensuring the participation of both women and men, as opposed to engaging only with key contacts, community leaders or friends. Wider engagement is critical to ensure trust is built with the whole community, not just a handful of people.

- Some measures that can be implemented to build trust between government bodies and minority communities include:
- Law enforcement agencies can appoint a liaison officer to act as a special contact point for the community and to follow up on concerns related to anti-Roma hate crime. The liaison officer can serve as a point of contact for other criminal justice staff when advice is needed;
- Mayors and police representatives can visit a local Roma and Sinti organization, event or neighbourhood as part of their regular activities and get to know members and representatives of the community, as well as their key sites, events and concerns;
- Criminal justice agencies can invite Roma and Sinti organizations to a conversation or workshops with police officers, while Roma and Sinti communities can develop workshop sessions focused on their specific security needs;
- Law enforcement agencies could regularly review policies and working practices;
- Governments could establish fully independent, autonomous oversight institutions; and

- Governments can organize national hate crime task forces made up of civil society representatives, academics, police liaison officers and prosecutors who meet regularly to discuss bias-motivated incidents in the communities. Task forces can also be set up at the local level.

Good practice examples

- The Ombudswoman of the Republic of Croatia, a commissioner of the Croatian Parliament responsible for the promotion and protection of human rights and freedoms, makes field visits to Roma villages throughout the country and speaks to their inhabitants, gaining direct insight into the issues they face. Roma mediators — comprising the Roma Member of Parliament, the staff of the Government Office for Human Rights and the Rights of National Minorities, the county and local Roma minority councils as well as NGO representatives — play a key role in organizing the visits. The Ombudswoman stated, “These activities have enabled us to gain a better insight into the true needs of the Roma communities, have resulted in an increase in the number of complaints submitted to us, and have helped raise the awareness of our institution as the National Equality Body and as the contact point between the Roma communities and other stakeholders. Additionally, they have fostered a better knowledge of the Roma communities on the mechanisms they can utilize to get protection against discrimination and have increased their trust in our institution. The latter is especially important since it affects one’s readiness to report discrimination and, thus, the possibility to receive protection.”¹⁸⁰
- In 2018, the OSCE ran a focus group with Roma communities in Kosovo¹⁸¹ before starting training for police officers on working effectively with Roma and Sinti. During the focus group the researchers asked the community if there was any message the researchers should emphasize with the police during the training. The community asked the trainers to thank the police officers who had attended a community meeting and listened to community reports about drug dealing involving young people on Friday evenings in alleyways near the local town centre. The focus group respondents went on to explain to researchers that the police had mounted a stop-and-search operation in the alleyways the following Friday evening, explaining to those they searched that the police were responding to community concern about drugs. The police then followed this up by appearing on the local community radio station to explain what they had done to the wider community,

¹⁸⁰ “Fundamental Rights Forum 2021: Office of the Ombudswoman Present Efforts to Combat Anti-Roma Discrimination”, Office of the Ombudswoman, 2021, <<https://www.ombudsman.hr/en/fundamental-rights-forum-2021-office-of-the-ombudswoman-present-efforts-to-combat-anti-roma-discrimination>>.

¹⁸¹ There is no consensus among OSCE participating States on the status of Kosovo and, as such, the Organization does not have a position on this issue. All references to Kosovo, whether to the territory, institutions or population, in this text should be understood in full compliance with United Nations Security Council Resolution 1244.

how many dealers they had caught and charged and the amount of drugs that had been seized. Drug dealers had not returned to the area.

- On 21 June 2019, 20 children from the Roma, Ashkali and Egyptian communities from the Municipality of Podujevo/Podujeva were hosted by the Ombudsperson Institution in Kosovo so they could voice their opinions, attitudes or concerns about the various challenges they confront on a daily basis. In the same year, the Ombudsperson Institution visited thirteen Roma, Ashkali and Egyptian communities and conducted information campaigns, workshops and roundtables with Roma, Ashkali and Egyptian organizations to address under-reporting.¹⁸²
- Recent research involving the Italian police illustrates the contrast between operations in communities where trust and an ethos of community policing exists and where it does not. Officers told OSCE researchers of situations where over a hundred police were deployed to make two arrests in one neighbourhood while other officers indicated that when they treated communities with respect, especially key influencers like elders, police were able to patrol and operate with just one or two officers.¹⁸³
- In Poland, the Commissioner for Human Rights Office has taken on an ex-officio role on Roma issues in response to the problem of under-reporting by Roma. The Commissioner has also collaborated with various NGOs to understand better the situation of Roma communities and has visited Roma settlements to speak with local Roma people.¹⁸⁴
- The Government of Northern Ireland has established an independent Police Ombudsman for Northern Ireland, whose office has full criminal and disciplinary investigative powers to investigate complaints of police misconduct. It has its own specialist resources, including independent investigators and forensic staff, and it reports cases to the Public Prosecution Service.¹⁸⁵
- In Belgium, the Standing Police Monitoring Committee (Comité P) is an external body that exists independently of any executive powers (ministers, mayors, the police college, etc.) and police forces (local police, federal police, criminal inspection services, etc.). It acts under the supervision of the Federal Parliament and oversees the general operation of the police, the inspection or monitoring services and the policing practices of all officials with policing powers in Belgium. Comité P is composed of five members including a chairperson — who must be a magistrate — and

¹⁸² EQUINET, *op. cit.*, note 168.

¹⁸³ CPRSI (2021), “Training Needs Analysis Italy” [internal document/unpublished].

¹⁸⁴ EQUINET, *op. cit.*, note 168.

¹⁸⁵ “About Us: Legislation”, Police Ombudsman for Northern Ireland, 1998, <<https://www.policeombudsman.org/About-Us/Legislation>>.

a vice-chair. The members are appointed by the Chamber of Representatives for a six-year period, which is renewable. The Investigation Department is composed of 44 members, and is led by a chief and two deputy chiefs. They are appointed by the Standing Committee for a five-year term, which is renewable.¹⁸⁶

ASSESSING SECURITY RISKS AND PREVENTING ATTACKS

Assessing security risks and preventing attacks is much more effective at maintaining human security than simply responding to crimes once they occur. Establishing specific points of contact within local government and law enforcement is key to understanding fears, tracking changes in community activity and attitudes as well as monitoring resultant community tensions.

Roma and Sinti organizations and communities should also consider establishing their own security advisory groups and drafting basic community security plans, which would allow for systematic evaluation of the situation. If there is a certain level of trust established, these groups could also be part of a collaborative process with state or other important stakeholders security assessments can also help push for action at a political and practical level — for extra policing at key points in cities and regions as well as re-assurance measures to Roma and Sinti communities who may already have suffered hate incidents and crimes.

As stated previously, establishing diverse and consistent channels of communication not only builds additional trust, but also ensures an effective exchange of information about potential threats while developing long-term strategies for prevention. Such channels of communication are essential during times of crises as they help to acknowledge and assess the levels of fear and tension within communities and can also be vital when responding to emergencies. Information gathered from the community can help government security services improve risk assessments and focus on issues of particular concern. At the same time, information shared by the police and intelligence services can help the community take appropriate preventative steps.

Institutions must have good leadership to function effectively. Those in positions of authority — from the legislature to local government and agencies on the ground — need to demonstrate respect for diversity and demand it from their subordinates. Institutional racism in law enforcement is often exacerbated and perpetuated by a culture that tolerates stereotypical views of Roma and Sinti within the agency or unit. Strong leadership that does not tolerate biased comments, attitudes or behaviours can shift in this culture.

186 Standing Police Monitoring Committee (2022), <<https://comitep.be/about-committee-p.html>>, (Accessed 7 September 2022).

The police can also have specialist liaison officers dedicated to investigating and verifying the quality of hate crime investigations as well as to building positive relationships with the communities. The use of liaison officers should be based on genuine dedication to the role and should not replace proper community awareness training (as part of initial training and continuing professional development) for all officers. Training should also include a critical review of the historical relations between police and Roma and Sinti communities. Ensuring staff are suitably trained and supported, as well as knowledgeable about the history and culture of the communities they serve, is key to delivering good quality, effective service. The history of state, and particularly law enforcement, complicity in the genocide against Roma and Sinti during the Holocaust should be common knowledge. Some police officers may be unaware of this history, or the full extent of the genocide, even within their own country. Additionally, the training should help law enforcement officers become well versed in identifying hate crime legislation breaches including: indicators of bias; the role of incitement; the risk of escalation; best practice evidence gathering methodology; incident recording and powers to detain and charge.

Staff recruitment, including at national and local government levels, should include appropriate background checks to identify memberships or advocacy of organizations that are incompatible with the ability to perform this role in a manner that will retain the confidence of the organization or the communities it serves.

Active recruitment of staff with minority backgrounds in the institution and a career path that permits promotion or specialization should be considered best practice. This should include support in addressing barriers to recruitment and career enhancement such as education, language and political or social expectations. However, this does not mean that staff from particular backgrounds will always be the best choice or wish to work in specific fields or areas. Issues relating to gender or characteristics such as 'race', religion or belief, sexuality and disability should be mainstreamed across the institution; 'tokenism' should be avoided.

Recommendation

Governments should consider establishing a collaborative and ongoing process that includes Roma and Sinti communities to assess safety needs and to formulate ways of preventing hate incidents and crimes but also to reduce fear and insecurity that may increase during, for example, election campaigns.

Governments and police should work with all racialized and marginalized communities, including Roma and Sinti, to set up advisory groups that can be used when an attack occurs or when the police require support during an operation, event or threat to a community. This can be one step towards fulfilling government obligations to protect the human rights of individuals and communities and providing adequate

protection for potential targets. Advisory groups can support the government and police by providing real time community intelligence and can be used to communicate messages back to the communities once trust is established.

Governments can take various steps to assess the security needs of Roma and Sinti communities and prevent attacks on them and their property:

- Use available hate crime data to identify crime patterns and ‘hotspots’ for attacks, offline and online;
- Consult communities to monitor tensions with a view to pre-empting anti-Roma violence in general. It is good practice for politicians and/or civil servants to call the community leaders when there are major national crises or events that could be related to the community in any way;
- Establish a community liaison officer in all relevant police departments;
- Inform the communities whenever a specific threat has been identified and when the level of threat has changed. For example, produce a weekly bulletin to circulate to trusted partners in targeted communities or provide a risk profile to communities with a colour-coded scheme;
- Engage in dialogue with community organizations to ensure that security measures make sense to the community and are informed by community input; and
- Support the development of community security plans, expertise, specialist(s) and systems. The role of community security systems can include: mapping and assessing the threat and risk; developing security plans; planning for emergencies (incident response); planning for crisis management; and liaising and coordinating with external partners, including the police. At a minimum, a community security focal point should be identified.

Preventive security measures appropriate to the assessed level of threat could involve ensuring:

- Community buildings (e.g., schools or offices) are searched before use;
- Premises have an external and visible security presence when in use;
- Community leaders, activists and police remain alert for suspicious individuals, objects and activities in the vicinity of community premises; and
- Support is provided during cultural events or times of increased activity.

Good practice example

- The “Roma Elders as Mediators with the Police” initiative launched by the Mossos d’Esquadra (Catalonia regional police in Spain) is a mechanism designed to coordinate with specific Roma contact points in the event of conflict involving Roma or in neighbourhoods with a sizable Roma population. The process is as follows: before going to the conflict site, the police contact the Roma individuals (elders or respected Roma who know their communities and who are good mediators or interlocutors), inform them of the problem and ask for guidance on how best to intervene.¹⁸⁷
- Several participating States have availed themselves of the training courses developed by the ODIHR’s Contact Point for Roma and Sinti Issues and Tolerance and Non-Discrimination Department. The courses focus on developing police officers’ and prosecutors’ skills in engaging with diverse communities, including Roma and Sinti and in addressing hate crime, generally and specifically, examining issues such as stereotyping, hate crime, domestic violence, trafficking in human beings, etc.¹⁸⁸
- In 2013, Czech police became aware of a series of planned anti-Roma marches in a city in South Bohemia. Police correctly anticipated that it would be attended by members of right-wing Czech nationalist groups and that violence could be directed towards nearby Roma communities. As a result of effective planning and resourcing, officers were ready when elements of the march broke away from the intended route to attack Roma communities. Tactical police units who prevented marchers from entering Roma areas were hit with stones and missiles; the police responded with tear gas and 75 arrests were made. Subsequent protests were called off.

PROVIDING PROTECTION TO ROMA AND SINTI INDIVIDUALS AND/OR COMMUNITIES, INCLUDING IN SPECIAL SITUATIONS OR DURING PARTICULAR EVENTS

After assessing the security risk to prevent any attacks, it is necessary to provide concrete protection to Roma and Sinti individuals and/or communities. Governments should consider increasing security and safety measures to protect Roma and Sinti property, premises and institutions at key moments when communities are more at risk.

187 “Practical Guide for Police Services to Prevent Discrimination against the Roma Communities”, NET-KARD, 2014, <https://ec.europa.eu/justice/discrimination/files/roma_police_guide_en.pdf>.

188 “Effective and Human Rights-Compliant Policing in Roma and Sinti Communities”, OSCE ODIHR, *op. cit.*, note 11; *Training Programmes to Counter Hate Crime*, OSCE/ODIHR (2012-2018), Available at <<https://www.osce.org/odihr/445168>>, [Accessed 7 September 2022].

ODIHR records show that there are more victims of violent anti-Roma attacks than other types of hate crime.¹⁸⁹ This appears to be due to large-scale attacks on Roma neighbourhoods. Generally, the data shows that large-scale attacks committed against Roma or Sinti by organized groups seem to be more common than for other communities and other types of hate crime. Group violence (sometimes referred to as ‘mob attacks’ or ‘pogroms’) are sometimes represented as acts of ‘revenge’ or ‘collective punishment’ against the whole Roma or Sinti neighbourhood or community, due to a real or (often) alleged incident or crime committed by someone of real or assumed Roma or Sinti identity, or due to some other reason. These situations should be addressed in a particularly contextualized manner.

Recommendation

Several practical steps can be taken by participating States to fulfil their duty to protect these communities:

- Police protection should be provided to sites that may be a target for anti-Roma attacks, including community gathering places or premises, but also businesses owned by Roma or Sinti, premises of political parties where they are active or sports facilities if a Roma or Sinti athlete is being threatened;
- Available hate crime data should be used to identify particular ‘hot spots’ or ‘hot dates’, which may include specific areas or streets and also public spaces, such as public transport networks or shopping centres. These areas, dates or timings should be priorities for police patrols or other preventive initiatives, such as poster campaigns or focused staff training;
- Potential group attacks (as ‘a revenge act’) against the whole community should be monitored very closely at certain times and police should patrol particular sites regularly. Spikes in reported hate crimes can occur following specific events, such as an election campaign or aggressive nationalist gatherings as well as during high-profile political or media events associated with public debates and get conflated with anti-Roma rhetoric, including when a crime is allegedly committed by a Roma or Sinti individual;
- Financial resources should be provided to help address the security needs of Roma and Sinti communities, for example, funding a security guard where necessary;
- Extra protection and other adequate security and safety measures (e.g., traffic and crowd management) should be provided at key moments, gatherings or events; and

¹⁸⁹ See “Lack of Hate Crime Recording Means Victims and Their Needs Too Often Remain Invisible, OSCE’s Human Rights Office Says”, *op. cit.*, note 82.

- A security assessment should be used to help communities, organizations and institutions better protect themselves, not only to help prevent attacks, but also to ensure evidence is available and captured if an attack occurs.

Good practice example

- In 2013, around 150 Roma arrived with their caravans at a campsite in Austria. After a call to attack this site was posted on social media, local adolescents approached the camp, threw stones and engaged in an abusive verbal exchange. The police reacted promptly, prevented clashes and charged 12 people with inciting violence.¹⁹⁰

WORKING WITH ROMA AND SINTI COMMUNITIES TO SET UP CRISIS MANAGEMENT SYSTEMS

Roma and Sinti communities in the OSCE region do not typically have a dedicated security officer, an established security strategy protocol nor a crisis management plan. Development of such initiatives and structures should be encouraged and supported. Security officers can be community volunteers, hired professionals or community representatives who assume responsibility for security affairs. Their responsibilities may depend on available resources but should include threat and risk assessment and security planning, as well as coordination and liaison with the authorities.

Specialist individuals and structures like this can also take measures to raise awareness among their members of security issues, offer training, leaflets, publications and emergency exercises. These measures should not duplicate actions taken by governments or lessen the responsibility of governments, nor should they be interpreted as a sign of distrust. Rather, they should complement the actions made by governments.

Roma and Sinti communities need strong government partners, especially at the local level, to address their security needs and adequately prepare for crisis scenarios. Also, Roma and Sinti communities should cooperate with other communities facing similar challenges and having already established response mechanisms, for example some Jewish or Muslim communities.

¹⁹⁰ “Countering Antigypsyism in Europe”, Greens/EFA in the European Parliament (2017), <<https://www.greens-efa.eu/files/doc/docs/1eab8137a17cb1d72a44bc4321ef3361.pdf>>.

Recommendation

Government agencies should support Roma and Sinti communities in setting up strategies and mechanisms to respond to an attack and to develop emergency plans and crisis management systems:

- Government agencies can provide security and emergency planning assistance to Roma and Sinti communities, conducting assessments and security surveys, and aiding in developing or offering feedback on communities' existing security plans;
- Government representatives can actively take part in workshops and awareness-raising events designed to increase the capacity of Roma and Sinti communities to respond to attacks;
- Government agencies can share experiences and insights about procedures and routines; and
- Government agencies can organize joint drills for community focal points and first responders to ensure the best response to various emergency scenarios.

Good practice example

- Unia, an independent public institution that fights discrimination and promotes equal opportunities in Belgium, “works in close contact with the National Roma Contact Point, which takes the form of an administrative working group with representation from relevant bodies in federal government, the regions and communities, and is a member of the National Roma Platform.”¹⁹¹
- The Slovak National Centre for Human Rights was involved in preparing the Strategy for Integration of Roma by the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities. One of the strategy's goals was to “implement into everyday life functional mechanisms for addressing and preventing conflicts on a local level relevant to community problems with the goal of reducing the existing tension in the mutual coexistence of Roma and non-Roma population, and gradually eliminate feelings of resignation and insolvability of such conflicts.”¹⁹²

¹⁹¹ EQUINET, *op. cit.*, note 168.

¹⁹² “Strategy of the Slovak Republic for Integration of Roma up to 2020”, Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, <<https://www.employment.gov.sk/files/legislativa/dokumenty-zoznamy-pod/strategyoftheslovakrepublicforintegrationof-romaup2020.pdf>>.

REASSURING THE COMMUNITY IN CASE OF AN ATTACK

Every anti-Roma attack needs to be acknowledged and condemned by government officials and civil society, regardless of the nature or gravity of the crime. Even low-level offences can escalate quickly if ignored. Expressions of anti-Roma hate in public discourse can also cause anxiety in Roma and Sinti communities if these expressions are not promptly condemned and effectively addressed.

The impact of an anti-Roma attack is even stronger if there is an inappropriate or inadequate response from the government. In contrast, statements by public officials can strongly influence community confidence. To ensure that the longer-term response is appropriate, government officials should coordinate with and consult community leadership.

Police should be transparent in consulting with Roma and Sinti communities in the aftermath of a hate crime. This includes explaining the status of the investigation and relevant legal procedures while reassuring victims of hate crimes that their safety and security is a priority. Often the response from police forces after a hate crime lacks any victim support. In bad cases, there is virtually no contact from the police after the incident; in the worst cases, police officers respond to hate crimes by instilling further fear, vulnerability and humiliation in the Roma community.

Local authorities may help ensure services are available to Roma and Sinti victims of violence. Depending on the nature of the hate crime, Roma and Sinti families may be left homeless and require assistance in accessing social housing, shelters and social welfare. Efforts should be made to reduce the barriers commonly faced by Roma and Sinti people living in poverty in segregated communities.

Civil society also plays a role in managing the impact of major incidents, often in cooperation with parliamentarians and government officials. Publicly and openly demonstrating solidarity with Roma and Sinti communities, acknowledging the impact anti-Roma attacks have on Roma or Sinti communities, and signalling a zero-tolerance policy towards all manifestations of anti-Roma bias have proven to be effective strategies in several countries.

Recommendation

To reassure the Roma and Sinti community after an attack, government officials and political representatives might:

- Promptly and unequivocally condemn the anti-Roma attack in a press or social media statement issued by senior government leaders and police officers;
- Participate in a commemorative event or vigil with the Roma or Sinti community;

- Order increased police protection and patrols to send a message of reassurance to the community; and
- Consult with the Roma and Sinti community, including community representatives who equally represent women and youth, on what initiatives could be taken to prevent future attacks.

Good practice example

- In France, government spokesman Benjamin Griveaux condemned a series of 25 anti-Roma attacks between 25 March and 9 April 2019 around the outskirts of Paris as an “absolutely unacceptable targeting of the Roma community”.¹⁹³
- The Slovak government apologized for the unlawful sterilization of thousands of Roma women in November 2021.¹⁹⁴
- A group of masked men armed with knives attacked a Roma settlement near Lviv, killing a 24-year-old man and seriously injuring four more people: a 10-year-old boy, two 19-year-old men and a 30-year-old woman. Police immediately arrested seven suspects, all Lviv residents, and the authorities opened a criminal case into the murder and investigated other violations, including a “violation of equality of citizens due to their racial and national identity or religious beliefs.” Sergiy Knyazev, the head of Ukraine’s National Police, issued a statement condemning the attack and promising that those responsible would be held accountable. He also said that the National Police and the Interior Ministry were monitoring the investigation. He admitted that such attacks had become more frequent and called the attackers “immoral” and the attack “unjustifiable”.¹⁹⁵

PROVIDING SUPPORT TO THE VICTIMS OF ANTI-ROMA ATTACKS

Hate crimes are message crimes which make the victim feel like they are not an equal and valued member of society. Hate crimes tend to be significantly more violent and threatening than other crimes and are often calculated to spread fear within and across communities. State responses should therefore be victim-centred, empathetic and culturally

193 “A Spectre Is Haunting Europe – Spike in Anti-Roma Pogroms as EU Election Campaigns Kick Off”, ERRC (2019), <<http://www.errc.org/news/a-spectre-is-haunting-europe---spike-in-anti-roma-pogroms-as-eu-election-campaigns-kick-off>>

194 “Slovak Government apologizes for illegal sterilizations, lawyer and Plenipotentiary for the Romani Community say compensation must follow”. *Romea.cz* website, 26 November 2021, <<https://romea.cz/en/world/slovak-government-apologizes-for-illegal-sterilizations-lawyer-and-plenipotentiary-for-the-romani-community-say>>.

195 “Ukraine: Fatal Attack on Roma Settlement”, Human Rights Watch, 26 June 2018, <<https://www.hrw.org/news/2018/06/26/ukraine-fatal-attack-roma-settlement>>.

sensitive as well as tailored to victims' specific needs including accessibility and language. Support for victims should comply with human rights and be universally accessible regardless of perceived social or financial status.

For Roma and Sinti, consultation should take place with community members who can explain the barriers community members often face in accessing various services and the measures they take to overcome these access limitations. A gender-sensitive approach is vital to ensure that access to victim support services and other public services is available to both women and girls, men and boys, and that it takes into account their gender-specific needs.

A victim-centred approach implies having a victim's needs and rights at the centre of any action, approach or measure undertaken by criminal justice bodies, victim support service providers, civil society actors and any individual in direct contact with a victim throughout the lifecycle of a hate crime case. A victim-centred approach is an essential response to a victim's needs, helping them cope with the manifold consequences of the crime as quickly as possible. This approach strengthens victims' ability and confidence to act, (often lost following an attack), and increases their self-efficacy and sense of agency.

Ensuring that the needs of victims are met and that they are able to play an active role throughout the criminal justice process is not just beneficial for the victims. A victim-centred approach can help avoid secondary victimization and improve victims' trust in the criminal justice system, encouraging victims to report their cases and cooperate more actively with criminal justice bodies. This can help law enforcement understand the security needs in the targeted communities better and can further improve the efficiency of the criminal justice system.

A victim-centred approach should also be considered a guiding principle for all other professionals who come into direct contact with victims, such as doctors, healthcare workers, lawyers, social workers and consultants. Their mandate and activities should be based on a concrete need for assistance, as well as on the available resources and possibilities for assistance in the victims' living environments.

State services should fully cooperate with, learn from and use the specialist skills available from civil society organizations to understand the needs of each victim and endeavour to meet these needs holistically. Community groups and civil society organizations should receive adequate training on how to fulfil a victim support role.

Law enforcement officials are ultimately the first to investigate anti-Roma hate crimes. It is essential that victims of hate incidents and crimes receive, from the very beginning, a service that is supportive and that records and communicates regularly with victims. Even if the incident does not cross criminal thresholds within certain states, victims should be informed at the earliest possible moment of outcomes so that they can make informed decisions.

Recommendation

Government agencies can provide valuable assistance to Roma and Sinti communities in minimizing damage after a traumatic event and assisting communities in returning to their daily lives. To improve their support for the victims of anti-Roma attacks, governments can:

- Work with national human rights institutions, academics, civil society organizations and international organizations to conduct surveys that help clarify the needs of victims of anti-Roma attacks;
- Consult with Roma and Sinti communities and relevant victim support organizations to develop effective strategies to support victims;
- Ensure that police agencies are equipped to understand the structure of Roma and Sinti communities and the responsibilities of their members;
- Adopt nuanced approaches following each incident based on individualized assessments of the needs of each victim (sometimes psychological support and social services may be sufficient and police involvement may not be needed);
- Ensure that those who provide support to victims are trained on specific characteristics of Roma and Sinti communities;
- Be mindful of identity and needs, but first and foremost respect victims' dignity while being aware and mindful of different cultural and social practices and of Roma and Sinti holidays and traditions that might be relevant when interviewing victims and witnesses, recording evidence and conducting other police duties;
- Engage in frequent contact and support during an investigation to reassure the community and take steps to establish a clear victim contact charter; and
- Consider supporting the wider Roma and Sinti community that might have been impacted by an attack and make efforts to reassure the community and create support mechanisms.

Good practice example

- The OSCE's EStAR: Enhancing Hate Crime Victim Support project has researched and produced *Model Guidance on Individual Needs Assessments of Hate Crime Victims* for states, civil society and communities. It provides information on what an Individual Needs Assessment (INA) of hate crime victims entails, and how to set up a system in which INAs are both effective in achieving their goals, and sensitive and respectful to the specific needs of the victims.¹⁹⁶

SUMMARY POINTS FROM THE MODEL GUIDANCE: THE NEEDS OF HATE CRIME VICTIMS

Personal safety and security:

During and immediately after experiencing a hate crime, most victims feel utterly unsafe, exposed and in danger. The need to feel safe and protected from further harm is profound. Victims need to be reassured by criminal justice professionals that action will be taken to support and protect them.

Practical help:

Some hate crime victims will need practical support to deal with the immediate consequences and impact of the crime. This may include legal advice, medical assistance, repairs and security arrangements for property and family support.

Emotional and psychosocial support:

The emotional and psychosocial needs of victims of hate crimes will differ. However, there is often a need to be listened to and heard; a need for the victim's perspective on the bias motivation of the crime to be believed and taken seriously; a need to be understood and the impact of the crime acknowledged; and a need to feel solidarity from criminal justice authorities and victim support service providers, so that victims are not alone in responding to their experience of hate crime.

Confidentiality and trust:

The experience of hate crime can shatter a person's trust in their community and their sense of a just world. Establishing relationships of trust and confidentiality with victims of hate crime is fundamental to the recovery process.

¹⁹⁶ "Model Guidance on Individual Needs Assessments of Hate Crime Victims", *op. cit.*, note 93.

Information and advice:

Hate crime victims will need information and advice about their rights and expectations in case they decide to report the crime to the police or other authorities and organizations. They will need information about all the available support services.

Help in navigating criminal justice systems:

Hate crime victims need access to justice to see that the criminal justice system will actively support their case. They also need help to fully understand the criminal justice procedures involved in processing their case. Criminal justice agencies need to enable the victim to explain their case so that it can be properly understood. Victims also need to be kept informed about the progress of their case through the criminal justice system so that they can see that it is being taken seriously. Overall, the criminal justice system needs to send a message that hate crimes are taken seriously. The active investigation, prosecution and conviction of hate crime sends an important message of justice for victims and condemnation of the offenders' motivations and actions.

Respectful and dignified treatment:

Given that hate crime victims can feel acutely violated, it is critical that criminal justice agencies and other service providers behave professionally, respectfully and in a way that protects victims from re-victimization.

Victim-centred approach:

While hate crime victims share some common needs, it must be understood and acknowledged that each victim is a person with individual needs. Their needs should be at the centre of the response by criminal justice agencies and other service providers; an intersectional understanding of the impact of hate crime on individuals and their subsequent needs is essential.

Annexes

Annexe 1:

Selection of ECtHR judgements¹⁹⁷

1. D.H. and Others v. the Czech Republic¹⁹⁸

This case was the first challenge to systemic racial segregation in education to reach the ECtHR. When this case was brought, Roma children in the Czech Republic were 27 times more likely to be placed in 'special schools' for the mentally disabled than non-Roma children. In 2007, the ECtHR ruled that this pattern of segregation violated non-discrimination protections in the ECHR.

This ground-breaking school segregation case established, among other things, that the right to non-discrimination (Article 14) may not be waived. No waiver of the right not to be subjected to racial discrimination can be accepted, as it would be counter to public interest. It is therefore the duty of the state to remedy violations of this right as a matter of public interest. It also established that states should pay special attention to the situation of Roma who, as a result of their history of being discriminated against, require special protection.

2. Moldovan and Others v. Romania¹⁹⁹

An important case that demonstrates states' obligations to provide justice in the aftermath of hate crimes, this judgement found that law enforcement, the judiciary and national authorities had failed to prevent, protect against and prosecute a pogrom, which resulted in the death of three Roma men. The ECtHR ruled that Romania violated multiple provisions (articles 3, 6(1), 8 and 14) of the ECHR for failing to provide justice in connection with a 1993 pogrom and its aftermath.

The case involved a mob killing of three Roma men and the subsequent destruction of fourteen Roma houses in the village of Hadareni in Mures County in north-western Romania, as well as the degrading circumstances in which the victims were forced to live after the event. Police officers were present among the mob of perpetrators.

¹⁹⁷ Suitable to be used as case studies during training courses.

¹⁹⁸ D.H. and Others v. the Czech Republic, *op. cit.*, note 140.

¹⁹⁹ Moldovan and Others v. Romania, *op. cit.*, note 141.

3. *Burlya and Others v. Ukraine*²⁰⁰

The Court found local authorities explicitly responsible for a pogrom committed against a Roma community, as well as a lack of provision of justice for the victims in the aftermath of the hate crime. The judgement rejected Ukraine's arguments that the victims could have returned to their homes after the attack, as the local authorities' actions had demonstrated that the authorities would not protect the victims in the event of further attacks. This case was brought by a group of Roma people who were living in the village of Petrivka, Ivanivskyy District, in the Odessa Region of Ukraine until 2002, when they were driven from their homes in the wake of a pogrom. Local police were present and did not prevent the violence. The village council decided to "support the decision of the meeting of the village residents to expel people of Gypsy ethnicity from the village". The night before the violence, a representative of the District State Administration and the head of the local police advised the Romani people living in the village to leave, as a 'pogrom' (that was the word they used) was about to start. The Court ruled in 2018 (nine years after the case was lodged) that Ukraine had violated the Romani applicants' rights to a private and family life (Article 8) and to protection from discrimination (Article 14).

According to the Court: "the applicants who had been warned about the attack were put in a situation where they had to conclude that, because of their family relations and their ethnicity, they could not count on the protection of the law in the place where they had lived...".

The Court found that there had been no evidence that the authorities had conducted any investigation into anti-Roma prejudice as a likely motive of the crime. The Court rejected the Ukrainian government's argument that the applicants could have gone back and lived in their damaged homes: "the Court finds that it would have been unreasonable to expect the applicants to permanently live in damaged houses in a locality where the authorities had clearly communicated to them that they would have no protection against mob violence."

4. *Nachova and Others v. Bulgaria*²⁰¹

In 1996, military police shot and killed two Roma conscripts who had recently absconded from a military construction crew and were known to be unarmed and not dangerous. They were shot with automatic weapons in broad daylight in a largely Roma neighbourhood. Immediately after the killing, a military police officer allegedly yelled at one of the town residents, "You damn Gypsies!" while pointing a gun at him. In February 2004, the First Section of the ECtHR unanimously found that both the shootings and a subsequent investigation, which upheld the lawfulness of the killings, were tainted by racial animus

200 *Burlya and Others v. Ukraine*, *op. cit.*, note 142.

201 *Nachova and Others v. Bulgaria*, European Court of Human Rights, Applications 43577/98 and 43579/98, Judgement 6 July 2005, <<https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=002-3747&file-name=002-3747.pdf&TID=thkbhnlzk>>.

and that this constituted a breach of Article 2 (the right to life) read in conjunction with Article 14 (the right to non-discrimination) of the ECHR. The judgement was the first in the Court's history to find a violation of Article 14 on grounds of racial discrimination and made clear that the right to non-discrimination requires states not to discriminate and to investigate allegations that discrimination has taken place. At the request of the Bulgarian government, the Court's Grand Chamber agreed to review the initial panel decision, which it largely upheld.

The Grand Chamber affirmed in substantial part the landmark finding of racial discrimination in a breach of Article 14 of the ECHR. The Court's ruling made clear that European states have an obligation to investigate possible racist motives behind acts of violence. The Grand Chamber held that Bulgaria had breached the victims' right to life (Article 2) by failing to regulate the use of firearms by military police, and by failing to properly investigate the deaths; it also unanimously agreed that the prohibition of discrimination under Article 14 of the Convention has a procedural component that required the state to investigate whether discrimination may have played a role in the killings. The failure to do so, despite indicators of racial motivation, amounted to discrimination.

With respect to the killings themselves, the Grand Chamber overturned, by an 11–6 vote, the prior ruling that the killings had been motivated by racial hatred. In doing so, the Grand Chamber reasoned that, although in certain circumstances (where the events lie wholly or in large part within the exclusive knowledge of the authorities) the burden of proof may be regarded as resting on the authorities to provide a satisfactory explanation, the authorities' failure to carry out an effective investigation did not justify shifting the burden of proof to the government regarding the motive of the killing.

In declaring that the Bulgarian government's failure to investigate the fatal police shooting of two Romani men violated the ECHR, the Court stated that: "Racial violence is a particular affront to human dignity and, in view of its perilous consequences, requires from the authorities special vigilance and a vigorous reaction. It is for this reason that the authorities must use all available means to combat racism and racist violence, thereby reinforcing democracy's vision of a society in which diversity is not perceived as a threat but as a source of its enrichment."²⁰²

5. Bekos and Koutropoulos v. Greece²⁰³

In this judgement, the Court applied the reasoning that states have a duty to thoroughly investigate racist motives in violations of Article 3 (the prohibition of torture and inhuman and degrading treatment), not only in cases where the victims have died (Article 2). It reasoned that this is necessary as "racial violence is a particular affront to human dignity".

²⁰² "*Nachova v. Bulgaria*". OSJI, <<https://www.justiceinitiative.org/litigation/nachova-v-bulgaria#:~:text=The%20Grand%20Chamber%20affirmed%20in,motives%20behind%20acts%20of%20violence>>.

²⁰³ *Bekos and Koutropoulos v. Greece*, *op. cit.*, note 144.

an internet link to a video clip containing a widely known excerpt from a feature film with overtly intolerant and explicitly racist language. He added that the list of the types of people loathed by the character speaking in the clip could be completed with “some other types of rubbish living among us”.

In 2012, the man was convicted of disorderly conduct by the Szeged District Court after the racially bias element to the crime was ruled out at several junctures during the investigation of the case. János Balázs complained to the ECtHR that the Hungarian authorities had failed in their obligation to conduct an effective investigation into the racist attack he had suffered, and, in particular, that they had not taken sufficient action to establish a possible racist motive for the assault.

In 2016, the Court ruled that there had been a violation of Article 14 (discrimination) in conjunction with Article 3 (inhuman and degrading treatment) and ordered Hungary to pay €10,000 in damages to János. The Court’s assessment noted that:

“When investigating violent incidents, State authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events...The authorities must do what is reasonable in the circumstances to collect and secure the evidence, explore all practical means of discovering the truth and deliver fully reasoned, impartial and objective decisions, without omitting suspicious facts that may be indicative of a racially induced violence... Treating racially induced violence and brutality on an equal footing with cases that have no racist overtones would be to turn a blind eye to the specific nature of acts which are particularly destructive of fundamental rights.”

This case encapsulates three major commonalities of hate crimes committed by members of the public against Roma and Sinti. Firstly, the manner of the crime itself: violent crimes committed either on the basis of racial hatred or in the context of anti-Roma hateful speech are common. Secondly, the impact of the hate crime was exacerbated by social media, which amplified the reach of the action and incited further hatred towards the target group. Thirdly, as with most violent crimes committed against Roma and Sinti, the local authorities failed to conduct an effective investigation which brought the racial bias of the crime into the final criminal charge against the perpetrator.

7. Šečić v. Croatia²⁰⁵

On 29 April 1999, between 8 and 8.30 p.m., a group of Roma men were collecting scrap metal on Harambašićeva Street in Zagreb. Suddenly, two unidentified men approached the group and attacked one of the men. They beat him with wooden planks, shouting

205 *Šečić v. Croatia*, European Court of Human Rights, Application 40116/02, Judgement of 31 May 2007, <<https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%22001-80711%22%5D%7D%3E>>.

racial swear words. Two other unidentified men, apparently members of the same group, stood close by and kept watch. Shortly afterwards, following a report by an unknown person about the ongoing fight, a police patrol was sent to the scene. The police interviewed the people on the spot and went up and down the nearby streets to find the attackers. An ambulance arrived and took the injured Roma man to a nearby hospital. The doctors concluded that no bones had been broken, provided the applicant with painkillers and sent him home to rest.

During the night, the Roma man experienced severe pain and the next day he went to another hospital where he was examined again. It was found that as a result of the assault he had sustained multiple rib fractures. He was kept in hospital for further treatment and discharged a week later, on 5 May 1999.

Following the attack, he had to have psychiatric treatment and attended the Zagreb Psychiatric Clinic on at least eighteen occasions. He was diagnosed with post-traumatic stress disorder characterized by depression, anxiety, panic attacks, fears for his own safety and that of his family, intermittent insomnia and nightmares and, in general, an emotional breakdown.

During the official investigation into the incident that was formally opened by the police in the wake of the attacks, the police failed to identify the perpetrators or investigate the racial motive, and the case remained pending for more than seven years.

On 15 July 1999, the victim's lawyer lodged a criminal complaint with the Zagreb Municipal State Attorney's Office (Općinsko državno odvjetništvo u Zagrebu) against the unknown perpetrators. She requested the State Attorney's Office investigate the incident, identify the perpetrators and institute criminal proceedings against them. On 31 August 1999, the police informed the applicant's lawyer that the perpetrators had not been identified.

After many interviews, letters to the Ministry of Interior and requests to speed up the investigation, the Roma man's lawyer wrote to the State Attorney's Office on 16 March 2000. She informed the office that the individuals who had attacked her client had apparently been engaged in numerous attacks against Roma people in Zagreb in the same period. Two of the Roma who were attacked had told the lawyer that they would be able to identify the perpetrators, and one of them had personally witnessed the attack on her client. Furthermore, the police had already identified and apprehended the attackers of this man. The lawyer stressed that all the incidents had been racially motivated, because the attackers had combined physical assault with racist verbal abuse.

The police stated they had no record of any assault on this second Roma man and witness to the attack. They eventually identified a perpetrator who had been involved in at least two of the attacks (because of a noticeable scar on his face) but eliminated him from the investigation without questioning.

On 14 May 2000, a TV broadcast featured a ‘skinhead’ being interviewed about his reasons for engaging in attacks on Roma in Zagreb. The interviewee lived in the part of town where the initial attack took place and described how annoying he found it when Roma came to his neighbourhood to collect scrap metal. However, the journalist who interviewed him did not wish to disclose the name of the person interviewed, relying on his right to protect the source of his information.

The lawyer sent yet more information to the police and State Attorney’s office, alleging that her client’s attackers belonged to a known far-right skinhead group in the city. The case was eventually taken to the ECtHR.

The ECtHR ruled that there had been a violation of Article 14 (discrimination) taken in conjunction with the procedural aspect of Article 3 (degrading and inhuman treatment). Croatia was ordered to pay the applicant €8,000 in non-pecuniary damages, plus €6,000 to cover costs and expenses.

The Court’s assessment noted that: “when investigating violent incidents, State authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events.”

It stated that “in the present case it is suspected that the applicant’s attackers belonged to a skinhead group which is by its nature governed by extremist and racist ideology. Both the police and the Government admitted this fact... The Court considers it unacceptable that, being aware that the event at issue was most probably induced by ethnic hatred, the police allowed the investigation to last for more than seven years without taking any serious action with a view to identifying or prosecuting the perpetrators.”

Annexe 2:

Selection of case studies: Bias indicators²⁰⁶

The following case studies can be used in capacity-building contexts to practice working with bias indicators. For a more detailed overview of anti-Roma bias indicators, refer to Part One of this Guide under “Anti-Roma Hate Crimes in the OSCE Region: Key Features”.

The following questions should be asked when discussing the case studies:

- Which bias indicators can you identify?
- If you were a member of the Roma community, would you report the incident to the authorities? If yes, how? If no, why?
- How could law enforcement officials respond to and record the hate incident?
- What would you ask if you were to investigate this incident?
- What enquiries would you make?
- How could the Roma community members and law enforcement officials cooperate and communicate with each other?
- What would be the message to the public from law enforcement? From the Roma community?
- Which mechanisms could be put in place to prevent such incidents and to improve communication with the Roma and Sinti community, as well as the protection of community-affiliated sites and people?

Human Rights Case Study 1

A Roma woman was collecting scrap metal when two non-Roma men attacked her, beating her with wooden sticks. She suffered multiple broken ribs and suffered from post-traumatic stress involving depression, panic attacks, insomnia and nightmares. The police came to the scene of the attack and looked for the attackers but did not find them. A few months later, the victim’s lawyer told the police she had information that the attackers

²⁰⁶ Suitable to be used as case studies during training courses.

were members of a ‘skinhead’ group. She provided the names of victims and witnesses to these attacks.

Human Rights Case Study 2

A Muslim Roma man moved with his family into a building that was constructed for socially disadvantaged families. He was subject to constant abusive remarks by neighbours who used offensive language indirectly referring to him or his family. On one occasion, he saw one of his neighbours go to his car, take out a gun and, pointing it in the direction of his apartment’s terrace, fire nine to ten shots. In another incident, when he was celebrating Eid-al-Fitr, a religious holiday, with his family, a large cross was drawn on his apartment door with a message written on the wall “move out or you’ll bitterly regret it”. On a different occasion, his daughter was threatened by another neighbour who stretched his hands towards her neck and said that he would slaughter them all. The girl apparently fainted and was admitted to hospital unconscious. The same day, the man and his family moved out of their apartment.

The Roma man called and lodged several complaints with the police. He took photographs of the cross and submitted a complaint to the police against several families living in his apartment building. Four neighbours were interviewed by the police, but they denied the allegations. Concerning the shooting incident, two of the neighbours confirmed that they had heard shots, but said that they did not know who had fired them. They admitted to having picked up the spent cartridges from the ground with their children, but only so that the children could play with them.

The case file was passed to the prosecuting authorities, who concluded that only the incident involving the cross could be considered as jeopardizing security and asked the police to take steps to find the perpetrator. It was decided that all the other incidents could not be considered threats. The domestic courts subsequently dismissed the request for an investigation into the incident involving the cross for lack of evidence.

Human Rights Case Study 3

A non-Roma woman had a partner of Roma origin. They got into an argument with two other people who started pushing the woman, insulted her and threatened her for being in a relationship with a man of Roma origin. Soon afterwards, one of the attackers grabbed the woman by the T-shirt, threw her to the ground and kicked her in the head. The attackers then turned to the woman’s partner and, while saying that all Roma people should be killed, started kicking him and trying to stab him with a knife.

The police filed a complaint against both perpetrators but mentioned only one victim of anti-Roma assault.

Human Rights Case Study 4

The Deputy Mayor, four police officers, their chief and six public guards entered a bar to check the owner's licence. A dispute ensued between the officials and the 20 to 30 Roma men gathered in front of the bar. A villager of Roma origin was just leaving the bar as the police entered. A police officer asked him whether he was a "Gypsy or a member of the ethnic majority-group". When replying that he was Roma, the Deputy Mayor asked the police officers and the public guards to teach him and the other Roma "a lesson". The police and public guards started to beat the villager and other Roma. A 14-year-old Roma boy, passing by, was tripped up by Sergeant D.T. who beat, kicked and hit him on the back of his head until he lost consciousness, despite the boy's (the applicant) warning that he had recently had head surgery.

The father of the Roma boy submitted a criminal complaint to the prosecutor against the police officers and those involved in the incident. The police carried out the initial investigation and recommended the prosecutor not to press charges. The prosecutor dismissed the complaint on the grounds that the evidence did not confirm that the boy was beaten, that the villager's statements were biased and unreliable and that, based on the police officers' statements, there had been no racist nature to the incident. The police informed the prosecutor that that no report had been filed to bring criminal proceedings for insulting behaviour against the Roma involved in the incident because it was considered to be "pure Gypsy behaviour".

Human Rights Case Study 5

A Roma family held a celebration at a private home attended by 50 people. The police came to the house twice to demand the music be turned down. The family complied with the demands from the police. However, an argument started between a Roma man and a police officer. A Roma woman intervened, and a tumultuous scene developed. The police officer called her names, threatened to arrest her, grabbed her arm and pepper sprayed her in the eyes. The woman fell to the ground. Six or seven male officers dragged her while she was on the ground to the police car. While being dragged her shirt was torn, exposing her breasts. She suffered bruises to her neck and her eyes were burning badly. She went to a hospital where she was diagnosed with an eye injury. The woman was charged with obstructing justice. After trial, she was found guilty and sentenced to one year of imprisonment. The sentence was suspended.

The Roma woman lodged a criminal complaint against unknown police officers. The complaint was dismissed by the Police Investigation Office as the measures applied had been proportionate and the Prosecutor considered that the force applied by the police had not been excessive.

Annexe 3: Matrix of suggested actions for key stakeholders

I am a	What can I do to help address the problem?	Who can I work with to address the problem?	How can I use this publication?
Member of Parliament	<p>Work to enact specific, tailored legislation to address hate crimes, providing effective penalties that consider the gravity of crimes motivated by bias.</p> <p>Request a legal review from ODIHR on legislation or laws²⁰⁷ related to hate crimes.</p> <p>Initiate a parliamentary inquiry and investigate whether more needs to be done to address the security needs of Roma and Sinti communities.</p> <p>Take steps to advocate for the creation of a fully independent and autonomous institution, outside the structures of law enforcement and the Ministry of Interior (if none already exists), that is responsible for the investigation of complaints of alleged misconduct by police officers, as well as all complaints against acts with a possible racial motive.</p> <p>Reach out to the Roma and Sinti communities in your constituency to find out about their concerns.</p> <p>Ensure that your political party has measures to challenge racism and intolerance.</p> <p>Use every opportunity to condemn and reject expressions of hatred against Roma and Sinti — online and offline, violent and non-violent — and seek expert advice on identifying coded expressions of anti-Roma prejudice.</p>	<p>Join forces with other parliamentarians from your own and different parties to work towards achieving the proposals in the first column.</p> <p>Find out more about the work of international parliamentary bodies regarding racism and discrimination against Roma and Sinti.</p> <p>Work closely with civil society activists and religious leaders in your community to build a coalition against anti-Roma prejudice.</p>	<p>Become familiar with applicable international obligations that address anti-Roma hate crime.</p> <p>Look for ways to initiate, support and get involved in one of the concrete practical initiatives listed in the first column.</p> <p>Learn about the specific features of hate crimes against Roma and Sinti to strengthen your own response to these crimes.</p>

²⁰⁷ “Requesting Legislative Assistance from ODIHR”, OSCE/ODIHR, 20 December 2018, <<https://www.osce.org/odihr/407447>>.

I am a	What can I do to help address the problem?	Who can I work with to address the problem?	How can I use this publication?
Civil Servant	<p>Initiate the development of training on hate crimes against Roma and Sinti for civil servants, especially those supervising and shaping training for criminal justice personnel.</p> <p>Regularly review the functions of the services provided to ensure they continue to fit the purpose, with a particular focus on overcoming areas where discriminatory treatment may become standard practice.</p> <p>Ensure that anti-harassment and bullying policies in the workplace include challenging intolerance against Roma and Sinti.</p> <p>Depending on your role and mandate, initiate an awareness-raising campaign about the need to counter anti-Roma issues.</p> <p>Interior/Justice: find out how your country is doing in the area of collecting data on hate crimes against Roma and Sinti and address data gaps if these exist.</p> <p>Interior/Justice: assess and review whether mechanisms, policies and measures are in place to address the security needs of Roma and Sinti communities.</p>	<p>Initiate tailored training programmes offered by ODIHR²⁰⁸ and inquire about other training opportunities from academic experts or research institutes, as well as civil society organizations experienced in delivering useful training programmes.</p> <p>Work with local authorities, civil society organizations and media partners.</p> <p>Get in touch with Roma and Sinti communities and civil society organizations to find out more about their reports on hate crimes against Roma and Sinti.</p> <p>Contact the Roma and Sinti communities and connect with their representatives.</p>	<p>Familiarize yourself with the spectrum of anti-Roma attacks in the OSCE region and with the key contexts that form the backdrop to these attacks.</p> <p>Understand why raising awareness of this issue is so important.</p> <p>Access relevant resources and ideas on the significance of hate crime data collection.</p> <p>Review the practical suggestions on why and how government officials can cooperate with Roma and Sinti communities on security issues.</p>

²⁰⁸ “Training Programmes to Counter Hate Crime”, *op. cit.*, note 188.

I am a	What can I do to help address the problem?	Who can I work with to address the problem?	How can I use this publication?
Law Enforcement Officer	<p>Assess whether a criminal offence you are recording and investigating might have been motivated by racial bias. This includes accepting a community's perception that an incident or crime is hate motivated and investigating it accordingly.</p> <p>Make an appointment with your local Roma and Sinti community or organization to establish contact, identify their security concerns and learn how the community works.</p> <p>Build your capacity in understanding and responding to hate crimes against Roma and Sinti.</p> <p>Regularly review the functions of the services provided to ensure they continue to fit the purpose, with a particular focus on overcoming areas where discriminatory ethnic profiling may become standard practice.</p> <p>Assess how you can cooperate with Roma and Sinti communities to collect data on hate crimes against Roma and Sinti, as well as to address under reporting.</p> <p>Ensure that anti harassment and anti bullying policies in the workplace include challenging intolerance against Roma and Sinti.</p> <p>Coordinate emergency communication procedures with your local Roma and Sinti communities.</p>	<p>Ask the victim and any witnesses for their perception of any anti Roma bias in an incident or crime.</p> <p>Ensure victims and survivors are provided with regular honest updates on the investigative progress.</p> <p>Join forces with some of your colleagues to make appointments as explained in the first column.</p> <p>Ask your supervisor to take part in a training programme, such as ODIHR's TAHCLE and PAHCT.²⁰⁹</p> <p>Liaise with your supervisors about whether this would be something that could be taken up at the national level.</p>	<p>Check the overview of bias indicators listed in the OSCE's <i>Using Bias Indicators: A Practical Tool for Police</i>²¹⁰ and see if they help you establish a bias motivation.</p> <p>Learn more about how law enforcement agencies can work with Roma and Sinti communities on security issues.</p> <p>Consult the list of resources and training programmes offered, such as the ODIHR's TAHCLE programme²¹¹ and Data Collection Guide.²¹²</p> <p>Look at good practices from different OSCE participating States.</p>

209 "Training Programmes to Counter Hate Crime", *op. cit.*, note 188.

210 "Using Bias Indicators: A Practical Tool for Police", OSCE/ODIHR, 28 May 2019, <<https://www.osce.org/odihr/419897>>.

211 OSCE (2012), *Training Against Hate Crimes for Law Enforcement (TAHCLE): Programme Description*. Available at <https://www.osce.org/odihr/tahcle> [Accessed 24 October 2022].

212 OSCE (2014), *Hate Crime Data Collection and Monitoring: A Practical Guide*. Available at <https://www.osce.org/odihr/datacollectionguide> [Accessed 24 October 2022].

I am a	What can I do to help address the problem?	Who can I work with to address the problem?	How can I use this publication?
<p>Representative of a Roma or Sinti Community or Community Organization</p>	<p>Start monitoring anti-Roma hate crimes and encourage members of your community to report incidents and crimes to law enforcement. Make sure your methodology to record and interpret information is clear and transparent.</p> <p>Form broad-based coalitions with organizations working on human rights issues to address hatred against Roma and Sinti, and broader tolerance and non-discrimination issues.</p> <p>Organize an open-door day with the Roma and Sinti community you work in and invite government officials and civil society activists to get to know the community.</p> <p>Advocate for your government to follow up on and implement its international obligations.</p> <p>Reach out to cultural and educational institutions, as well as the media, to share your reports and concerns about anti-Roma bias.</p> <p>Help challenge the spread of inaccurate information relating to your community's security and help disseminate community safety and crime prevention advice.</p>	<p>Reach out to relevant international civil society networks.</p> <p>Contact other minority communities, cultural organizations and civil society groups to win their support for broad-based coalitions.</p> <p>Join forces with other civil society organizations to organize an open-door day.</p> <p>Contact relevant community members, as well as other civil society organizations with experience in this area.</p> <p>Talk to your local police agencies about opportunities for potential collaboration and events to promote community safety and hate crime reporting in your local community.</p> <p>Ask your law enforcement contact what their challenges and limitations are to try and see issues from their perspective, as well as your own.</p>	<p>Find out more about training programmes and resources offered by civil society and inter-governmental organizations, such as ODIHR's training for civil society on hate crimes and its <i>Preventing and Responding to Hate Crimes: A Resource Guide for NGOs in the OSCE Region</i>.²¹³</p> <p>Find out more about the international standards that apply to your government.</p>

213 "Preventing and Responding to Hate Crimes: A Resource Guide for NGOs in the OSCE Region". OSCE/ODIHR, 15 October 2009, <<https://www.osce.org/odihr/39821>>.

I am a	What can I do to help address the problem?	Who can I work with to address the problem?	How can I use this publication?
<p>Representative of a Roma-led Human Rights Organization</p>	<p>Start monitoring anti-Roma hate crimes and encourage the members of your community to report them.</p> <p>Form broad-based coalitions with organizations working on human rights issues to address hatred against Roma and Sinti, and broader tolerance and non-discrimination issues.</p> <p>Organize events with your local Romani community, relevant government officials, police and civil society activists to raise awareness of security challenges faced by Roma and Sinti and promote alliances to tackle the issues.</p> <p>Advocate for your government to follow up on and implement its international obligations.</p> <p>Reach out to cultural and educational institutions, as well as to the media, to share your reports and concerns about anti-Roma bias.</p>	<p>Reach out to relevant international civil society networks.</p> <p>Contact other minority communities, cultural organizations and civil society groups to win support for broad-based coalitions.</p> <p>Join forces with other civil society organizations to organize an open-door day.</p> <p>Contact relevant community members, as well as other civil society organizations with experience in this area.</p> <p>Encourage your elected representatives to engage in political advocacy for independent investigatory bodies on a local and national basis.</p> <p>Support the ongoing education of police investigators by actively participating in reciprocal education programmes and their continuing professional development.</p>	<p>Find out more about training programmes and resources offered by civil society and inter-governmental organizations, such as ODIHR's training for civil society on hate crimes and its <i>Preventing and Responding to Hate Crimes: A Resource Guide for NGOs in the OSCE Region</i>.²¹⁴</p> <p>Find out more about the international standards that apply to your government.</p>

214 *Ibid.*

I am a	What can I do to help address the problem?	Who can I work with to address the problem?	How can I use this publication?
<p>Non-Roma Activist / Representative of a non-Roma Human Rights Organization</p>	<p>Check if there is anything your organization can do to show solidarity with Roma and Sinti in light of anti-Roma attacks.</p> <p>Plan a joint awareness-raising event with the Roma and Sinti community organizations or activists to foster tolerance and build coalitions against anti-Roma biases.</p> <p>Identify shared goals with Roma and Sinti community organizations and activists to advocate jointly for better hate crime data collection and, thus, build coalitions.</p> <p>Organize training on anti-Roma bias within your own organization.</p>	<p>Reach out to Roma and Sinti activists or to a Roma and Sinti community organization to find out more about its concerns.</p> <p>Contact activists in Roma and Sinti communities and other civil society and community organizations working on hate crimes.</p> <p>Inquire with academic experts or research institutes, as well as with civil society organizations experienced in delivering such training.</p>	<p>Learn about the impact of attacks on Roma and Sinti on their everyday lives.</p> <p>Find out more about the international standards that apply to your government.</p> <p>Familiarize yourself with the spectrum of anti Roma attacks in the OSCE region and with the key contexts that form the backdrop to these attacks.</p>
<p>Equality Body / Ombuds-person</p>	<p>Initiate a victimization survey to find out more about the security needs of Roma and Sinti communities and their experience with hate crimes against Roma and Sinti.</p>	<p>Consult victim support organizations, the Roma and Sinti community organizations/activists, and international bodies.</p>	<p>Learn more about some of the features of contemporary anti-Roma bias and how it impacts Roma and Sinti communities.</p>
<p>Social Worker</p>	<p>Promote a victim-centred approach at all stages in the aftermath of hate crimes.</p> <p>Ensure that initial contact and subsequent contact with victims/survivors and witnesses is compassionate and avoids the risks of secondary victimisation.</p> <p>Ensure victims/survivors are offered professional support to assist in their recovery from an incident, either through state social services or properly appointed civil society organizations.</p>	<p>Reach out to competent (preferably Roma-led) third sector service providers working within Roma and Sinti communities to assist in providing support for victims of hate crimes.</p> <p>Contact civil society professionals who can train social workers on complex issues and discrimination facing Roma and Sinti communities.</p>	<p>Read about the features of contemporary discrimination against and marginalization of Roma and Sinti, particularly accounts of discrimination in a health and social care setting.</p>

I am a	What can I do to help address the problem?	Who can I work with to address the problem?	How can I use this publication?
Teacher / Educator	<p>Engage with Roma and Sinti parents and communities to maximize understanding of the challenges faced by Roma youth.</p> <p>Promote and demonstrate respect for diversity among colleagues and students or attendees at schools, youth clubs or in other youth organizations.</p> <p>Adopt a zero-tolerance approach to discriminatory and racist language or behaviour, educating those responsible in the error of their ways.</p> <p>Ensure that educational policies and practices do not discriminate in their application against Roma and Sinti students and participants.</p> <p>Create a safe and welcoming learning environment for all.</p>	<p>Engage with Roma parents and communities to develop a partnership approach to ensuring respect for diversity and understanding the needs of their community.</p> <p>Use professional links with health and social welfare professionals, such as education welfare officers, to support students properly and holistically.</p> <p>Embrace and promote engagement with other professionals, such as community police, to develop partnership programmes and promote respect.</p>	<p>Learn more about some of the features of contemporary anti-Roma discrimination and how it impacts Roma and Sinti students and their educational opportunities.</p>

Annexe 4:

About Roma and Sinti:

What police officers need to know

This annexe is designed to aid police officers in better understanding Roma and Sinti, their history, life and customs. It is not meant as an explanation of the behaviour of every Roma or Sinti that a police officer may encounter.

Terminology

There are an estimated 10 to 14 million Roma and Sinti people in the world today. The umbrella term(s) used for them differ, some being self-identifying terms and some being imposed from the outside (often used in pejorative terms, though not always). Not all Roma(ni) groups call themselves Roma.²¹⁵ This has been widely acknowledged in the case of the Sinti for example, who are now often identified separately, but the same has usually not been extended to other groups. In the Romani language, ‘Romá’ is a plural masculine form only, and ‘Róma’ a singular masculine vocative form only. Originally, in the Romani language, ‘Rom’ (plural ‘Roma’) meant only ‘married Romani male’, i.e., ‘husband’. In many dialects, including Sinti, Kalo and Romanichal, it retains that meaning. For others, the word became extended to cover the entire group, e.g., the Vlax and the Bašalde. All dialects of Romani, however, have the adjective ‘Romani’. There is no word in the Romani language that encompasses the entire population. It is for this reason that all-encompassing exonyms such as ‘Gypsy’, or generalized ethnonyms such as ‘Roma’, have been applied. It is important to have in mind that this is not always factually accurate as different groups have different endonyms (self-appellations), e.g., Roma, Kale, Sinti, Manush and Romanichal.

Linguistic and cultural evidence make it clear that all Roma(ni) groups are of Asian descent, namely originating from north-west India. The population became fragmented by time and distance, modified by different external influences as it spread. Thus, those in Poland, for example, differ considerably from those in Spain — separated by hundreds of kilometres and hundreds of years.

With all this in mind, the OSCE ODIHR uses the term ‘Roma and Sinti’.

²¹⁵ There is a distinction in Romani phonology between two kinds of “r”, namely one is pronounced as a rolled [r] and the other is pronounced in various ways according to the dialect at issue. Ferenc Sztójka, the very first Romani lexicographer, in his *Dictionary of Rromani Roots* consistently used the spellings “r” for the rolled [r] and “rr” for the other one, e.g., *čoripen* (“theft”) versus *čorripen* (“poverty”), or *bar* (fem.) (“hedge, garden”) versus *barr* (masc.) (“stone”). The family of sounds covered by the spelling *rr* appears at the beginning of the Rroma ethnic name. Such spelling would mirror etymological and phonetic reality more accurately.

History

The most current scholarship places the departure of Roma and Sinti from north-western India in the first quarter of the eleventh century. Between AD 1001-1026 Mohammed of Ghazni (the Ghaznavids) carried out attacks in this area and successfully extended his territory and spread the religion of Islam into areas that are today Pakistan and Kashmir. Indian resistance to this was defeated. The militia and its service providers (camp followers) were either massacred or the men taken as 'gulams' (slave soldiers) and forced to fight on the side of their captors. The Ghaznavids were defeated in turn by another people attempting to expand their territory — the Seljuqs. The Seljuqs defeated the Ghaznavids at the Battle of Dandanqan in AD 1040 and liberated the Indian gulams. The Seljuqs then defeated the Armenian Kingdom of Bagratid in AD 1064, occupying the eastern end of Anatolia by AD 1071, where the Islamic Sultanate of Rum became established at the eastern end of the Christian Byzantine Empire. This in turn was gradually taken by the Islamic expansion westwards, with Constantinople (Byzantium, now Istanbul) being taken over by the Ottomans in 1453.

Arriving at the time of, and accompanying, the Ottoman encroachment into Europe, the earliest Roma and Sinti groups were identified with Islam. Early names applied to them reflect this mistaken identity — Saracen, Heiden, Tatar, Turk, some of which are still heard today. The (also mistaken) belief that the original home was Egypt gave rise to exonyms such as Gypsy, Gitan, Gitano, Sipsiwn, etc.

At the time, mediaeval Christian teaching associated light with purity and darkness with sin. The first ecclesiastical accounts included references to the 'blackness' of the Roma as 'non-European complexions' and thus, their identification as non-Christian, non-white 'other' was established early in the Western perception and Western folklore. Additionally, the fact that the Roma and Sinti did not have military, political, economic and, in particular, territorial strength, and no nation state to speak for them, made them an ideal target for scapegoating.

The question of the Roma and Sinti origin is not a mere academic issue. Through the centuries this has been an influential factor, which directed local populations' and authorities' attitudes towards them. For example, many historical reports indicate that no consistent policy addressing the Roma and Sinti could have been designed "due to their unknown origin and identity".²¹⁶ Clarification of the Roma and Sinti origin will not change popular mainstream attitudes overnight, but replacing false truths and stereotypes with elements closer to historical truth can play a part in improving opinions in a given society and can contribute to better social and mutual understanding.

216 Marcel Courthiade, "Knowledge Based on Sources and Historical Data Versus Knowledge Based on Clichés and Legends in the Indian Stage of Rromani History", International Rromani Union & INACLO Paris City Sorbonne, 2016, <https://www.academia.edu/45635387/KNOWLEDGE_BASED_ON_SOURCES_AND_HISTORICAL_DATA_VERSUS_KNOWLEDGE_BASED_ON_CLICHÉS_AND_LEGENDS_IN_THE_INDIAN_STAGE_OF_RROMANI_HISTORY>.

Several prejudices are used against Roma and Sinti. A normalized prejudice is that the Roma and Sinti are a population defined by their social behaviour rather than a distinct ethnic group. That is why they are often grouped with various non-Roma people due to, for example, their perceived ‘nomadic’ behaviour.

Slavery

It is possible that Roma and Sinti were already enslaved detachments to the Ottoman troops moving into south-eastern Europe; evidence for this is only circumstantial. More acceptable evidence is that they were not military, but service providers to the Ottoman battalions. Following the European defeats in the Crusades, there was a significant lack of artisans in south-eastern Europe. The incoming Roma and Sinti arrived with valuable skills, especially in metalworking. Rapidly, demands upon them became excessive, and families were beginning to move away from Wallachia and Moldavia and out into the rest of Europe. The response was to institute laws making those already employed the property of their employers. The earliest bills of sale involved monasteries and churches. Roma enslavement lasted from the late fourteenth century to 1856. Complete legal freedom came in 1862, but did not bring with it social equality.

For almost all of their European experience, Roma and Sinti had no decision-making powers. With no autonomy or problem-solving power for centuries, they lived in a society where their food, clothing and marriage depended upon their relationship with an owner. And while slavery has been abolished for a century and a half, remnants of this mindset remain. This kind of thinking does not easily encourage self-determination or personal initiative. No formal or remedial acknowledgement has ever been made in this regard. In her book, *Post Traumatic Slave Syndrome*, Joy DeGruy (2005) defines Post Traumatic Slave Syndrome as “a condition that exists when a population has experienced multigenerational trauma resulting from centuries of slavery, and continues to experience oppression and institutionalized racism today; added to this condition is a belief, real or imagined, that the benefits of the society in which they live are not accessible to them.”

Holocaust²¹⁷

The Holocaust was the implementation of the Nazi ‘Final Solution’ — the planned extermination of human populations considered to be ‘genetic contaminants’ in the creation of the *Herrenvolk* (Master Race) of ‘pure Aryans’. Along with the Jews, the Roma were specifically targeted. The earliest Nazi document referring to “the introduction of the total solution to the Gypsy problem on either a national or an international level” was drafted under the direction of State Secretary Hans Pfundtner of the Reichs Ministry of the Interior in March 1936; the first specific reference to “the final solution of the Gypsy question” was made by Adolf Würth of the Racial Hygiene Research Unit in September

217 More on the Roma and Sinti genocide is available at <https://www.osce.org/odihr/223681> [Accessed 24 October 2022].

1937. The first official Party statement to refer to the “*endgültige Lösung der Zigeunerfrage*” (final solution of the gypsy question) was issued in March 1938, signed by Heinrich Himmler. The Roma and Sinti genocide is referred to as the ‘Porrajmos’ (the ‘devouring’) and the total number of Roma and Sinti lives lost between 1933 and 1945 remains unknown. Many were murdered in forests and other remote places, often unrecorded. Many were counted only as “*Liquidierungs-übrigen*” (leftovers to be dispatched). Both the former senior historian at the US Holocaust Memorial Museum in Washington and the International Organization for Migration estimate that up to one and a half million were murdered. In terms of percentages, Roma and Jews lost about the same number. No Roma or Sinti were called to testify at the Nuremberg War Crimes trials, nor was any monetary compensation paid to the Roma and Sinti survivors.

Language

Romani is a two-gender New Indic language of composite Indian origin and does not descend from a single earlier language. The Indian element is exactly the same in all Romani vernaculars, wherever they are spoken; not only is the common vocabulary the same from one end of Europe to the other, but there is almost no significant difference in morphology. Recent descriptions confirm this fact and substantiate that all Romani dialectal forms originate from the same comparatively small area.

Roma and Sinti customs, beliefs and practices²¹⁸

While Roma and Sinti language and culture began in India, both have been heavily modified over the centuries through contact with other Middle Eastern and Western societies. For some groups today, the identifiable Indian elements remain clear and are significant, but for others they have been significantly diluted. Generally, the better the Romani language has been preserved, the stronger the retained non-Western cultural elements.

The ancestors of all Roma and Sinti groups did not constitute one people in India but were a linguistically-mixed population that moved westward settling for an extended period of time in the Byzantine Empire (later the Ottoman Empire) before moving into Europe. It was during this time that the mixed population crystallized into the Roma(ni) people, and the Romani language emerged under the influence of Byzantine Greek. As this was happening, the emerging new group was moving, bit by bit, across into Europe, and continuing to spread out. This was not just one event, but took place in three major waves, the third of which ended in the Balkans with the imposition of slavery (which, as mentioned, lasted until the mid-nineteenth century). Significantly, the details of their own history became lost among Roma, and identity became centred on the individual subgroup rather than on the entire Roma population. It is not uncommon for two or more different Roma and Sinti groups to live in the same city, but never communicate.

²¹⁸ This section does not intend to define what is considered appropriate social etiquette by all Roma and Sinti everywhere but represents a short description of practices that are present in many Roma and Sinti communities.

Regardless of the loss or retention of language, all groups recognize two states of uncleanness — physical and spiritual. Physical uncleanness (*meljaripen, čikalipen*) is the result of bodily contact with dirt and is removed by washing. Spiritual uncleanness, on the other hand, is the result of not adhering to *Romanipe(n)* (called *Romanija* in Vlax Roma) i.e., the rules of proper life deportment as a Roma or Sinti person.

The Vlax Roma, perhaps because of their centuries of isolation on the slave estates in Wallachia and Moldavia, have retained this to a greater degree. This is important, because they are easily the largest of all Roma or Sinti groups, the most visible, and the most widely dispersed geographically. For example, for the Vlax Roma, the *Romanija* requires that cleanliness is maintained e.g., in the preparation of food, in washing oneself and one's clothing, in male and female interactions, in handling animals, etc. Food or cooking utensils that fall to the ground are to be thrown away; men's and women's clothing is washed and hung to dry separately, and so on. Some homes have two washtubs and two lavatories. While these are just a few examples, by not maintaining them one becomes *marime* (*magerdo, makherdo, mokadi* in other dialects, literally 'smeared' or 'stained').

In a conservative community with strictly applied Roma or Sinti customs, one's life force or 'soul' (the *dji* or *gi*) is seen as a balance (*kintari* or *kintala*) that must always be kept level. Straying from the *Romanija* will cause it to tip, which then brings admonition in the form of bad luck (*bibaxt*) or illness (*nasvalimos*).

Deceased ancestors are also observing one's correct deportment. Their spirits are the *mule* and are always nearby. These ancestors will send rebuking signals (*prikaza*), warning one to correct their behaviour. Nothing, from the perspective of the Romani belief system, is coincidental; everything can be explained by one's actions.

A right-living Roma person must maintain their luck (*baxt*), health (*sastipe*) and command respect (*pakiv*).

In terms of the food, depending upon the particular group, there are restrictions on what may or may not be included in one's daily diet. For too many, poverty forces these restrictions to be ignored, yet conservative families will not eat meals prepared by non-Roma.

Social etiquette

Body searches

If a body search is required, it is highly recommended for a police officer of the same sex/gender to conduct the search and it is recommended that this be done in privacy. Asking women to remove any clothing should fall into this category.

Interaction

It is recommended that officers of the same sex interact closely with and question Roma and Sinti men and women. If this is not possible, it is recommended that this is acknowledged and explained. Similarly, topics involving bodily functions should be kept for discussion in a same-sex environment, if possible.

Leadership

The head of a community is the *baro* or the *Rom baro*. In many communities he maintains equanimity in families and interacts with government officials, including the police. He might sometimes seek permission to deal with the issues within the Roma or Sinti community through their own internal legal system. The internal legal system, e.g., the *kris* or *krisi* among Vlax Romanis, settles internal disputes and consists of an odd number of judges (*krisnitorija*). For some groups, the word *kris* applies only to Roma or Sinti law, and *zakono* only to non-Roma law, i.e., the law of the country or region.

While these are examples of the most conservative aspects of Roma or Sinti culture, these cultural tendencies are found to a greater or lesser extent in all groups. The most important point to be made here is that there are many different Roma or Sinti groups that, while all sharing the same distant history, have, over time and space, diverged considerably one from another. One 'set of rules' for interacting with *all* Roma and Sinti will not work and a contextualized and respectful approach should be the norm.

Annexe 5: Defining the terminology

The OSCE uses the term ‘Roma and Sinti’, aware that this terminology does not semantically fully encompass all the groups considered under the term. The term stands for Roma and Sinti, as well as various other people and groups considered to be associated with, or perceived as, Roma and Sinti, due to their actual or perceived ‘race’, ethnicity, language, etc. (e.g., Irish or Scottish Travellers, Yeniche, or Domari people).

Similarly, ‘anti-Roma hate incidents or crimes’ are incidents or crimes motivated by racial bias against Roma and Sinti, as well as various other people and groups considered associated with, or perceived as, Roma and Sinti, due to their actual or perceived ‘race’, ethnicity, language, etc.

The International Holocaust Remembrance Alliance (IHRA) working definition of antigypsyism/anti-Roma discrimination²¹⁹

The non-legally binding working definition of antigypsyism/anti-Roma discrimination²²⁰

Adopted on 8 October 2020

Acknowledging with concern that the neglect of the genocide of the Roma has contributed to the prejudice and discrimination that many Roma²²¹ communities still experience today, and accepting our responsibility to counter such forms of racism and discrimination (Articles 4 and 7 of the IHRA 2020 Ministerial Declaration, article 3 of the Stockholm Declaration), the IHRA adopts the following working definition of antigypsyism/anti-Roma discrimination:

Antigypsyism/anti-Roma discrimination is a manifestation of individual expressions and acts as well as institutional policies and practices of marginalization, exclusion, physical violence, devaluation of Roma cultures and lifestyles, and hate speech directed

219 The International Holocaust Remembrance Alliance (2020), *Working Definition of Antigypsyism/anti-Roma Discrimination*. Available at <https://www.holocaustremembrance.com/press-releases/ihra-adopts-working-definition-antigypsyismanti-roma-discrimination> [Accessed 6 September 2022].

220 The use of the national equivalent of the term is recommended, Canada and the United States use the term anti-Roma racism.

221 The word ‘Roma’ is used as an umbrella term which includes different related groups, whether sedentary or not, such as Roma, Travellers, Gens du voyage, Resandefolket/De resande, Sinti, Camminanti, Manouches, Kalés, Romanichels, Boyash/Rudari, Ashkalis, Égyptiens, Yéniches, Doms, Loms and Abdal that may be diverse in culture and lifestyles. The present is an explanatory footnote, not a definition of Roma.

at Roma as well as other individuals and groups perceived, stigmatized, or persecuted during the Nazi era, and still today, as “Gypsies.” This leads to the treatment of Roma as an alleged alien group and associates them with a series of pejorative stereotypes and distorted images that represent a specific form of racism.

To guide the IHRA in its work, the following is being recognized:

- Antigypsyism/anti-Roma discrimination has existed for centuries. It was an essential element in the persecution and annihilation policies against Roma as perpetrated by Nazi Germany, and those fascist and extreme nationalist partners and other collaborators who participated in these crimes.
- Antigypsyism/anti-Roma discrimination did not start with or end after the Nazi era but continues to be a central element in crimes perpetrated against Roma. In spite of the important work done by the United Nations, the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe, and other international bodies, the stereotypes and prejudices about Roma have not been delegitimized or discredited vigorously enough so that they continue to persist and can be deployed largely unchallenged.
- Antigypsyism/anti-Roma discrimination is a multi-faceted phenomenon that has widespread social and political acceptance. It is a critical obstacle to the inclusion of Roma in broader society, and it acts to prevent Roma from enjoying equal rights, opportunities, and gainful social-economic participation.

Many examples may be given to illustrate antigypsyism/anti-Roma discrimination. Contemporary manifestations of antigypsyism/anti-Roma discrimination could, taking into account the overall context, include, but are not limited to:

- Distorting or denying persecution of Roma or the genocide of the Roma.
- Glorifying the genocide of the Roma.
- Inciting, justifying, and perpetrating violence against Roma communities, their property, and individual Roma.
- Forced and coercive sterilizations as well as other physically and psychologically abusive treatment of Roma.
- Perpetuating and affirming discriminatory stereotypes of and against Roma.
- Blaming Roma, using hate speech, for real or perceived social, political, cultural, economic and public health problems.

- Stereotyping Roma as persons who engage in criminal behavior.
- Using the term “Gypsy” as a slur.
- Approving or encouraging exclusionary mechanisms directed against Roma on the basis of racially discriminatory assumptions, such as the exclusion from regular schools and institutional procedures or policies that lead to the segregation of Roma communities.
- Enacting policies without legal basis or establishing the conditions that allow for the arbitrary or discriminatory displacement of Roma communities and individuals.
- Holding Roma collectively responsible for the real or perceived actions of individual members of Roma communities.
- Spreading hate speech against Roma communities in whatever form, for example in media, including on the internet and on social networks.

The Alliance against Antigypsyism working definition²²²

The Alliance against Antigypsyism is a coalition of organizations that promote equality of rights for Roma and it drafted, adopted and published a *Reference Paper on Antigypsyism*, proposing a working definition of ‘antigypsyism’. Their rationale behind the adoption of this paper was that the lack of a common understanding of the scope, depth and implications of antigypsyism hinders the formulation of effective answers to tackle the issue.

The working definition of antigypsyism reads as follows:

Antigypsyism is a historically constructed, persistent complex of customary racism against social groups identified under the stigma ‘gypsy’ or other related terms, and incorporates:

- A homogenizing and essentializing perception and description of these groups;
- The attribution of specific characteristics to them;
- Discriminating social structures and violent practices that emerge against that background, which have a degrading and ostracizing effect and which reproduce structural disadvantages.

²²² Reference Paper on Antigypsyism (2022). Available at <http://antigypsyism.eu/reference-paper/#referencepaper-workingdefinition> [Accessed 6 September 2022].



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