



Resolution 2523 (2023)¹

Institutional racism of law-enforcement authorities against Roma and Travellers

Parliamentary Assembly

1. Over the past several decades, the case law of the European Court of Human Rights and the monitoring work of the European Commission against Racism and Intolerance (ECRI) and the Advisory Committee on the Framework Convention for the Protection of National Minorities (ETS No. 157) have brought to light serious breaches of human rights committed by law-enforcement officers against Roma and Travellers throughout the member States of the Council of Europe.
2. Despite these repeated findings and the recommendations addressed to States to end the practices at issue and prevent similar cases from arising, police brutality is still too often committed against Roma and Travellers in Europe. It ranges from inhuman or degrading treatment to torture, from excessive use of force to violence resulting in some cases in the victim's death.
3. Violent attacks and raids against Roma villages and settlements, and places where Travellers have halted, also continue to take place – sometimes committed by members of the law-enforcement authorities themselves, sometimes by the population itself without the law-enforcement authorities intervening to protect the victims. Such violent acts, as well as ethnic profiling, harassment, marginalisation and provocation, are part of daily life for too many Roma and Travellers on our continent, and form part of their shared experience of law-enforcement authorities.
4. Systematic checks of caravans and the criminalisation of begging or the illegal occupation of land moreover punish persons who are already victims of discrimination and create conditions in which Roma and Travellers are brought into contact to an excessive degree with law-enforcement authorities; at the same time, these measures increase their distrust of the authorities.
5. The Parliamentary Assembly deplores the fact that Roma and Travellers are thus very often subject to excessive surveillance, controls and even use of force by members of law-enforcement authorities, which violate their rights, while the responses provided are often inadequate when these populations are victims of criminal offences, whether committed by public officials or by private individuals. Indeed, all too often, when acts likely to constitute such offences are committed against Roma or Travellers, no effective investigation is carried out to help elucidate the facts, which is also a violation of their rights.
6. These human rights violations destroy the confidence of Roma and Travellers in law-enforcement authorities, which should protect them by assuring their safety and security as they do for all citizens. Discrimination in access to justice further worsens this situation and deprives the victims of abuse of adequate remedy.
7. This situation can be described as institutional racism, or systemic racism, of law-enforcement authorities against Roma and Travellers. The Assembly underlines that these terms do not imply that every individual working within the institution in question is racist but refer to the discriminatory effects of the functioning of the institution as a whole, effects which are first and foremost the result of the policies and practices that it applies.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 28 November 2023 (see [Doc. 15856](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Jean-Pierre Grin).*



8. The Assembly deplores this situation and underlines that States have a duty to prevent and combat these serious human rights violations. It notes that to do so, it is essential to have a thorough understanding of the structural shortcomings at issue, in order to find effective responses.

9. In this context, the Assembly refers to its [Resolution 2364 \(2021\)](#) “Ethnic profiling in Europe: a matter of great concern” and its [Resolution 2413 \(2021\)](#) “Discrimination against Roma and Travellers in the field of housing”, which already examined some of these concerns and recommended that States take a series of measures in order to address them.

10. The Assembly also draws member States’ attention to the recommendations set out by ECRI in this field, notably in the framework of its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and its General Policy Recommendation No. 13 revised on combating antigypsyism and discrimination against Roma. It further underlines that the priorities approved by the Committee of Ministers of the Council of Europe in its Strategic Action Plan for Roma and Traveller Inclusion (2020-2025) include combating antigypsyism and discrimination and supporting real and effective equality.

11. In the light of these considerations, the Assembly calls on Council of Europe member States,

11.1. as concerns the legislative framework, to:

11.1.1. ensure that criminal law provisions applicable to hate-motivated offences cover acts motivated by antigypsyism and anti-nomadism;

11.1.2. ensure that national anti-discrimination legislation applies to the actions of members of law-enforcement authorities and that acts of discrimination committed against Roma and Travellers are duly punished by law;

11.1.3. refrain from criminalising behaviour such as begging or the illegal occupation of land wherever other measures, notably administrative law measures, measures concerning the establishment of adequate halting sites or social policy measures would be better adapted to resolving the problems that lead to the behaviour in question;

11.2. as concerns the fight against impunity and the obligation to conduct an effective investigation, to:

11.2.1. offer rapid and effective remedies to victims of police violence, giving priority to simple, flexible and accessible procedures;

11.2.2. create independent investigative mechanisms, free from any political pressure, equipped with sufficient resources and powers to effectively investigate complaints against members of law-enforcement authorities and to punish offenders;

11.2.3. improve internal procedures for reporting misconduct within law enforcement, in particular by adopting measures to protect whistle-blowers;

11.2.4. protect victims against police intimidation, reprisals and harassment – all of which are encouraged by a sense of impunity – and provide for penalties for offenders that are commensurate with the seriousness of their actions and that are dissuasive;

11.2.5. support the activities of non-governmental organisations working to promote the access of Roma and Travellers to justice;

11.3. as regards preventing new, similar human rights violations, to:

11.3.1. introduce recruitment procedures aimed at promoting a composition of the law-enforcement authorities that reflects the diversity of the population;

11.3.2. train all members of law-enforcement authorities to apply methods that fully respect human rights in all circumstances; such training should also be provided at regular intervals;

11.4. as concerns strengthening mutual trust between Roma and Travellers, on the one hand, and law-enforcement authorities, on the other, to:

11.4.1. give priority to policies and practices that avoid having recourse to law-enforcement authorities;

11.4.2. provide a sufficient number of halting sites and other stopping places adapted to the needs of Travellers, and prioritise recourse to trained mediators rather than law-enforcement officers when it comes to the reception of Travellers;

11.4.3. establish frameworks for dialogue and co-operation between law-enforcement authorities and Roma and Travellers;

11.4.4. provide full support to Roma and Travellers who are victims or witnesses of misconduct committed by members of law-enforcement authorities.

12. The Assembly encourages member States to strengthen the fight against antigypsyism and anti-nomadism by recognising these phenomena as forms of racism that must be covered by criminal and civil law provisions prohibiting racism and racial discrimination, and working together with Roma and Travellers to overcome stereotypes and prejudice within the wider community, as well as mutual mistrust.

13. The Assembly encourages member States to actively promote education about and awareness of Roma and Traveller history and culture as an integral part of the fight against antigypsyism and anti-nomadism.

14. The Assembly further invites national parliaments to support the No Hate Parliamentary Alliance, its mandate and its functioning.