

# 6

## Racism and ethnic discrimination



*The killing of 77 people and injuring of another 242 in Norway in July 2011, sent a stark and tragic reminder of how far the excesses of racism, antisemitism, ethnic discrimination and intolerance can go if left unchecked. The attacks also threw into sharp relief other manifestations of racism and ethnic discrimination in the European Union (EU) in 2011: anti-Roma violence in at least four EU Member States, violent clashes between local residents and asylum seekers and racially motivated murders all testified to the continued challenges posed by extreme forms of intolerance. In addition, and despite the greatest efforts of EU Member States to curb it, ethnic discrimination remains a reality throughout the EU, whether in the areas of healthcare, education, employment or housing. Roma populations in particular continue to face discrimination in these areas, as evidence collected by the FRA and other bodies demonstrates.*

This chapter begins by describing notable incidents of racist violence against minority groups. It then moves to consider developments in legislation, policies and practices in EU Member States that pertain to racism and ethnic discrimination, including an overview of the status of official data collection on racist crimes in the EU. Next, evidence of ethnic discrimination in the areas of healthcare, education, employment and housing across EU Member States is examined. The chapter finishes by considering the situation of Roma populations in more depth, analysing it through the prism of ethnic discrimination. This last section also highlights initiatives taken at the EU and the national level to bring about improvements to the situation of Roma populations. At EU level, these initiatives are mainly reflected through the European Commission's communication on an EU Framework for national Roma integration strategies released in April 2011.<sup>1</sup>

### Key developments in the area of racism and ethnic discrimination:

- incidents of racist crime and violence continue to occur in many EU Member States. While gaps in data collection of such instances remain, some EU Member States are taking steps to improve data collection on racist crime;
- at EU Member State level studies reveal persisting disadvantages of second-generation migrant school children from particular backgrounds, while Roma children continue to experience disadvantages at school. Discrimination testing in some Member States reveals discrimination in employment and housing;
- the Council of the European Union endorses the European Commission's Communication on an EU Framework for national Roma integration strategies up to 2020. In the context of this new framework of cooperation, EU Member States communicate their national integration strategies on Roma inclusion to the European Commission;
- whereas several Member States begin introducing measures at the national level to improve Roma inclusion, recent data show the situation of Roma remain critical with respect to healthcare, education, employment, housing, poverty and discrimination.

<sup>1</sup> European Commission (2011).

## 6.1. Notable incidents of racist abuse in EU Member States

In March 2011, extremist groups in **Hungary** (Civil Guard for a Better Future – *Szebb Jövőért Polgárőrség*; Rascal Troop – *Betyársereg*; and Defence Force – *Véderő*) coalesced and organised anti-Roma demonstrations that lasted a full month in Gyöngyöspata. Demonstrators inflicted racist abuse on members of the local Roma population, including on:

- a young Roma woman they physically attacked and threatened, saying: ‘we will decorate the house with your blood!’;
- a Roma man they threatened with an axe in front of his two-year-old daughter and told: ‘[I] will use your blood to build my new house’;
- a pregnant Roma who went into pre-term labour provoked by the shock of the threats she endured.

In late August 2011, some 1,500 persons demonstrated against local Roma populations in Rumburk, **Czech Republic**. Rioters destroyed Roma property and yelled at them to go away. After another anti-Roma demonstration in September in Varnsdorf, a young demonstrator was charged with the crime of denying genocide. She was also seen wearing a T-shirt with the following slogan: “Revive Hitler! Get rid of the dirt! Roma into the gas chambers!” These incidents led to further tensions and anti-Roma demonstrations in other localities, such as Nový Bor.

A Roma driver believed to be close to the family of a Roma businessman, Kiril Rashkov, was implicated in the traffic accident death of a young Bulgarian man in September in **Bulgaria**, leading to a spree of anti-Roma violence there. On the night of the accident, three Rashkov family houses were burnt down. At anti-Roma rallies organised through Facebook demonstrators attacked and injured several Roma persons and vandalised Roma property. They also hurled insults at Roma and Turks, shouting slogans such as “Turks under the knife!”, “Death to Gypsies!”, “Gypsies into soap!”, or “Turks – out of Bulgaria!”

In December in Turin, **Italy**, a 16-year old girl reported she had been raped by a Roma person. After a general demonstration against criminality, organised by some inhabitants of the area where the girl lived, a group of local demonstrators marched to the Continassa Roma camp, setting it on fire. Although no one died, the camp was devastated and its inhabitants lost their belongings. The girl later admitted that she had not been sexually assaulted: she had invented the story to hide from her parents an intimate relationship with her Italian boyfriend.

Just days after the Turin incident, a second major episode of racist violence erupted, this time in Florence, **Italy**. A sympathiser of an organisation with neo-fascist leanings, CasaPound, killed two Senegalese nationals and seriously injured three others. Civil society organisations and some local authorities organised a large demonstration of solidarity in Florence on 17 December and the President of the Republic called for collective action to stop racist violence and crimes. After the murder, however, several messages were published online in support of the killer. The authorities launched investigations to identify and prosecute the authors of these statements.

Although events of such violence are the exception rather than the rule, official data collected in EU Member States that record incidents of racist crime suggest that the phenomenon remains an issue of great concern across the EU. Most of the data collection systems currently in place in EU Member States remain imperfect, as the next section of this chapter demonstrates.

## 6.2. Developments and trends in officially recorded racist crime

The Racial Equality Directive and the Framework Decision on Racism and Xenophobia,<sup>2</sup> respectively, guarantee protection against discrimination on grounds of race and ethnic origin, and protection against racist and xenophobic offences.

Despite the commitment and best efforts of Member States to counter racially motivated crime, such crime remains a reality in the EU. Furthermore, many Member States still do not have systematic mechanisms of data collection in place to record the incidence of racist crime at the national level. It therefore remains difficult to quantify the prevalence of racist crime in the EU or to compare trends over time among Member States.

The regular and continued collection of official data on racist crime by law enforcement agencies, criminal justice systems and relevant ministries is necessary if decision makers are to be provided with a solid base of evidence upon which to formulate effective and targeted policies to combat racist crime. The ready availability of reliable and robust data in the field would make it possible to assess the effectiveness of these policies and fine tune them as needed.

Most EU Member States record some form of official data on racist crime. There are, however, important differences as to the scope and transparency of the systems they operate, as Tables 6.1 and 6.2 show. Member

<sup>2</sup> Council Framework Decision 2008/913/JHA, OJ 2008 L 328, p. 55.



States' official data collection mechanisms on racist crime fall into four broad categories:

- no data – no data on racist crime are recorded or published;
- limited – data collection is limited to a few incidents of racist crime, and the data are, in general, not published;
- good – different bias motivations for racist crime are recorded (racism/xenophobia, religion, antisemitism, Islamophobia, (right-wing) extremism) and the data are, in general, published;
- comprehensive – different bias motivations for racist crime are recorded (racism/xenophobia, religion, antisemitism, Islamophobia, (right-wing) extremism), as are characteristics of victims and perpetrators, where criminal victimisation has occurred, and what types of crimes were committed, such as murder, assault or threats. The data are always published.

**Table 6.1: Status of official data collection on racist crime, by country as of January 2012**

No data	Limited	Good	Comprehensive
Estonia	Bulgaria	Austria	Finland
Romania	Cyprus	Belgium	Netherlands
	Hungary	Czech Republic	Sweden
	Italy	Denmark	United Kingdom
	Latvia	France	
	Luxembourg	Germany	
	Malta	Ireland	
	Portugal	Lithuania	
	Slovenia	Poland	
	Spain	Slovakia	
	Croatia		
Greece: data collection system established on 29 September 2011			

Source: FRA, 2011

Official data on racist crime continue not to be recorded or published in **Estonia** and **Romania**.

Steps to improve data collection were taken in **Greece**, **Italy** and **Spain**. On the initiative of the National Commission for Human Rights and the United Nations High Commissioner for Refugees (UNHCR), a network for the collection of data on incidents of racist violence was established in **Greece**, allowing authorities to monitor the incidence of racist crime more closely.<sup>3</sup>

The Observatory for security against discriminatory acts (*Osservatorio per la sicurezza contro gli atti discriminatori*,

3 Greece, National Commission for Human Rights and UNHCR Greece (2011).

Oscad) set up in **Italy** in September 2010 now allows for the official monitoring of discriminatory acts against minorities motivated by ethnic or racial origin.<sup>4</sup> Oscad is housed at the Department of Public Security within the Ministry of the Interior and works under the authority of the Central Direction of the Criminal Police. Part of Oscad's activities consist in determining whether discriminatory acts against minorities motivated by ethnic origin can be prosecuted as criminal offences.

The crime statistics system in **Spain** was amended in 2011, resulting in the systematic recording of racist/xenophobic acts in the autonomous regions of the Basque Country, Catalonia and Navarra.<sup>5</sup>

FRA research has shown that it is often difficult to distinguish between ethnic and religious discrimination. For example, the European Union Minorities and Discrimination Survey – EU-MIDIS – interviewed 23,500 people from various ethnic minority and immigrant groups across the 27 Member States. About 40 % of all the respondents self-identified as Muslim. The survey shows that many of the members of the minority groups that were surveyed said they suffered discrimination, with almost half of Muslim respondents not being able to tell whether they felt they were discriminated against on the grounds of their 'religion or beliefs' or on the grounds of their 'ethnic or immigrant background'.

Tables 6.3-6.5 indicate trends in officially recorded and published data on racist, antisemitic and (right-wing) extremist crimes in individual EU Member States; not enough data is collected at Member State level to report on trends for crimes motivated by Islamophobia. Direct comparisons between Member States cannot and should not be made here, because any observed variations are a reflection of data collection practices at the national level.

The data included in these tables differ from those presented in the annual report on hate crime in the region of the Organization for Security and Co-operation in Europe (OSCE) and published by its Office for Democratic Institutions and Human Rights (ODIHR).<sup>6</sup> ODIHR's annual report presents data on hate crime incidents submitted to it by the governments of the OSCE's 56 participating States, partner organisations and NGOs active in the field.

The data presented in Tables 6.3-6.5 are collected from official reports relating to racist crime available in the public domain published by the relevant EU Member State authorities, and as such reveal what official criminal justice data are able to show with respect to racist crime.

4 Italy, Italian National Police (2011).

5 Spain, Ministry of Labour and Immigration (2011).

6 Organization for Security and Co-operation in Europe (OSCE) – Office for Democratic Institutions and Human Rights (2011).

Table 6.2: Officially recorded racist crime, by country, as of 1 January 2012

	Recorded data (as defined by the body collecting the data)	Data source(s)	Publication of data
AT	Politically motivated crimes ( <i>Politisch motivierte Kriminalität</i> ): committed offences ( <i>Tathandlungen</i> ) and cases reported to the court ( <i>Anzeigen</i> )	Ministry of the Interior, Federal Agency for State Protection and Counter-terrorism ( <i>Bundesministerium für Inneres, Bundesamt für Verfassungsschutz und Terrorismusbekämpfung</i> )	Data published: annual report on the protection of the Constitution ( <i>Verfassungsschutzbericht</i> )
BE	Number of incidents of racism and xenophobia reported to the police	Centre for Equal Opportunities and Opposition to Racism	Data published: annual report on discrimination/diversity ( <i>Rapport annuel Discrimination/Diversité – Jaarverslag Discriminatie / Diversiteit</i> )
BG	Criminal offences against the rights of citizens recorded by the police	Ministry of the Interior	Data not published
CY	Serious offences – racial incidents and/or court cases	Cyprus Police	Data published: Serious offences – racial incidents and/or cases
CZ	Crimes with extremist context ( <i>Trestná činnost s extremistickým podtextem</i> )	Ministry of the Interior, Security Policy Department ( <i>Ministerstvo vnitra, Odbor bezpečnostní politiky</i> )	Data published: annual report on the issue of extremism in the Czech Republic ( <i>Zpráva o problematice extremismu na území České republiky</i> )
DE	Politically motivated crime: politically motivated criminal offences ( <i>Politisch motivierte Kriminalität: politisch motivierte Straftaten</i> )	Ministry of the Interior ( <i>Bundesministerium des Innern</i> )	Data published: annual report on the protection of the Constitution ( <i>Verfassungsschutzbericht</i> )
DK	Crimes with a possible extremist background ( <i>Kriminelle forhold med mulig ekstremistisk baggrund</i> )	Danish Security and Intelligence Service ( <i>Politiets efterretningstjeneste</i> )	Data published: annual report on crimes with a possible extremist background ( <i>Kriminelle forhold [...] med mulig ekstremistisk baggrund</i> )
EE	No official data collected on racist crime	n/a	n/a
EL	Incidents of racist violence	National Commission for Human Rights and Office of the UN High Commissioner for Refugees in Greece	n/a
ES	Racist and xenophobic acts (Basque Country, Catalonia, Navarra)	National Police Force and Civil Guard	Data not published
FI	Racist crimes reported to the police	Police College of Finland ( <i>Poliisiammattikorkeakoulu</i> )	Data published: annual report on hate crimes reported to the police in Finland ( <i>Poliisin tietoon tullut viharikollisuus Suomessa</i> )
FR	Actions and threats with a racist, antisemitic or xenophobic character recorded by the police and the gendarmerie ( <i>actes et menaces à caractère raciste, antisémite et xénophobe constatés par les services de police et de gendarmerie</i> )	National Consultative Commission on Human Rights ( <i>Commission nationale consultative des droits de l'homme</i> )	Data published: annual report on the fight against racism, antisemitism and xenophobia ( <i>La lutte contre le racisme, l'antisémitisme et la xénophobie</i> )
HU	Number of criminal cases	Unified Investigation and Prosecution Statistical Database	Data not published
IE	Reported racist crime	Central Statistical Office	Data published: Office for the Promotion of Migrant Integration
IT	Discriminatory acts against minorities motivated by ethnic or racial origin, religious beliefs, sexual orientation, gender identity and disability recorded	Italian National Police ( <i>Polizia di Stato</i> ), Observatory for security against discriminatory acts ( <i>Polizia di Stato, Osservatorio per la sicurezza contro gli atti discriminatori, Oscad</i> )	Data published as an aggregated figure of discriminatory acts

Table 6.2 : (continued)

	Recorded data (as defined by the body collecting the data)	Data source(s)	Publication of data
LT	Recorded cases, pre-trial investigations and number of court cases/people sentenced in relation to discrimination on grounds of nationality, race, sex, descent, religion or belonging to other groups, and in relation to incitement against any national, racial, ethnic, religious or other group of persons	Information Technology and Communications Department, Ministry of the Interior ( <i>Informatikos ir ryšių departamentas prie Vidaus reikalų ministerijos</i> )	Data not published
LU	Offences against persons, racial discriminations ( <i>Infractions contre les personnes, discriminations raciales</i> )	Luxembourg Police ( <i>Police grand-ducale</i> )	Data published: annual activity report of the police ( <i>Rapport d'activité de la Police grand-ducale</i> )
LV	Number of criminal cases initiated in relation to incitement to national, ethnic and racial hatred	Security Police ( <i>Drošības policija</i> )	Data not published
MT	Racist crime	Malta Police Force	Data not published
NL	Incidents of criminal discrimination recorded by the police ( <i>Door de politie geregistreeerde en aangeleverde incidenten met een discriminatoir karakter</i> )	Police's National Expertise Centre on Diversity ( <i>Landelijk ExpertiseCentrum Diversiteit van de Politie</i> )	Data published: annual report on criminal discrimination ( <i>Criminaliteitsbeeld discriminatie</i> )
PL	Initiated proceedings and ascertained crimes relating to hatred based on national, ethnic, racial or religious differences; cases with racist or xenophobic motives handled by prosecutorial offices; final convictions pursuant to relevant articles of the criminal code	Temida, Police Crime Statistics System; State Prosecution; National crime register	Data not published
PT	Racist crimes recorded by the police	Directorate-General for Justice Policy ( <i>Direcção-Geral da Política de Justiça</i> )	Data not published
RO	No official data collected on racist crime	n/a	n/a
SE	Offences reported to the police with an identified hate crime motive ( <i>polisänmälningar med identifierade hatbrottsmotiv</i> )	Swedish National Council for Crime Prevention ( <i>Brottsförebygganderådet</i> )	Data published: annual report on statistics relating to offences reported to the police with an identified hate crime motive ( <i>Statistik över polisänmälningar med identifierade hatbrottsmotiv</i> )
SI	Criminal offences including racial, ethnic or religious intolerance as a motive	Police Directorate ( <i>Policijske uprava</i> )	Data not published
SK	Racially motivated crime, prosecuted and investigated persons ( <i>rasovo motivovaná trestná činnosť, údaje o stíhaných a vyšetrovaných osobách</i> )	Ministry of the Interior, Police ( <i>Ministerstvo vnútra, Polícia</i> )	Data published: monthly report on crime statistics ( <i>Štatistika kriminality v Slovenskej republike</i> )
UK	England, Northern Ireland & Wales: recordable crimes under Home Office recording rules Scotland: racist incidents recorded by the police; racist hate crime charges	England, Northern Ireland & Wales: Association of Chief Police Officers Scotland: Procurator Fiscal	Data published: England, Northern Ireland & Wales: Total of recorded hate crime from regional forces in England, Wales and Northern Ireland during the calendar year Scotland: annual report on hate crime (fiscal year)
HR	Reported criminal offences, racial or other discrimination ( <i>Rasna i druga diskriminacija</i> )	Ministry of the Interior ( <i>Ministarstva unutarnjih poslova</i> )	Data published: overview of basic indicators for public safety ( <i>Temeljnih sigurnosnih pokazatelja</i> )

Source: FRA, 2011



## Promising practice

## Teaching about the Holocaust and preventing crimes against humanity

Since 2003, the Croatian Agency for Education has been developing the school curriculum to include a teacher training programme designed to assist teachers in incorporating Holocaust education and the prevention of crimes against humanity (*Poučavanje o holokaustu i sprečavanju zločina protiv čovječnosti*). A total of 517 teachers have attended the annual three-day training seminars on the matter and proceeded to develop and deliver training content and student projects. Each year, the Ministry also sends a circular to all schools requesting that Holocaust Remembrance Day be observed, thereby ensuring the continued impact and success of the initiative.

The Council of Europe, together with the OSCE, has also set a website to provide information on the Roma genocide ([www.romagenocide.org](http://www.romagenocide.org)). It comprises a database on the Roma genocide, with a virtual library of useful publications, and an interactive map on which countries can indicate their special/distinctive features at national level. The website also provides information on curricula, available teaching materials, school textbooks, places of remembrance, and innovative practices introduced by ministries, civil society, international organisations, museums and schools.

For more information, see: Agency for Education (Agencije za odgoj i obrazovanje) [www.azoo.hr/index.php?option=com\\_content&view=article&id=3204:pouavanje-o-holokaustu-mora-postati-temeljna-vrijednost-u-odgoju-i-obrazovanju&catid=273:povijest](http://www.azoo.hr/index.php?option=com_content&view=article&id=3204:pouavanje-o-holokaustu-mora-postati-temeljna-vrijednost-u-odgoju-i-obrazovanju&catid=273:povijest)

When considering trends, care must be taken not to confuse the rate of recorded incidents of racist crime with the actual rate of racist crime. Not only is it widely acknowledged that racist crime is grossly under-recorded (as are many forms of inter-personal crime), but variations observed within EU Member States from one year to the next could be the result of:

- how racist crime is defined in criminal law;
- changes in how (the characteristics of) incidents of racist crime are recorded;
- the willingness of victims and/or witnesses to report incidents;
- the actual occurrence of racist crime.

Tables 6.3-6.5 should therefore be read as indicative of fluctuations in recorded racist crime. They should not be taken to reflect the prevalence of racist crime in any given EU Member State. The example below illustrates why comparisons should not be made between Member States.

Member States where few incidents of racist crime are recorded tend to show the highest levels of

year-on-year variation in recorded crime. Consider the 300 % increase in recorded racist crime observed in **Cyprus** between 2009 and 2010, the 11.8 % decrease observed in **England** and **Wales** and the 15.9 % decrease observed in **Germany** in the same period. While 24 incidents account for the increase in Cyprus, more than 3,000 incidents account for the decreases observed in either England and Wales or Germany. For this reason, any observed variation must be considered on its own merits; in relation to changes in data collection practices at the national level; and in relation to both the national context and the period when incidents of racist crime are recorded.

Increases in recorded racist crime are observed in **Austria**, **Cyprus**, the **Netherlands** and **Northern Ireland** as well as **Croatia** (Table 6.3). Decreases are observed in all other Member States that publish official data. In terms of officially recorded antisemitic crime, increases are observed in **Austria** and the **Netherlands**, while decreases are observed in all other Member States that publish data (Table 6.4). In terms of right-wing extremist crime, a fall in officially recorded crime can be observed in all Member States that publish data, except the **Netherlands** (Table 6.5).

## FRA ACTIVITY

## Addressing the under-recording of incidents of crime: surveys on experiences of criminal victimisation in the EU

The FRA has completed one survey encompassing experiences of criminal victimisation to date – the European Union Minorities and Discrimination Survey (EU-MIDIS) – with three other FRA surveys at different stages of implementation: (1) experiences and perceptions of antisemitism among Jewish populations in selected EU Member States; (2) discrimination against and victimisation of lesbian, gay, bisexual and transgender (LGBT) persons; and (3) an EU-wide survey of violence against women. Taken together, these surveys will provide a more complete picture of experiences of criminal victimisation among various populations groups across the EU. The results of these surveys will be published in 2013.

For more information on these surveys, see:

- EU-MIDIS: <http://fra.europa.eu/eu-midis>
- Experiences and perceptions of antisemitism among Jewish populations in selected EU Member States: [http://fra.europa.eu/fraWebsite/research/projects/proj\\_survey\\_jews\\_en.htm](http://fra.europa.eu/fraWebsite/research/projects/proj_survey_jews_en.htm)
- Discrimination and victimisation of LGBT persons: [http://fra.europa.eu/fraWebsite/research/projects/proj\\_surveys-lgbt-persons\\_en.htm](http://fra.europa.eu/fraWebsite/research/projects/proj_surveys-lgbt-persons_en.htm)
- EU-wide survey of violence against women: [http://fra.europa.eu/fraWebsite/research/projects/proj\\_eu\\_survey\\_vaw\\_en.htm](http://fra.europa.eu/fraWebsite/research/projects/proj_eu_survey_vaw_en.htm)

**Table 6.3: Trends in officially recorded racist crime, 2000-2010 number of recorded incidents and year-on-year variation in recorded crime, by country**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
<b>AT</b>	450	528 17.3 %	465 -11.9 %	436 -6.2 %	322 -26.1 %	406 26.1 %	419 3.2 %	752 79.5 %	835 11 %	791 -5.3 %	1,040 31.5 %
<b>BE</b>	757	751 -0.8 %	727 -3.2 %	848 16.6 %	1,021 20.4 %	1,226 20.1 %	1,362 11.1 %	1,318 -3.2 %	1,193 -9.5 %	1,086 -9 %	924 -14.9 %
<b>CY</b>	n/a	n/a	n/a	n/a	n/a	2	18 800 %	3 -83.3 %	6 100 %	8 33.3 %	32 300 %
<b>DE</b>	n/a	14,725	12,933 -12.2 %	11,576 -10.5 %	12,553 8.4 %	15,914 26.8 %	18,142 14 %	17,607 -2.9 %	20,422 16 %	19,468 -4.7 %	16,375 -15.9 %
<b>DK</b>	28	116 314.3 %	68 -41.4 %	53 -22.1 %	37 -30.2 %	87 135.1 %	227 160.9 %	35 -84.6 %	113* 19.5 %	73 -35.4 %	62 -15.1 %
<b>FI</b>	495	448 -9.5 %	364 -18.8 %	522 43.4 %	558 6.9 %	669 19.9 %	748 11.8 %	698 -6.7 %	1,163* 67.1 %	1,385 19.1 %	1,168 -15.7 %
<b>FR</b>	903	424 -53 %	1,317 210.6 %	833 -36.8 %	1,574 89 %	979 -37.8 %	923 -5.7 %	723 -21.7 %	864 19.5 %	1,841 113.1 %	1,352 -26.6 %
<b>IE</b>	72	42 -41.7 %	100 138.1 %	62 -38 %	84 35.5 %	94 11.9 %	173 84 %	214 23.7 %	172 -19.6 %	128 -25.6 %	122 -4.7 %
<b>LU</b>	n/a	n/a	n/a	n/a	n/a	n/a	14	17 21.4 %	21 23.5 %	28 33.3 %	24 -14.3 %
<b>NL</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1,223	1,089 -11 %	1,168 7.3 %
<b>SE</b>	2,703	2,785 3 %	2,391 -14.1 %	2,436 1.9 %	2,414* -0.9 %	2,383 -1.3 %	2,575 8.1 %	2,813 9.2 %	4,826* 68.4 %	4,707 -2.5 %	4,338 -7.8 %
<b>SK</b>	35	40 14.3 %	109 172.5 %	119 9.2 %	79 -33.6 %	121 53.2 %	188 55.4 %	155 -17.6 %	213 37.4 %	132 -38 %	114 -13.6 %
<b>UK: EN &amp; WAL**</b> ***	25,116	30,133 20 %	31,034 3 %	35,022 12.9 %	37,074 5.9 %	41,459 11.8 %	42,554 2.6 %	38,351 -9.9 %	36,762 -4.1 %	35,705 -2.9 %	31,486 -11.8 %
<b>UK: NI**</b>	n/a	n/a	n/a	n/a	n/a	n/a	1,006	1,183 17.6 %	1,044 -11.7 %	1,036 -0.8 %	1,061 2.4 %
<b>UK: SCO**</b>	n/a	n/a	1,699	2,673 57.3 %	3,097 15.9 %	3,856 24.5 %	4,294 11.4 %	4,474 4.2 %	4,543 1.5 %	4,564 0.5 %	4,513 -1.1 %
<b>UK: EN, NI, WAL****</b>										43,426	39,311 -9.5 %
<b>HR</b>	n/a	1	0	1	3 200 %	0	9	5 -44.4 %	8 60 %	6 -25 %	11 83.3 %

Notes: Comparisons can only be made within, and not between, EU Member States. \* Not comparable with previous years due to changes in recording procedure. \*\* Fiscal year: April – March. UK data include: EN – England, WAL – Wales, NI – Northern Ireland and SCO – Scotland. \*\*\* Racist and religiously motivated criminal offences. \*\*\*\* Calendar year: January – December, racist crime recorded by the Association of Chief Police Officers.

Source: FRA, 2011

### 6.3. Ethnic discrimination in healthcare

Before presenting evidence of ethnic discrimination in healthcare in EU Member States, it must be noted that various legal instruments guarantee the prohibition of racial or ethnic discrimination in healthcare, education, employment and housing. These include the Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Charter of Fundamental Rights of the

European Union; the Racial Equality Directive;<sup>7</sup> and the European Social Charter (revised).

In addition, adequate housing is recognised as one element of the right to an adequate standard of living in the Universal Declaration of Human Rights. The Charter of Fundamental Rights of the European Union further provides that “in order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources,

7 Council Directive 2000/43/EC, OJ 2000 L 180, p. 22.

Table 6.4: Trends in officially recorded antisemitic crime, 2001–2010: number of recorded incidents and year-on-year variation in recorded crime, by country

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
AT	3	20 566.7 %	9 -55.0 %	17 88.9 %	8 -52.9 %	8 0.0 %	15 87.5 %	23 53.3 %	12 -47.8 %	27 125.0 %
CZ	n/a	n/a	n/a	n/a	23	14 -39.1 %	18 28.6 %	27 50.0 %	48 77.8 %	28 -41.7 %
DE	1,629	1,594 -2.1 %	1,226 -23.1 %	1,346 9.8 %	1,682 25.0 %	1,662 -1.2 %	1,561 -6.1 %	1,496 -4.2 %	1,690 13.0 %	1,268 -25.0 %
FR	219	936 327.4 %	601 -35.8 %	974 62.1 %	508 -47.8 %	571 12.4 %	402 -29.6 %	459 14.2 %	815 77.6 %	466 -42.8 %
NL	41	60 46.3 %	50 -16.7 %	58 16.0 %	65 12.1 %	108 66.2 %	50 -53.7 %	141 182.0 %	209 48.2 %	286 36.8 %
SE	115	131 13.9 %	128 -2.3 %	151 18.0 %	111 -26.5 %	134 20.7 %	118 -11.9 %	159 34.7 %	250 57.2 %	161 -35.6 %
UK*	310	350 12.9 %	375 7.1 %	532 41.9 %	459 -13.7 %	598 30.3 %	561 -6.2 %	546 -2.7 %	926 69.6 %	639 -31.0 %
UK: EN, NI, WAL**									703	488 -30.6 %

Notes: Comparisons can only be made within, and not between, EU Member States. \*Antisemitic incidents in the UK as a whole (England, Northern Ireland, Wales and Scotland) recorded by the Community Security Trust, an independent Jewish organisation that has been used by successive governments as a source of data on antisemitic incidents. UK data include: EN – England, WAL – Wales, NI – Northern Ireland and SCO – Scotland. \*\* Antisemitic crimes recorded in the calendar year in England, Wales & Northern Ireland; data collected by the Association of Chief Police Officers.

Source: FRA, 2011

Table 6.5: Trends in officially recorded right-wing extremist crime, 2000–2010 number of recorded incidents and year-on-year variation in recorded crime, by country

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
AT	291	301 3.4 %	261 -13.3 %	264 1.1 %	189 -28.4 %	188 -0.5 %	204 8.5 %	280 37.3 %	333 18.9 %	356 6.9 %	335 -5.9 %
CZ	364	452 24.2 %	473 4.6 %	335 -29.2 %	364 8.7 %	253 -30.5 %	248 -2.0 %	196 -21.0 %	217 10.7 %	265 22.1 %	252 -4.9 %
DE	n/a	10,054	10,902 8.4 %	10,792 -1.0 %	12,051 11.7 %	15,361 27.5 %	17,597 14.6 %	17,176 -2.4 %	19,894 15.8 %	18,750 -5.8 %	15,905 -15.2 %
FR	207	198 -4.3 %	179 -9.6 %	148 -17.3 %	461 211.5 %	419 -9.1 %	301 -28.2 %	247 -17.9 %	129 -47.8 %	181 40.3 %	127 -29.8 %
NL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	85	113 32.9 %	134 18.6 %
SE	566	392 -30.7 %	324 -17.3 %	448 38.3 %	306*	292 -4.6 %	272 -6.8 %	387 42.3 %	667*	538 -19.3 %	421 -21.7 %

Notes: Comparisons can only be made within, and not between, EU Member States. \* Not comparable with previous years due to changes in the recording procedure.

Source: FRA, 2011

in accordance with the rules laid down by Union law and national laws and practices.”

This section considers cases of ethnic discrimination in healthcare against the backdrop of these legal instruments.

Through a study conducted in four public and private institutions in the Ile-de-France region and drawing on 116 interviews and field observations, the former Equal Opportunities and Anti-discrimination Commission (*Haute autorité de lutte contre les discriminations et*

*pour l'égalité*, Halde)<sup>8</sup> uncovered evidence of three types of racial discrimination in the healthcare sector, whether actual or perceived.<sup>9</sup> The first, most common, type relates to patients discriminating against healthcare professionals, which the latter perceive as the 'ordinary racism' they endure daily. The second type is that of healthcare professionals discriminating against

<sup>8</sup> In March 2011, the Halde was incorporated into the Rights Defender (*Défenseur des Droits*), an independent constitutional authority.

<sup>9</sup> Bertossi, C. and Prudhomme, D. (2011), p. 5.



patients. The third type consists of healthcare professionals discriminating against one another. According to the study, victims of ethnic discrimination never report the incidents, whether to management or to complaint bodies. In fact, hospital managers who were also interviewed said they were unaware ethnic discrimination was taking place in health facilities, which was why they had not addressed the problem.

The **Spanish** council for the promotion of equal treatment and non-discrimination on the grounds of ethnic or racial origin (*Consejo para la promoción de la igualdad de trato y no discriminación de las personas por el origen racial o étnico*), which established a network of centres of assistance for victims of discrimination (*Red de centros de asistencia a víctimas de discriminación por origen racial o étnico*) in June 2010, published a report on the functioning of this network in April 2011.<sup>10</sup> The report shows that the network dealt with 235 cases of alleged discrimination in its first seven months, finding discrimination in 212 of the cases, nine of which pertained to the health sector. The council also carried out a survey in 2010 among 556 members of ethnic and migrant groups in Spain on their perceptions of discrimination.<sup>11</sup> The results of this survey, published in March 2011, show that 28.8 % of the respondents said they had felt discriminated against in the area of health in the past 12 months.

The differences in cases of alleged discrimination and people's perceptions of discrimination revealed through this type of survey could indicate that channels for making complaints are difficult to access for the minorities concerned.

Cases of (alleged) ethnic discrimination in healthcare are sometimes settled by awarding compensation to (alleged) victims of discrimination. The **Swedish** Equality Ombudsman (*Diskrimineringsombudsmannen*) reports a case it was involved in where a settlement was reached in 2011. The facts of the case relate to medical staff seemingly berating a Kurdish woman for her perceived failure to integrate into Swedish society. When she sought treatment, a doctor badgered her with repeated questions about why she had not learned Swedish despite 15 years in the country and made disparaging comments about her facial tattoos. As part of the settlement, Karlstad County Council awarded her SEK 30,000 (€3,000)<sup>12</sup> in compensation.

<sup>10</sup> Spain, Council for the promotion of equal treatment and non-discrimination on the grounds of ethnic or racial origin, Network of centres of assistance to victims of discrimination (2011).

<sup>11</sup> Spain, Council for the promotion of equal treatment and non-discrimination on the grounds of ethnic or racial origin (2011).

<sup>12</sup> Sweden, Equality Ombudsman (2011a).

Few EU Member States, however, collect data on healthcare users by nationality and/or country of birth, while the **United Kingdom** alone collects data specifically on ethnicity. Therefore, in most Member States, this precludes any comprehensive or comparative analysis of inequalities in healthcare outcomes between members of ethnic groups and the majority population.

## 6.4. Ethnic discrimination in education

While at a formal level EU Member States may provide open access to education, in practice members of ethnic groups continue to face difficulties due to segregation; discriminatory enrolment procedures and access testing; unavailability or inaccessibility of pre-school facilities; or cuts in educational funds. Roma children are particularly disadvantaged by practical barriers to education.

This section begins by giving an overview of policies and practices that could lead to or that have led to ethnic discrimination in education. It then focuses on actual experiences of ethnic discrimination in education as reported through research in EU Member States. The section finishes by considering discrimination of Roma in education.

*“Promoting and protecting the right to education and promoting equality and non-discrimination are clearly interrelated duties in accordance with human rights norms. The decisions of several human rights bodies recognise the central role of education in ensuring the enjoyment of an equal protection of other human rights.”*

*UN Special Rapporteur on the right to education (2011)*

### 6.4.1. Policies and practices

UN and national monitoring bodies have highlighted barriers to education in EU Member States that affect ethnic groups. In its 2011 report on **Spain**, CERD raised concerns about the existence of ‘ghetto schools’ for migrant and Roma children.<sup>13</sup> The European Commission against Racism and Intolerance (ECRI) reflected similar concerns in its 2011 report on Spain, which noted that it had received “consistent reports of ‘ghetto’ schools of immigrant and Roma children in certain parts of the country, and discriminatory practices in the admission procedures, enabling publicly-funded private schools to pick and choose pupils.”<sup>14</sup>

<sup>13</sup> United Nations, Committee on the Elimination of Racial Discrimination (UN, CERD) (2011a).

<sup>14</sup> Council of Europe, European Commission against Racism and Intolerance (ECRI) (2011a), p. 18.

In its concluding observations on the **United Kingdom**, CERD points out “the relative lack of success in addressing under-achievement in schools, particularly for those groups which have been identified as most affected, notably Gypsy and Traveller children and Afro-Caribbeans.”<sup>15</sup>

The British government announced changes in April to the related Ethnic Minority Achievement Grant (EMAG) programme, which aims to narrow the achievement gaps of pupils from minority ethnic groups who are most at risk of underachieving.<sup>16</sup> The Equality and Human Rights Commission (EHRC) – the national human rights institute – expressed concerns that by making EMAG part of the Dedicated School Grant system it would lose its ring-fenced status. “The consequence of this is that schools will have discretion to increase or reduce the level of specialist provision to ethnic minority pupils as they see fit,”<sup>17</sup> which brings with it a risk that support for black and minority ethnic pupils will be reduced.

In its August response to CERD, the British government countered, however, that “for England we believe that schools know best how to raise the attainment and aspirations of Black and minority ethnic pupils (including Gypsies and Travellers) and so we are giving them the resources and freedom they need to achieve this. £210 million of funding for these groups of pupils is available to schools this year as part of the mainstreamed Dedicated School Grant.”<sup>18</sup>

#### 6.4.2. Experiences of ethnic discrimination and segregation in education

Children with ethnic minority backgrounds experience discriminatory treatment or segregation in education in several EU Member States, research has shown. The Ethnic Differences in Education and Diverging Prospects for Urban Youth in an Enlarged Europe (Edumigrom) study on Ethnic and Social Differences in Education in a Comparative Perspective<sup>19</sup> surveyed approximately 5,000 second-generation migrant and Roma pupils between 14- and 17-years of age who were attending the final year of compulsory education. This comparative survey, funded by the European Commission seventh framework programme, was conducted in 2009 in eight Member States: the **Czech Republic, Denmark, France, Germany, Hungary, Romania, Slovakia** and the **United Kingdom**.

The findings of the study, published in late December 2010, found that “children of ‘visible minorities’ [...] are continually exposed to conditions and daily practices in their schooling that conclude in remarkable relative disadvantages in their achievement and advancement.” These conditions and practices, it added, ensured the continued and unceasing reproduction of ethnic inequalities and made it ever more difficult for an individual to break out of the cycle and enjoy equal opportunities and prospects with their peers.<sup>20</sup>

With respect to ethnicity-driven bullying, this survey also revealed important differences among EU Member States. About 60 % of students in the **Czech Republic** reported such bullying compared to 90 % of students in **France, Hungary** and the **United Kingdom**.<sup>21</sup>

There is also evidence from **Germany** of ethnic discrimination in education. The situation of people of Turkish origin in Germany was the subject of the 11th annual report of the Centre for Studies on Turkey (*Zentrum für Türkeistudien, ZfT*) published in January.<sup>22</sup> In the summer/autumn of 2010, the ZfT conducted a survey among 1,000 adults aged 18 and over of Turkish origin living in North Rhine-Westphalia. Overall, 81 % of the respondents reported having experienced ethnic discrimination, with the highest rates of perceived discrimination reported at school and university: 60.3 % of the respondents reported having been the victims of ethnic discrimination in education.

According to the findings of the aforementioned survey on the perceptions of discrimination on the grounds of ethnic or racial origin carried out by the **Spanish** council for the promotion of equal treatment and non-discrimination, 52.9 % of respondents felt that they had been the subject of ethnic discrimination in education in the past 12 months.<sup>23</sup>

### 6.5. Ethnic discrimination in employment

This section highlights cases of ethnic discrimination in employment identified in the reporting period. It then discusses discrimination testing in access to employment.

<sup>15</sup> UN, CERD (2011b), p. 6.

<sup>16</sup> United Kingdom, Department of Education (2011).

<sup>17</sup> United Kingdom, Equality and Human Rights Commission (EHRC) (2011), p. 39.

<sup>18</sup> United Kingdom, UK Government (2011).

<sup>19</sup> Szalai, J. et al. (2010).

<sup>20</sup> Szalai, J. et al. (2010), p. 173.

<sup>21</sup> Szalai, J. et al. (2010), p. 121.

<sup>22</sup> Sauer, M. (2011).

<sup>23</sup> Spain, Council for the promotion of equal treatment and non-discrimination on the grounds of ethnic or racial origin (2011).



*“Discrimination based on racial or ethnic origin may undermine the achievement of the objectives of the EC Treaty, in particular the attainment of a high level of employment and of social protection, the raising of the standard of living and quality of life, economic and social cohesion and solidarity. It may also undermine the objective of developing the European Union as an area of freedom, security and justice.”*

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

### 6.5.1. Cases of ethnic discrimination in employment

An employee of the **French** national railways (SNCF) brought a case to the Criminal Court of Cambrai at the end of 2010, complaining of acts of racial discrimination and harassment at the workplace. The employee reported being a victim of abuse and bullying by a manager over a period of six years 2003–2009 because of his North African origin. The local branch of the Movement against Racism and for Friendship among Peoples (*Mouvement Contre le Racisme et pour l’Amitié Entre les Peuples*, MRAP) began legal proceedings as a civil complainant. In January, the court sentenced the defendant to pay €3,000 in damages, €300 to MRAP and €600 to the victim, plus legal costs.

In the case of *Gerschen Moodley v. Counter Product Marketing Ltd* in **Ireland**, the complainant, a black man from South Africa, proved that he had been harassed and denied access to promotion on the grounds of race.<sup>24</sup> The Equality Tribunal found that the complainant was not allowed access to promotion in the same way as Irish nationals. The complainant was awarded €5,000 for the effects of harassment and €10,000 for the effects of discrimination regarding access to promotion.

A black man employed as a truck driver at a company in Gothenburg in **Sweden** lodged a complaint with the Equality Ombudsman saying that his then manager had called him a “nigger”.<sup>25</sup> The man had only worked at the company for a short time when the incident occurred. A colleague recounted that while the man was fetching a tool, the manager had said: “Where did the nigger go?” Shortly after this incident, the man was dismissed. The Equality Ombudsman held that the manager had subjected him to ethnic harassment. A settlement was reached between the Equality Ombudsman and the company, awarding the man SEK 40,000 (€4,000) in damages.

### 6.5.2. Discrimination testing in access to employment

Discrimination testing is “a method of identifying discriminatory behaviour by conducting similar and successive tests on behalf of people who differ only in respect of their ‘origin’ or some other prohibited criterion.”<sup>26</sup> In several EU Member States it has been used as a means of identifying barriers to employment for ethnic minorities.

One method of discrimination testing in the field of employment consists of using curriculum vitae (CVs) withholding the names of the applicants to veil their presumed ethnic or national origins. The Federal Antidiscrimination Agency in **Germany** (*Antidiskriminierungsstelle des Bundes*, ADS) initiated a nationwide pilot project in November 2010 to test this method, which was implemented by different companies, government agencies and municipalities over a period of 12 months. The project sent out 4,000 anonymous job applications for 111 jobs, apprenticeships and university posts. In June 2011, the ADS published an interim evaluation of the project, which shows that job applicants tend to prefer job applications where their names are withheld.<sup>27</sup>

**French** legislation on equal opportunities recognises the possibility of using anonymous CVs withholding the names of applicants.<sup>28</sup> While this method is widely thought to make discrimination less likely, research carried out by the governmental Centre for research in economics and statistics (*Centre de Recherche en Économie et Statistique*) in partnership with the Employment pole (*Pôle Emploi*, the governmental agency for the unemployed), calls the potential benefit of using this method into question, showing that it can be counterproductive. Thousands of CVs, half of which withheld the names of the job applicants, were sent to 1,000 randomly selected companies. Against all expectations, the results of the research showed that the use of anonymous CVs can reinforce the effects of discrimination for candidates with an immigrant background. One of the most significant survey results was that candidates from immigrant families had a one in 10 chance of being recruited when the CV was not anonymous, with that rate dropping to one in 22 when the CV was anonymous. One explanation put forward for this is that recruiters may be less willing to hire applicants whose addresses are in poorer, ‘difficult neighbourhoods’, such as so-called ‘sensitive urban zones’ (*zones urbaines sensibles*).<sup>29</sup> The results of this investigation led the government to abandon plans to generalise this recruitment practice.

26 Cediey, E. et al. (2008), p. 9.

27 Germany, Federal Anti-Discrimination Agency (2011).

28 France, Law No. 2006-396.

29 Behaghel, L. et al. (2011), p. 2.

24 Ireland, Equality Tribunal (2011).

25 Sweden, Equality Ombudsman (2010).

Another means of countering ethnic discrimination in the field of employment is to acknowledge contributions made by minorities to the employment sector, and therefore also to the national and EU economies. Policies supporting ethnic entrepreneurship are likely to assume an ever more important role here. Indeed, “ethnic entrepreneurs contribute to the economic growth of their local area, often rejuvenate neglected crafts and trades, and participate increasingly in the provision of higher value-added services. They offer additional services and products to immigrants and the host population, and create [...] an important bridge to global markets. In addition, ethnic entrepreneurs are important for the integration of migrants into employment.”<sup>30</sup>

## 6.6. Ethnic discrimination in housing

This section will consider developments in relation to equal access to social and private housing, spatial segregation and forced evictions.

*“Discrimination in housing can take the form of discriminatory laws, policies or measures, zoning regulations, exclusionary policy development; exclusion from housing benefits; denial of security of tenure; lack of access to credit; limited participation in decision-making; or lack of protection against discriminatory practices carried out by private actors.”*

*Office of the United Nations High Commissioner for Human Rights, the Right to Adequate Housing, [www.ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf)*

Unequal access to housing for ethnic minorities increases their risk of social exclusion and can contribute to spatial segregation. Reports from international human rights monitoring mechanisms and national equality bodies show that ethnic minorities face barriers – such as residence or language requirements – when accessing housing in several EU Member States.

In March 2011, **Belgium’s** national equality body, the Centre for Equal Opportunities and Opposition to Racism (CEOOR), published the results of a study about discrimination against persons of sub-Saharan origin.<sup>31</sup> This report provides an overview of stereotypes and forms of discrimination they confront, including in the housing sector. The study highlights that it is more difficult for persons of sub-Saharan origin to find a house or apartment to rent than it is for other foreign population groups. In its 2010 annual report on discrimination published in June 2011, CEOOR also flags advertisements by real estate agents that set discriminatory conditions

concerning the origin of future tenants; some landlords’ requirements even stipulated that “no black people” should apply.<sup>32</sup> In the same publication, CEOOR reported receiving 338 new files of alleged discrimination concerning access to or supply of goods and services in 2010, a majority of which concerned racial criteria. Of the 338 files, 38 % concerned housing and, of these, 41 % involved discrimination on the basis of racial and ethnic criteria.<sup>33</sup>

The Halde published a recommendation in April 2011 on equal access and housing maintenance in **France**.<sup>34</sup> The recommendation notes that of the 2,200 housing complaints the Halde received since its establishment in December 2004, 48 % involved discrimination on the grounds of ethnic origin. It also cautions that greater demand for social housing, arising from the shortage of housing stock and the economic crisis, could lead to the allocation of housing of lower quality and longer waiting times, which may lead to unequal treatment. The recommendation underlines that migrants and non-nationals appear to be at particular risk of direct and indirect discrimination from private landlords, by, for instance, simply refusing to rent property or requiring particularly high deposits. As a result, the Halde recommended: the adoption of frameworks that ensure an adequate supply of social housing; that better information be provided by the real estate federations concerning the prohibition of discrimination; and greater transparency in procedures for allocating social housing.

### Promising practice

#### Certifying equal treatment of all tenants regardless of country of origin

The Dortmund integration council in Germany, in association with Planerladen (an association working for the promotion of democratic urban planning and neighbourhood-related community work), with support of the Dortmund renters’ association, issues landlords who commit to equal treatment principles in housing with a certificate attesting their equal treatment of all tenants regardless of country of origin (*Siegel für herkunftsunabhängige Gleichbehandlung bei Vermietung*). The aim of the project is to prevent unequal treatment in the housing sector.

For more information, see: [www.integrationsprojekt.net/siegel\\_gleichbehandlung.html](http://www.integrationsprojekt.net/siegel_gleichbehandlung.html)

<sup>30</sup> Eurofound, Rath, J. (2011), p. 5.

<sup>31</sup> Belgium, Centre for Equal Opportunities and Opposition to Racism (CEOOR) (2011a).

<sup>32</sup> Belgium, CEOOR (2011b), p. 67.

<sup>33</sup> Belgium, CEOOR (2011b), pp. 90-91.

<sup>34</sup> France, Equal Opportunities and Anti-discrimination Commission (Halde) (2011).



In its annual report covering the year 2010, the **Swedish** Equality Ombudsman highlights that most of the complaints it receives concern access to housing, whether in the rental market – including rental criteria (*förmedlingssystem*) – or in the owner-occupied housing market (*bostadsrättsmarknaden*). The report notes that ethnicity is among the most common grounds for discrimination in housing.<sup>35</sup>

**Austria** amended its equal treatment legislation in March,<sup>36</sup> extending the scope of protection against discrimination to cases of discrimination by association, in which discriminatory grounds apply to one person but another is treated detrimentally as a result. It also prohibits and punishes discriminatory advertisements in the housing market and provides for an administrative fine of up to €360.

The European Commission's Progress programme funded a study on access to public and publicly funded housing, as it relates to equality in housing, in Austria. The study reports that the national ombudsman for equal treatment, local anti-discrimination bodies and non-governmental organisations (NGOs) repeatedly reported cases where the allocation of public housing in several municipalities was tied to sufficient German-language knowledge. This requirement put ethnic minorities at the highest risk of discrimination. The findings of the study were published in *'Right to Housing? Access of Migrants and Ethnic Minorities to Public Housing in Austria'* (*Recht auf Wohnen? Der Zugang von MigrantInnen und ethnischen Minderheiten zu öffentlichem Wohnraum in Österreich*).<sup>37</sup>

The **French** city of Villeurbanne commissioned a discrimination testing survey as part of its local plan to fight discrimination in housing.<sup>38</sup> The survey was conducted between November 2010 and April 2011. Four testers responded to 100 housing advertisements – 50 from housing agencies and another 50 from private owners. The testing revealed that in 57 % of the cases candidates of North African origin were disadvantaged compared with candidates of French origin. In some neighbourhoods, people of North African origin saw their offers to rent housing rejected nine times out of 10.

The results of the survey conducted by the ZfT, mentioned earlier, indicate that the housing market is an area where respondents of Turkish origin in the North Rhine-Westphalia region in **Germany** experience

a high degree of discrimination.<sup>39</sup> Of the total, 47.1 % of respondents said that they had felt discriminated against when looking for a flat, while 33.1 % of the respondents reported experiences of discrimination in the neighbourhood.

According to the study mentioned earlier on perceptions of discrimination carried out by the **Spanish** council for the promotion of equal treatment and non-discrimination on the grounds of ethnic or racial origin, 59.9 % of respondents felt they had been discriminated against in the area of housing in the past 12 months.<sup>40</sup>

## 6.7. The situation of Roma populations in the EU

The situation of Roma populations in the EU continues to be a cause for concern. In an effort to address the precarious living conditions in which many Roma find themselves, the European Commission, on 5 April 2011, issued a Communication on an EU Framework for National Roma Integration Strategies up to 2020.<sup>41</sup> The Communication is a landmark policy document linking the need to tackle poverty and exclusion with protecting and promoting fundamental rights. On 19 May 2011 – at the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) – all 27 Member States agreed to a set of conclusions that endorsed the EU Framework for coordinating national Roma strategies.<sup>42</sup> On 24 June 2011, this framework was endorsed by the Council of the European Union. This framework sets EU-wide goals for the integration of Roma across the EU, focusing particularly on improving their situation in healthcare, education, employment and housing at the local, regional and national level in accordance with a human rights perspective, as noted in the Council conclusions.<sup>43</sup>

The precarious situation of the Roma is also acknowledged in a general policy recommendation on combating anti-Gypsyism and discrimination against Roma adopted by ECRI in June 2011.<sup>44</sup> This recommendation focuses on measures to be taken in the sectors of housing, education, healthcare and access to public services as well as in the fight against racist crime. These measures are intended to provide Council of Europe member states with guidelines

35 Sweden, Equality Ombudsman (2011b).

36 Austria, Equal Treatment Act; Austria, Act relating to the Equal Treatment Commission and the Ombud for Equal Treatment.

37 Frey, V. (2011).

38 France, ISM-Corum (2011).

39 Sauer, M. (2011).

40 Spain, Council for the promotion of equal treatment and non-discrimination on the grounds of ethnic or racial origin (2011); *Panel sobre discriminación por origen racial o étnico* (2011).

41 European Commission (2011).

42 Council of the European Union (2011).

43 Council of the European Union (2011).

44 Council of Europe, ECRI (2011b).



to help them develop effective and practical policies that would improve the living conditions of members of Roma communities.

This section examines evidence of discrimination against members of Roma populations in the sectors of healthcare, education, employment and housing.

## FRA ACTIVITY

### Conducting household surveys of Roma populations in the EU

In 2011, the FRA and the United Nations Development Programme (UNDP) in association with the World Bank (with funding from the European Commission) conducted two household surveys on the situation of Roma populations. The surveys were administered in a coordinated manner following a similar approach with regard to sampling design, interviewer training and applying a common set of core questions. This is the first time such a comprehensive data collection exercise has been attempted through international inter-agency cooperation. It allowed for selected data that were collected by both surveys to be pooled, thereby increasing the reach and representativeness of the surveys.

The FRA pilot survey comprised 11 EU Member States: **Bulgaria**, the **Czech Republic**, **France**, **Greece**, **Hungary**, **Italy**, **Poland**, **Portugal**, **Romania**, **Slovakia** and **Spain**. The UNDP/World/European Commission regional survey comprised five of these (**Bulgaria**, the **Czech Republic**, **Hungary**, **Romania** and **Slovakia**) plus another seven European countries (Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Moldova and Serbia). In total, 22,203 persons who self-identify as Roma (14,925) and non-Roma (7,278) persons living in close proximity to Roma populations were interviewed in the 11 EU Member States, thereby covering 84,287 household members.

The results are representative for Roma living in areas in a higher than national average density. Although the results for non-Roma persons who were surveyed are not representative of the majority population as a whole, they do serve as a benchmark against which to evaluate the situation of the Roma in the Member States under analysis. This is because non-Roma persons who were interviewed share the same environment, labour market and social infrastructures with Roma populations; the surveyed populations are thus functionally equivalent.

The surveys covered the following thematic areas: socio-demographic characteristics of all household members; situation in employment, education, health and housing; neighbourhood and its infrastructure; integration, discrimination, rights awareness and active citizenship; and mobility and migration.

On a global level, the results of the survey show that the socio-economic situation of the Roma in the four key areas of health, education, employment and housing is worse on average than the situation of non-Roma living in close proximity.

*For more information on the FRA survey, see: FRA and UNDP (2012), The situation of Roma in 11 EU Member States – Survey results at a glance*

The main findings of the survey are as follows:

- **in healthcare:**
  - one out of three Roma respondents aged 35 to 54 years reported health problems limiting their daily activities;
  - on average, about 20 % of Roma respondents were not covered by medical insurance or did not know if they were covered;
- **in education:**
  - on average, only one out of two Roma children surveyed attended pre-school or kindergarten;
  - during compulsory school age, with the exception of **Bulgaria**, **Greece** and **Romania**, nine out of 10 Roma children aged seven to 15 years were reported to be in school;
  - participation in education drops considerably after compulsory school: only 15 % of young Roma adults surveyed had completed upper-secondary general or vocational education;
- **in employment:**
  - on average, less than one out of three Roma were reported to be in paid employment;
  - one out of three Roma respondents said that they were unemployed;
  - others said that they are homemakers, retired, not able to work or self-employed;
- **in housing:**
  - on average, more than two persons lived in one room in the Roma households that were surveyed;
  - about 45 % of the Roma lived in households that lacked at least one of the following basic housing amenities, namely indoor kitchen appliances, such as a refrigerator, an indoor toilet, shower or bath and electricity;
- **poverty:**
  - on average, about 90 % of the Roma surveyed live in households with an equivalised income below the national poverty lines;
  - on average, 40 % of the Roma live in households where somebody had to go to bed hungry at least once in the last month, because they could not afford to buy food;
- **discrimination and rights awareness:**
  - about half of the Roma surveyed said that they had experienced discrimination in the past 12 months because of their ethnic background;
  - about 40 % of the Roma were aware of laws forbidding discrimination against members of ethnic minorities when applying for a job.

### 6.7.1. Evidence of discrimination of Roma populations in healthcare

Despite existing limitations to ethnic data collection, there is concrete evidence to show that members of Roma populations are sometimes the victims of discrimination in healthcare, according to a report published by the **Hungarian** National Health Council (*Nemzeti Egészségügyi Tanács*)<sup>45</sup> in March 2011. The government plans to involve 150,000 people of Roma origin in healthcare prevention programmes within the framework of the National Social Inclusion Strategy. The strategy includes family planning and reproductive health protection initiatives with a view to improving access to health services in disadvantaged regions.<sup>46</sup>

In its concluding observations on **Ireland**, the United Nations Committee on the Elimination of Racial Discrimination (CERD) noted that while efforts had been made “to understand the issues affecting Travellers [...] the Committee regrets that efforts made to improve the welfare of Travellers have not substantially improved their situation. The Committee notes with regret the poor outcomes” in several areas, including health.<sup>47</sup>

CERD reached similar conclusions on the situation of Gypsies and Travellers in the **United Kingdom**, where they continue to register poor outcomes in the health sector.<sup>48</sup> The same holds true for CERD’s conclusions on **Lithuania**, where it notes that the “Roma continue to be marginalised and live in precarious conditions in terms of adequate housing, access to adequate health facilities [and] employment.”<sup>49</sup>

The forced sterilisation of Roma women emerges as a particularly grave manifestation of ethnic discrimination in the health sector. In October 2011, the European Court of Human Rights (ECtHR) issued a landmark decision in *V.C. v. Slovakia*, ruling in favour of a Roma woman who was forcibly sterilised in 2000.<sup>50</sup> The applicant complained that she had been sterilised without her full and informed consent and that the ensuing official investigation into her sterilisation had not been thorough, fair or effective. The forced sterilisation of Roma women, which originated under the former Communist regime and was once a widespread practice, occurred against a backdrop of persistently hostile attitudes towards people of Roma origin in Slovakia.

On 12 December 2011, the Slovak Minister of Justice expressed her regrets in relation to this case, while pointing out that amended legislation introduced in 2004 (Act No. 576/2004 on healthcare, services related to healthcare and amending certain laws – *Zákon č. 576/2004 Z. o zdravotnej starostlivosti, službách súvisiacich s poskytovaním zdravotnej starostlivosti a o zmene a doplnení niektorých zákonov*) aligned patients’ rights with international standards to prevent such situations from occurring in the future. This legislation came into force on 1 January 2005.

The ECtHR ruled that forced sterilisation violated Article 3, prohibiting inhuman and degrading treatment, and Article 8, protecting respect for private and family life, of the European Convention on Human Rights. It found further that Article 14 on non-discrimination raised no separate issues and, therefore, it did not examine the state’s compliance with its duty to investigate whether the applicant’s sterilisation was racially motivated. The ECtHR ordered Slovakia to pay the applicant €31,000.

The Medical Professional Order (*Colegiul Medicilor din România*, CMR) in **Romania** investigated an alleged case of discrimination on the grounds of ethnic origin. The case, filed in 2009 by *Sastipen* – a Roma health advocacy Network – concerned alleged discrimination by a gynaecologist from *Târgu Neamț* Hospital who was accused of denying three Roma women access to healthcare and of infringing upon their right to personal dignity. Although the national equality body (*Consiliul National pentru Combaterea Discriminarii*, CNCD) made a finding of discrimination in July 2010,<sup>51</sup> the CMR dismissed the case. *Sastipen* appealed the decision in November 2010 and the appeal is pending before the CMR.<sup>52</sup>

### 6.7.2. Evidence of discrimination against Roma populations in education

“Segregation of Roma students at schools does not help them to develop their potential. On the contrary, it rather results in their discrimination, which hinders the development of their personalities and their fully-fledged socialisation and integration into society,” a study on **Slovakia** published by the Open Society Foundation argues.<sup>53</sup>

45 Hungary, Ministry of Health – National Health Council (2011).

46 Hungary, Ministry of Public Administration and Justice – Office of the Minister of State for Social Inclusion (2011).

47 UN, CERD (2011c).

48 UN, CERD (2011b).

49 UN, CERD (2011d).

50 European Court of Human Rights (ECtHR) *V.C. v. Slovakia*, No. 18968/07, 8 November 2011.

51 Romania, *Consiliul National pentru Combaterea Discriminarii* (CNCD), Decision No. 149 of 7 July 2010.

52 Romania, Medical Profession Order (2011).

53 Slovakia, Open Society Foundation (2011), p. 5.

Research conducted in **Germany** by the Centre for Culture, Education, and Antiziganism Research (*RomnoKher*) between 2007 and 2011 shows that 81.2 % of the 275 German Sinti and Roma spanning three generations who were interviewed about their educational situation reported personal experiences of discrimination. These “experiences in school are to a great extent affected by overt and covert discrimination in the form of everyday antiziganistic name-calling and prejudices on the part of individual pupils.”<sup>54</sup>

*“The European Parliament emphasises that quality education and training influence an individual’s future personal and professional life, and that it is therefore essential to ensure equal access to effective education and training systems, without discrimination or segregation of any kind.”*

*European Parliament Resolution of 9 March 2011 on the EU strategy on Roma inclusion*

A study on participation, school attendance and experiences of discrimination of Roma in **Romania** shows that 39.9 % of the 985 Roma parents who were surveyed between December 2009 and January 2010 perceive that their children are treated worse in school than non-Roma children.<sup>55</sup> According to the study, which was funded in part by the Romanian office of the United Nations Children’s Fund (UNICEF), 12.5 % of the respondents attributed early school leaving to inequitable treatment received by Roma children in the education system. Some 60 % of Roma children who participate in pre-school education attend segregated establishments, in which over 50 % of the children attending them are Roma, the study also found.

Roma children who had previously been placed in de facto segregated or special schools in the **Czech Republic** and **Slovakia** were successfully completing primary and secondary education at integrated, mainstream schools in the **United Kingdom**. This was one of the main findings of a survey conducted between June and August 2011 in eight locations in the United Kingdom, which examined the impact of mainstream education on Roma pupils who had previously studied in the Czech Republic and Slovakia. During the field research, 114 people were interviewed: 61 Roma primary and secondary school students, 28 Roma parents and 25 school staff and other education employees working with Roma pupils. Roma students in seven out of the eight locations reported that they were not experiencing any form of racism or discrimination in their schools in the United Kingdom and that teachers were providing help and support.<sup>56</sup> The majority of Roma students reported that they had previously experienced racist bullying or verbal abuse by their non-Roma peers at Czech and Slovak schools.

54 Strauß, D. (2011), p. 7.

55 Surdu, L. (2011).

56 United Kingdom, Equality (2011).

They also reported suffering discriminatory or unequal treatment at the hands of their teachers in the Czech Republic and Slovakia, who were alleged to have punished them physically in a number of cases.

Monitoring bodies also highlighted the issues of discrimination and segregation of Roma children in education. The Council of Europe Committee of Ministers, for example, in a resolution on the implementation of the Framework Convention for the Protection of National Minorities by **Croatia**, urged it “to put an end to the continued segregation of Roma children in schools and redouble efforts to remedy other shortcomings faced by Roma children in the field of education.”<sup>57</sup>

*“In sum, in the circumstances of the present case and while recognising the efforts made by the Croatian authorities to ensure that Roma children receive schooling, the Court considers that there were at the relevant time no adequate safeguards in place capable of ensuring that a reasonable relationship of proportionality between the means used and the legitimate aim said to be pursued was achieved and maintained. It follows that the placement of the applicants in Roma-only classes at times during their primary education had no objective and reasonable justification.”*

*ECtHR, Oršuš and Others v. Croatia, No. 15766/03*

The Commissioner for Human Rights of the Council of Europe published a report on the **Czech Republic** in March 2011.<sup>58</sup> Although it welcomed the adoption of the government’s national action plan of inclusive education, which sets out measures aimed at facilitating the inclusion of Roma children in mainstream education, the report expressed concerns that official statistics indicate that Roma children across the country are 12 times more likely than their non-Roma peers to attend ‘practical schools’.

In its concluding observations on the Czech Republic,<sup>59</sup> CERD also expressed concerns with “the persistent segregation of Romani children in education as confirmed by the decision of the European Court of Human Rights of 13 November 2007 (*DH and Others v. the Czech Republic*) and the 2010 report of the Czech School Inspection Authority. In June 2011, the Committee of Ministers of the Council of Europe noted with concern that considerable progress remained to be achieved in the execution of the DH judgment and stressed the importance of the Czech authorities” intensifying and, if possible, speeding up the implementation of their action plan.<sup>60</sup> Similarly, in its concluding observations for **Lithuania**, CERD expressed regrets on the placement of Roma children in special needs schools.<sup>61</sup>

57 Council of Europe, Committee of Ministers (2011a).

58 Council of Europe, Commissioner for Human Rights (2011a), p. 15.

59 UN, CERD (2011e), p. 4.

60 Council of Europe, Committee of Ministers, 1115th meeting, 8 June 2011.

61 UN, CERD (2011d).



Court proceedings in EU Member States further illustrate the types of discrimination Roma pupils experience in education. In February, the Deputy Prosecutor of the Hellenic Supreme Court of Civil and Penal Law (*Άρειος Πάγος*) communicated complaints concerning the exclusion of Roma children from public education in **Greece** to the Prosecutors of Appeals Courts.<sup>62</sup> The complaints, submitted by the Organisations and Communities in Cooperation for Roma Human Rights (*Συνεργαζόμενες Οργανώσεις και Κοινότητες για τα Ανθρώπινα Δικαιώματα των Ρομά στην Ελλάδα*, ΣΟΚΑΔΡΕ), relate to six primary schools attended exclusively by Roma pupils; five areas of Greece which denied school access to Roma pupils; and to restricted access to school for 10 Roma communities because of the absence of transport, although municipalities are legally bound to provide such access. The complaints also relate to signatures collected by parents' associations of schools in the city of Lamia requesting either the exclusion of Roma children from local schools or their transfer to other schools.<sup>63</sup>

Nevertheless, the Greek Ministry of Education and the Special Secretariat of Intercultural Education, through their joint project titled *Education of Roma Children*, are working towards gradually abolishing schools attended exclusively by Roma pupils, with the assistance of local authorities. The aim is to integrate Roma pupils in mainstream schools in cooperation with municipalities, also through meeting the needs for transport to and from school of all pupils living in distant camps.<sup>64</sup>

Similarly, the Prešov District Court in **Slovakia** ruled in December 2011 that an elementary school in the village of Šarisské Michalany had discriminated against Roma children by teaching them in separate classrooms without reasonable justification.<sup>65</sup> For several years the elementary school had organised separate mainstream education classes, while classes for Roma children were held on a different floor. This situation worsened in the 2008/2009 school year when the school transferred all the remaining Roma children out of the integrated classes and into the separate classes. The school appealed the Prešov District Court's decision in January 2012.

Article 5 of the Racial Equality Directive allows EU Member States to maintain or adopt specific measures to prevent or compensate for disadvantages linked to ethnic origin, with a view to ensuring full equality in practice. Such promotional measures allow Member States

to address the situation of groups that face persisting forms of discrimination in education, such as the Roma. Reductions of funding for such promotional measures reported in a number of Member States in 2011 could negatively affect their effectiveness.

The Commissioner for Human Rights of the Council of Europe, in a report following a visit to **Ireland**, expressed concerns about the impact that budgetary cuts made in 2011 could have on Travellers' education. He raised particular concerns about reduced teaching hours, posts and special needs assistance to children and to the phasing out of all Senior Traveller Training Centres.<sup>66</sup>

### 6.7.3. Evidence of discrimination against Roma populations in employment

Discrimination against Roma populations continues to create obstacles to their full and equal participation in the employment market. At the same time, several EU Member States have launched policy initiatives to improve their integration. In 2011, the Council of Europe Ad hoc Committee of experts on Roma issues (Cahrom) adopted an Implementation Report on CM Recommendation Rec(2011)17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe, which contains examples of good practices in the employment area which will be progressively integrated into the Council of Europe's database on policies and good practices.

The Pest County Labour Court (*Pest Megyei Munkaügyi Bíróság*, Decision No. 1.M.471/2004/3) in **Hungary** ruled in September 2011 against an employer who was found to refuse hiring Roma applicants. In 2005, Csaba T., responded to a job advertisement published in a newspaper. Upon calling, he was told that persons of Roma origin would not be hired. Mr Csaba T. contacted an NGO, which used discrimination testing as described earlier to collect evidence for the court case: testers repeatedly called the offending company, each time introducing themselves with a typically Roma name. Every time they called, they were told that the post was not available, although it had not yet been filled. The court ordered the employer to pay HUF 500,000 (€2,200) plus interest in compensation to the plaintiff.

Still concerning **Hungary**, the Equal Treatment Authority (*Egyenlő Bánásmód Hatóság*) conducted a survey on employee selection practices, with a sample of 10,000 respondents, concluding that Roma job seekers face high levels of discrimination when looking for work.<sup>67</sup>

62 Greece, Greek Helsinki Monitor (2011a).

63 Greece, Greek Helsinki Monitor (2011 b).

64 Greece, National and Kapodistrian University of Athens (2010).

65 Slovakia, *Rozhodnutie Okresného súdu v Prešove, č. konania 25C 133/2010*, 5 December 2011.

66 Council of Europe, Commissioner for Human Rights (2011b).

67 Hungary, Equal Treatment Authority (2011).



The local antidiscrimination agency in Uppsala, **Sweden**, received a complaint from a Roma woman who had been prohibited from wearing a traditional Roma skirt to work. The woman, who had previously worn the skirt while completing her internship at the grocery store, had not received any complaints prior to this. When her internship ended she was offered more hours in the shop. Her new manager asked her to wear trousers to work since skirts did not comply with the company's dress policy. Although the woman explained that she could not wear trousers because of her ethnic origin, the manager persisted with the requirement. The case was forwarded to the Equality Ombudsman, who eventually reached a settlement with the store, and the woman in question was awarded SEK 75,000 (€7,000) in damages.<sup>68</sup>

An official report on the situation of Roma in the **Czech Republic** in 2010, published in October 2011, highlighted persisting and high unemployment rates among Roma populations. The unemployment rate in socially excluded localities ranged from 70 % to 100 %.<sup>69</sup>

Some EU Member States took steps to improve Roma integration in the labour market. The state employment agency in **Bulgaria** (*Агенцията по заетостта*), for instance, reported that 10,369 Roma were provided employment under different programmes and projects. A national programme entitled 'From Social Benefits to Employment' (*От социални помощи към заетост*) hired more than half of them. Another scheme, with a budget of BGN 11 million (€5.5 million), named 'Take Your Life in Your Hands' (*Вземи живота си в ръце*) aims to unite the efforts of all stakeholders at the local level to provide support for Roma job seekers to access the employment market.<sup>70</sup>

In **Lithuania**, UNDP with partners such as SOPA (a non-profit organisation working on the integration of socially excluded groups into the labour market), the Roma community centre (*Romų visuomenės centras*) and the social support centre at the Vilnius municipality (*Vilniaus miesto savivaldybės biudžetinė įstaiga Socialinės paramos centras*) implemented a project entitled 'Face Roma: Innovative Ways of Roma Integration into the Labour Market' (*Atsigręžk j romus: inovatyvius romų dalyvavimo darbo rinkoje priemonės*). The project ran from 2009 to 2012 and was designed to combat Roma social exclusion and boost their participation in the labour market and interaction with the local community. By the end of the reporting period, 105 Roma persons had participated in the project. A mere seven participants in the project found work in 2010, while 17 others found employment between January and September 2011; these numbers illustrate

the on-going problems faced by Roma in the employment sector. Successful participants found jobs in construction, at a circus, in fast food restaurants and in the agricultural sector.

The **Slovak** government adopted several policies addressing the integration of national minorities and migrants into the labour market, including the revised action plan of the decade of Roma inclusion.<sup>71</sup> In its section on employment, the action plan identifies several ways to increase the employability of disadvantaged population groups, such as providing social and counselling services. This action plan proposes several measures aimed at furthering the integration of disadvantaged population groups into the labour market, with special reference to marginalised Roma populations. It envisages the continuation of measures such as the 'office assistant' project, which has proved to be an effective means of integrating Roma job seekers into the labour market. Under this project, Roma people were employed by the local Offices of Labour, Social Affairs and Family to provide services mainly to unemployed, socially disadvantaged people.

#### Promising practice

##### Integrating Roma into the employment market

The Polish Roma Union (*Związek Romów Polskich*) implemented a project on the integration of Roma into the labour market in the Szczecinek area (*Szczecinieccy Romowie na rynku pracy*), between January and December 2011. The project offered free vocational training to 30 Roma or their spouses in hairdressing, warehouse keeping, cooking, party catering, forklift operation and driving. Upon completion of the project, the top 10 graduates were to be offered paid internships, giving them the possibility to remain in work. Although the project is conducted in a setting where few Roma families live, 90 % of these families rely on the social protection system. The Polish Roma Union ran a similar project in the Świdwin area between November 2010 and December 2011.

#### 6.7.4. Evidence of discrimination against Roma populations in housing

The housing situation of Roma populations remains precarious. They continue to face spatial segregation, discrimination in access to social housing and forced

<sup>68</sup> Sweden, Equality Ombudsman (2011c).

<sup>69</sup> Czech Republic, Government decision No. 750.

<sup>70</sup> Bulgaria, Ministry of Labour and Social Policy (2011).

<sup>71</sup> Slovakia, Deputy Prime Minister for National Minorities and Human Rights (2011).





evictions. This is the case despite measures, such as housing integration policies, taken to improve their situation.

The People's Ombudsman (*Pučki pravobranitelj*) in **Croatia** issued a recommendation to the government to promote Roma social inclusion by intensifying efforts to systematically resolve issues surrounding the legalisation of Roma settlements and to develop an improved system of social housing.<sup>72</sup>

The **Bulgarian** Ombudsman (*Омбудсман на Република България*) reported on the housing problems of poor Roma families and mediated for the provision of municipality housing for them in Sofia. The Ombudsman's annual report covering 2010 identified problems in the availability of housing and the transparency of municipal housing policies. The report stresses that municipalities, especially those with high-density Roma populations, cannot cope on their own with the housing 'hardship' faced by Roma families, making a targeted national policy essential.<sup>73</sup>

The **Swedish** Equality Ombudsman reported receiving 230 complaints from Roma in the period 2004-2010<sup>74</sup> Forty-five of these complaints concerned discrimination in the housing market. Examples of discrimination included discriminatory selection processes for rented accommodation, refusal to permit the purchase of tenant-owned housing on the grounds of ethnicity or harassment by landlords and neighbours.

CERD and the Council of Europe Commissioner for Human Rights noted persistent discrimination against Roma populations in the **Czech Republic**, regarding access to adequate housing<sup>75</sup> and evictions of Roma families from rented municipal housing on grounds of non-payment of rent or utilities.<sup>76</sup>

In June 2011, the European Committee of Social Rights (ECSR), in its decision in the case of *European Roma Rights Centre (ERRC) v. Portugal*, found that national authorities had failed to show that they had taken sufficient measures to ensure that Roma live in housing that meet minimum standards of adequacy. It also found that the implementation of re-housing programmes by municipalities have often led to the segregation of Roma populations. The ECSR unanimously found that this amounted to violations of: Article 16, which protects family rights; Article 30, which protects against poverty and social exclusion; and Article 31 (1) on adequate housing, read alone or in conjunction with Article E, non-discrimination, of the European Social Charter (Revised).<sup>77</sup>

Upon a visit to **Slovenia**, the Council of Europe Commissioner for Human Rights raised concerns over Roma's poor housing conditions. The most problematic issues were the lack of access to public infrastructures, unresolved property issues and illegal construction.<sup>78</sup>

In December 2010, the European Roma Rights Centre published *Standards do not apply: inadequate housing in Romani communities*, which included **Romania**. The report found that Roma communities there face difficulties in accessing social housing. Local authorities may refuse their applications without explanation or public servants may subject them to ill-treatment when they apply for social housing.<sup>79</sup>

Similarly, an Amnesty International report on the housing conditions of Roma communities in Romania notes that "despite the challenges facing Roma communities in accessing adequate housing, the criteria used by local authorities for allocation of social housing fail to target Roma."<sup>80</sup> The same report, published in June 2011, argues that the lack of an adequate legal framework incorporating international human rights standards, combined with pervasive discrimination against Roma, have led to widespread violations of the right to housing, including forced evictions.

**Slovakia's** national equality body, the National Human Rights Centre (*Slovenské národné stredisko pre ľudské práva, SNSLP*), issued a *Report on Human Rights Implementation in Slovakia* focusing on implementation of the right to housing. In this report, the SNSLP points out that residential segregation of the Roma increased due to construction of various walls and fences designed to keep Roma populations away from the majority population. Local and municipal governments took, or tacitly endorsed, these initiatives. The SNSLP qualified these actions as involuntary residential segregation giving rise to the risk of creating concentrated pockets of ethnic minorities.<sup>81</sup>

Another example of residential segregation is the three-metre high wall built by local authorities in Baia Mare, **Romania** that surrounds a block inhabited mostly by Roma residents. The decision to construct the wall, adopted by the municipal council, drew criticism from human rights organisations such as Amnesty International and Romani Criss<sup>82</sup> and prompted an investigation by the National Council for Combating Discrimination, Romania's national equality body.

72 Croatia, Ombudsperson (2011), p. 66.

73 Bulgaria, Ombudsman (2011), pp. 57-58.

74 Sweden, Equality Ombudsman (2011c).

75 UN, CERD (2011e).

76 Council of Europe, Commissioner for Human Rights (2011a).

77 European Committee of Social Rights (ECSR) (2011a).

78 Council of Europe, Commissioner for Human Rights (2011c).

79 European Roma Rights Centre (2010), p. 45.

80 Romania, Amnesty International (2011), p. 3.

81 Slovakia, Slovak National Centre for Human Rights (2011), p. 47.

82 Romania, Romani Criss, Amnesty International, Equal Chances Association (2011).

*"In order to reduce segregation and guarantee the right to housing for minority members (particularly the Roma), it is inevitable to pursue policies aimed at preventing segregation of Roma communities, increasing participation of the Roma in solving their own housing situation and preventing evictions of the Roma inspired solely by the majority population's intolerance."*

Slovakia, Slovak National Centre for Human Rights (2011), p. 47

In June 2011, the ECSR found that the forced evictions from **France** of Roma of Romanian and Bulgarian origin that took place in the summer 2010 were incompatible with human dignity and constitute a violation of Article E on non-discrimination taken in conjunction with Article 31 (2) on the right to housing of the European Social Charter (Revised). The ECSR also concluded that the expulsion of Roma to Romania and Bulgaria in the summer of 2010 constitutes a violation of Article E on non-discrimination in conjunction with Article 19 (8) on guarantees concerning deportation of the European Social Charter (Revised).<sup>83</sup> In November 2011, the Council of Europe Committee of Ministers therefore invited "the French authorities to report at a forthcoming meeting on the measures taken or foreseen in order to deal with the situation described in the complaint and on cooperation with other countries concerned."<sup>84</sup>

The European Roma Rights Centre reported in 2011 that evictions of EU citizens who are Roma had taken place in Marseille, **France**, and in Rome, **Italy**.<sup>85</sup> The Commissioner for Human Rights of the Council of Europe expressed concerns in September about "the evictions of Roma and Sinti from settlements in **Italy** and at the impact that these practices have on the right to housing and other human rights of the persons concerned."<sup>86</sup>

*"The application of the circular of 5 August 2010 – which stipulated that 'within 3 months, 300 unlawful sites must be cleared, with priority given to those occupied by Roma [...] It is therefore the responsibility of the prefect of each département to organise the systematic dismantling of the unlawful sites, particularly those occupied by Roma' – led to the forced eviction of Roma of Romanian and Bulgarian origin which amounted to directly discriminatory treatment based on the ethnic origin of the persons concerned. These evictions took place against a background of constraint, in the form of the threat of immediate expulsion from France."*

European Committee of Social Rights, Decision on the Merits, Centre on Housing Rights and Evictions (COHRE) v. France, Complaint No. 63/2010

Still in **Italy**, the Council of State ruled in November that the state of emergency targeting Roma populations that has been in effect in parts of the country since

May 2008 was illegal and unfounded.<sup>87</sup> This state of emergency was initially instituted in the regions of Lombardy, Campania and Lazio and subsequently extended to Piedmont and Veneto. It was extended several times and remained in force until December 2011. According to this decree, the authorities were afforded extraordinary powers, including: monitoring camps; conducting a census of persons resident in camps, including minors; taking photos and requesting documents to identify and record residents; expelling persons with irregular status from camps; displacing persons to formally monitored camps; and carrying out forced evictions from informal settlements.<sup>88</sup>

The EHRC reports that a lack of decent, appropriate and secure accommodation led to inequalities experienced by Gypsies and Travellers in the **United Kingdom**. It also reports on pioneering initiatives undertaken by some local authorities to facilitate access to health and education services and maintain good relations with other communities, while meeting the needs of nomadic groups to preserve their traditional lifestyle. In reviewing progress by local authorities to meet the accommodation needs of Gypsies and Travellers the EHRC finds that provision is "patchy and remains insufficient". It also found a "slowing down in progress over the period 2008-2010 and that the previous 2011 target, to increase the number of authorised sites, has not been met."<sup>89</sup>

In October 2011, 86 families of Irish Travellers, all of them British citizens, were evicted from the largest Irish Traveller site in the **United Kingdom**, Dale Farm in Essex. Although they owned the land, they did not receive permission from planning authorities to reside there. The residents had resisted the eviction through legal action but lost a long-running legal battle. The UN Special Rapporteur on adequate housing and the UN Independent Expert on minority issues had already called on the United Kingdom in July 2011 to find a peaceful and appropriate solution and adequate alternative housing for the families.<sup>90</sup> CERD had also addressed the issue in its concluding observations on the United Kingdom issued in September 2011, expressing its "regrets on the state's party insistence on proceeding immediately with the eviction of the Gypsy and Traveller community at Dale Farm in Essex before identifying and providing alternative culturally appropriate housing for members of these communities."<sup>91</sup>

87 Italy, Council of State (2011) Ruling No. 6050 of 16 November 2011.

88 European Roma Rights Centre (2011b).

89 United Kingdom, Equality and Human Rights Commission (EHRC) (2011), p. 60.

90 UN, Office of the High Commissioner for Human Rights (OHCHR) (2011).

91 UN, CERD (2011b).

83 ECSR (2011b).

84 Council of Europe, Committee of Ministers (2011b).

85 European Roma Rights Centre (2011a).

86 Council of Europe, Commissioner for Human Rights (2011d), p. 10.

## Outlook

Existing structural inequalities between ethnic minorities and majority populations are likely to persist. To address this challenge, sustained efforts on the part of policy makers and civil society are required. Moreover, there is a need for more systematic and comprehensive data collection practices to ensure better understanding of the scale and nature of ethnic discrimination and racist violence and crime in the EU.

The enforcement of existing legislation, greater rights awareness and ease of access to courts and other complaints bodies will continue to be essential tools in the battle against ethnic discrimination in healthcare, education, employment and housing.

Measuring the success of policy measures to combat ethnic discrimination and to promote the integration and social inclusion of disadvantaged groups will require periodic collection and analysis of data using fundamental rights indicators.

The EU Framework for National Roma Integration Strategies up to 2020 provides the EU and its Member States with an opportunity to improve the social inclusion of Roma populations. If they are successful, these strategies could act as models for the better inclusion and integration into society of other disadvantaged groups.

Overcoming entrenched challenges – such as segregation in education or housing – will, however, require a long-term and sustained commitment. In addition to national authorities, the role of local and regional authorities will be crucial. There is a strong need to strengthen their capacity for Roma inclusion policies, as was recognised by the Council of Europe Summit of Mayors on Roma in September 2011, which agreed to set up an European Alliance of Cities and Regions to this end.

The ability to track the impact of policies over time and tailor them as necessary will be key to the success of strategies implemented at EU and national level to tackle racism and ethnic discrimination.

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# UN & CoE

# EU

## January

8 February – Council of Europe European Commission against Racism and Intolerance issues its fourth report on Spain

## February

7 March – UN Committee on the Elimination of Racial Discrimination holds a thematic discussion on racial discrimination against people of African descent

## March

4 April – UN Committee on the Elimination of Racial Discrimination issues its Concluding observations on Lithuania and on Ireland

8 April – UN Committee on the Elimination of Racial Discrimination issues its Concluding observations on Spain

## April

31 May – Council of Europe European Commission against Racism and Intolerance issues its fourth report on Cyprus

## May

24 June – Council of Europe European Commission against Racism and Intolerance adopts general policy Recommendation No. 13 on combating anti-Gypsyism and discrimination against Roma

## June

## July

## August

13 September – Council of Europe European Commission against Racism and Intolerance issues its fourth report on Lithuania

14 September – UN Committee on the Elimination of Racial Discrimination issues its Concluding observations on the Czech Republic, on Malta and on the United Kingdom

22 September – Council of Europe Summit of Mayors on Roma adopts final declaration supporting the setting up of a European alliance of cities and regions for Roma inclusion

## September

## October

## November

## December

## January

## February

9 March – European Parliament adopts a Resolution on the EU strategy on Roma inclusion

## March

5 April – European Commission issues a Communication on an EU Framework for national Roma integration strategies up to 2020

## April

## May

## June

## July

## August

2 September – Council of the European Union issues its conclusions on an EU Framework for national Roma integration strategies up to 2020

## September

## October

## November

## December