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# PAVING THE WAY FOR TRUTH AND RECONCILIATION PROCESS TO ADDRESS ANTIGYPSYISM IN EUROPE

REMEMBRANCE, RECOGNITION,  
JUSTICE AND TRUST-BUILDING

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**CHACHIPEN**  
Remembrance, Recognition,  
Justice and Trust-Building

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## Remembrance, Recognition, Justice and Trust-Building

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### 1. Introduction: Setting the scene

The [CHACHIPEN](#) Project (*Paving the way for Truth and Reconciliation Process to address antigypsyism in Europe*) has aimed at advancing the recognition of and response to historically-rooted and systemic [antigypsyism](#) in order to achieve justice, equality, non-discrimination, and the full participation of Roma as equal citizens across the European Union (EU).

The starting point of the project was the desire to examine and implement a model of **Truth and Reconciliation Processes** (TRPs) as part of a [transitional justice approach](#) to address historically rooted antigypsyism in the EU. The CHACHIPEN Project has implemented **two main thematic streams of research**:

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“[Antigypsyism](#) is a historically constructed, persistent complex of customary racism against social groups identified under the stigma ‘gypsy’ or other related terms, and incorporates: 1. a homogenizing and essentializing perception and description of these groups; 2. the attribution of specific characteristics to them; 3. discriminating social structures and violent practices that emerge against that background, which have a degrading and ostracizing effect and which reproduce structural disadvantages”.

(Alliance against Antigypsyism, A Reference Paper, 2017)

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[Transitional justice](#) comprises “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof”.

(United Nations Secretary General, *The Rule of Law and Transitional Justice in Post-conflict Societies*, 2004)

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First, an examination of the processes, impacts and limitations/gaps of two expert Commissions – non-judicial and temporary investigative bodies – [the Commission on Antigypsyism in Germany](#) (hereafter the German Commission), and the [Swedish Commission against Antiziganism](#) (the Swedish Commission). The following questions were posed: What are the lessons learned and what has worked or

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This project is funded by the European Union’s Rights, Equality and Citizenship Programme (2014-2020). The content of the project’s outputs represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains. The project has also received the kind support of the German Ministry of Foreign Affairs.



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not worked in these two national TRP experiences? Which processes could be of relevance at the country and EU levels to address institutionalized racism and injustice against Roma communities and antigypsyism?

Second, a qualitative assessment of the phenomenon of historically rooted antigypsyism in two other EU member states, home to the largest Roma communities in the EU. First, we considered [Romania](#), with particular focus on slavery and deportations, their current manifestations and consequences in the country. Second, we investigated [Spain](#), paying attention to the origins and ramifications of antigypsyism during and after the Middle Ages, all the way to the Franco dictatorship's repression during the 20th century and ongoing antigypsyism in democratic Spain.

This Brief presents and summarizes the key findings and policy recommendations based on the four CHACHIPEN Country Reports covering Germany, Romania, Sweden, and Spain. It highlights commonalities and differences between these EU member states, draws lessons learned, and makes recommendations for future EU policy interventions. This Brief also takes into account the key findings resulting from the [Strategic Visioning Exercise](#) that took place on 23 June 2022 as part of the CHACHIPEN project.

## 2. Lessons Learned from the German and Swedish Commissions: Scope and Impact

**Finding #1:** Both the Swedish and German Commissions consisted of a two-year period devoted to investigations, research, and hearings. The Swedish Commission was mainly entrusted with the task of gathering and assessing information on contemporary antigypsyism in that country and the specific revelation of a police register of Roma populations which came to light in September 2013. The Swedish Commission was **not fully independent** from the Government but was rather an in-house product decided by one individual Minister. This made it too vulnerable and dependent on changes in the country's political leadership, a fact that undermined its credibility with the general population (both Roma and non-Roma), the legitimacy of its conclusions, and the effectiveness of its impact. By contrast, the German Commission's **operational independence** from the German authorities constituted a key strength in comparison to the Swedish Commission. The German Commission could set up its own agenda and was not dependent on specific political figures.

**Finding #2: Roma advocacy, representation, and ownership** of the TRPs constitute another crucial aspect. The composition of the German Commission was criticized for not including sufficient representation of Sinti and Roma individuals. By contrast, the Swedish Commission was mainly composed of Roma individuals. The German Commission was the result of a **long-lasting political process of concerted advocacy and strategic networking** by local Sinti and Roma civil society groups, in particular [the Central Council of German Sinti and Roma](#). The involvement of wider civil society actors in the country was an issue of concern, however, and the decision to actually establish such a Commission came as a surprise to many. Similarly, the setting up of the Commission in Sweden was not publicly discussed, nor did it stem from open consultations with relevant stakeholders and Roma actors.

Unlike Germany, the Roma civil society space in Sweden has been reported to be generally malfunctioning, with no NGO of comparable strength to the Central Council of German Sinti and Roma. The Swedish Commission implemented a series of hearings with local Roma communities and representatives which partly addressed these shortcomings. No similar hearings were held by

the German Commission, which relied heavily on input from the Central Council. While the Central Council claims to represent all Roma and Sinti in Germany (in line with Germany's neo-corporatist model of interest group aggregation), that representation is uneven among the various groups that make the Council. Our finding is that **Roma representation and inputs must occur at various stages of the TRPs, and care must be taken that a wide variety of Roma views and voices** (along age, educational levels, etc.) are built into these processes.

**Finding #3:** Despite repeated demands from key actors, CHACHIPEN research shows that **the German and the Swedish Commissions did not qualify as proper 'Truth and Reconciliation Commissions' (TRC) aligned to international transitional justice standards**, which are synthesized in the **Annex** of this Comparative Brief. The CHACHIPEN Swedish Report in fact concludes that the preparation of a White Paper on abuses, violations, and other acts of discrimination against Roma people in the 20th century and the subsequent launch of the Swedish Commission against antigypsyism were seen by some as part of a strategy to avoid the implementation of a fully-fleshed TRC in Sweden, since the Swedish Commission precluded, rather than facilitated, the launch of a proper TRC dedicated to the task of reckoning with egregious past abuses<sup>1</sup>.

**Finding #4:** The **timeframe** was considered a crucial component affecting the overall success of both Commissions. The German and Swedish Commissions ran for a period of 2 years, which was considered too short for fulfilling their mandate and accomplishing all their envisaged tasks. In the case of Germany, this short timeframe required dropping the investigation of some relevant themes or covering only the most important areas/themes and actions. Furthermore, **the precise moment when work begins and subsequent timing of the publication and release of final results and recommendations constitutes another central issue to consider and carefully plan**. In the case of Germany, for instance, the Commission published its Final Report at the end of the legislative cycle, weeks before elections were to be organized. The CHACHIPEN Country Report on Germany highlights this timing as a key factor which limited the Commission's impact and follow up.

**Finding #5:** The experiences of both Commissions shows the central importance of raising and allocating **sufficient funds or budget** to these initiatives so that they can carry out all their envisaged activities and actions. This was particularly crucial as both Commissions relied heavily on external research, qualitative studies, and the organization of events and hearings bringing key stakeholders together. The Swedish Commission depended upon limited financial resources, which led in turn to limiting its consultation activities and final outputs. Furthermore, their experiences indicate the crucial role played by a **reliable and effective administrative support** staff, able to back up their activities. Timely and broad access to government archives (including archives produced by the justice system, police, border guards, and intelligence services) and other relevant documentary fonds (held by universities, banks, etc.) is also to be considered here.

**Finding #6:** The German and Swedish Commissions' Final Reports outlined a set of recommendations and demands that could pave the way for much-needed public policy proposals. Both Commissions represented **highly credible processes** contributing to a better understanding

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<sup>1</sup> A state inquiry (Delegation for Roma Issues Report 'Roma rights — a strategy for Roma in Sweden', SOU 2010:55) called for a set of specific measures towards equality of the Roma, including a TRC to assess and document the abuses and discriminatory measures inflicted on the Roma in the 20th century. It proposed key actions for historical justice including collective compensations and other forms of non-material justice. The Delegation considered that "a process of reconciliation initiated by a truth and reconciliation commission could be a possible tool [to bridge the gap in trust](#) between Roma and mainstream society in Sweden" (Emphasis added).

of institutionalized racism and the establishment and use of the concept of antigypsyism, and its various manifestations, in these two countries. The German Commission shows that the transfer of ideas and practices across Europe can help identify lessons and promising practices relevant to the establishment of new Commissions. However, the **long-term impact** of both Commissions remains a matter of concern. The Swedish Commission shows the crucial importance of focusing on the follow up and lasting effects of results and recommendations, the absence of which leading to substantial frustration in this case.

**Finding #7:** The Commissions' **recommendations were not always been followed up and implemented.** In Germany, a Federal Government Commissioner against Antigypsyism coordinating inter-Ministerial actions based on the Commission's recommendations was established in March 2022. As the CHACHIPEN Country Report highlights, in Sweden, the recommendation for institutional reforms that would include the setting up of permanent Roma rights institutions has remained unfulfilled. At the same time, the Swedish Commission's process fuelled changes in national judicial cases and increased judicial recognition of antigypsyism. Neither Commission had a successor, and neither government planned to include the Commissions' recommendations into the national Roma strategic framework to implement the [EU Roma strategic framework on equality, inclusion and participation](#), or into the national anti-racism plans to implement the [EU Anti-Racism Action Plan 2020-2025](#).

**Finding #8: Lack of dissemination and public outreach** was a key concern related to the German and the Swedish Commissions. In Germany, for instance, the CHACHIPEN Report underlines how the Commission's tasks were mainly focused on preparing and issuing the Report but not on the implementation of its results and recommendations, or on their dissemination to the widest possible public. German authorities invested little in communicating the results to Roma and non-Roma groups, an oversight that amounted to a missed opportunity. Despite the highly relevant efforts and contributions of the two Commissions, CHACHIPEN research indicates that the phenomenon of antigypsyism remains present and prevalent in both countries. The Country Reports reveal and document **currently existing manifestations of antigypsyism**, which are the concern of the present but which continue to remain largely unaddressed.

### 3. Antigypsyism in Spain and Romania – Paving the Way for Truth and Reconciliation

**Finding #9: Roma slavery and the Roma holocaust** are constitutive parts of long-standing antigypsyism, institutionalised exclusion, and the marginalisation of all Roma communities across the EU. There has been little, if any, consideration of the most important events marking Roma history in Romania, not even of the more than 5 centuries of enslavement or the racially motivated deportations and killings perpetrated during the Second War World. The most crucial current manifestations of antigypsyism in that country include, for instance, racial segregation in education, police violence, environmental racism, and inequality in the administration of justice.

In the same vein, the CHACHIPEN Country Report on Spain documents testimonies of institutionalised criminalisation, police violence and hatred, and the use of Roma as cheap labour and/or as slaves. The Report assesses the relationship, and exchange of information about the Roma, between the totalitarian states of fascist Spain and Nazi Germany. It deconstructs the myth that antigypsyism began with the Franco regime and ended with the transition to democracy. It shows that the manifestations and consequences of historical antigypsyism are visible today in a



variety of areas of life, including wide-spread residential segregation policies, which are part of the daily lives of many Roma communities across Spain.

**Finding #10:** The experience with the International Commission on the Holocaust in Romania shows that transnational justice tools, if not carefully and professionally designed to include and consult Roma representatives and scholars and to investigate all possible instances of mass crimes and atrocities, **risk reproducing ‘the truth’ of the perpetrators or the dominant narrative instead of that of the Roma survivors and their oral history.** Both CHACHIPEN Country Reports on Spain and Romania show how the key sources and materials covering Roma history have replicated or perpetuated the framing of the oppressor, rendering the real life experiences of Roma invisible. If well designed and well implemented, Truth and Reconciliation Commissions have **enormous potential** to be unique across Central and Eastern European countries and to provide a better understanding and dissemination of the extent and patterns of past antigypsyism and their present-day manifestations and consequences. The lessons learned from the Commissions in Germany and Sweden have informed and inspired the decision in Spain to set up a Working Commission on Memory and Reconciliation with the Roma People, which has been approved within the framework of the Law of Democratic Memory.

#### 4. Policy Recommendations

1. The full potential of **transitional justice tools** and truth-seeking mechanisms should be explored, including the setting up of national, regional and local Truth and Reconciliation Commissions. These **constitute [key tools](#) addressing institutionalized racism and antigypsyism** from historical and rule-of-law perspectives, and advance remembrance, recognition, and justice as well as the right of individuals to know the truth. If well-designed, these Commissions, along with other complementary transitional justice tools (such as for instance [citizens tribunals](#)), can play a crucial role in **laying down the preconditions for earned trust and in facilitating a progressive process of reconciliation.**
2. There are **key ‘success indicators’** to consider in the design and implementation of these transnational justice tools, in particular: no direct transfer of past experiences, but rather the adaptation of these tools to the specificities of each country and regional/local-context as well as any possible regional or cross-country feature(s); operational independence from Government so that they work without political interference; Roma and civil society consultation, ownership, and active participation, including public hearings with testimonies and oral history; careful time management and a well-designed agenda/calendar; solid financial and administrative support; public outreach and dissemination, including extensive contacts with the media; and regular reporting on the implementation of recommendations.
3. **The knowledge base** of these tools plays a central role. These should ensure solid funding covering independent and academic research [to collect data and monitor antigypsyism](#), and hence to ensure the scientific knowledge foundations of any transitional justice tools. Priority should be given here to including Roma scholars and researchers as a pre-requisite in the implementation, scientific design, and coordination of research. This should go hand-in-hand with the systematic and concerted **collection of testimonies and first-hand experiences/statements** of Roma victims and survivors, witnesses, and their families, as well as allowing **full access to archival official documents and secret archives/restricted documents.**

The knowledge thus produced should be made accessible and easily understandable to a wider public audience through a variety of channels and in a variety of formats. For instance, the EU could support the setting up of a **European Museum for Roma Victims and Roma History** (with on-site and itinerant exhibitions), which could be accompanied by a distinct and **centralized archive/record** that would mirror government archives in various EU countries related to Roma suffering and antigypsyism. The archive would include copies of all relevant documents, where available, judicial records related to cases from Holocaust, copies of legislation related to slavery, sterilizations, etc. This could be combined with an [oral history project](#) collecting testimonies related to past suffering and human rights violations for transmission to current and future generations.

4. The **EU plays, and can continue to play, a crucial role** in fostering, adding value, promoting, and supporting change and key synergies in key areas of Roma life. The **EU National Roma strategic frameworks and national anti-racism plans** should give a clear and high priority **to follow up** on the German and Swedish Commissions' recommendations. This should go hand-in-hand with the establishment of **independent national, regional, and local monitoring mechanisms** following the implementation of the Roma national strategies and Anti-Racism plan, and – in the framework of formal partnerships – follow up EU Member States implementation of **recommendations to combat antigypsyism issued by key international and regional bodies** such as the [European Commission against Racism and Intolerance \(ECRI\)](#), the Council of European [Commission for Human Rights](#), [OSCE ODIHR](#), and the [United Nations](#). Additionally, the EU should carry out an in-depth independent evaluation of what has come out of national inquiries and commission processes in countries like Germany and Sweden and study their implementation and ongoing impact.
5. The EU should give priority to the setting up of an **EU-level Transitional Justice Toolbox** to investigate and acknowledge the persecution, exclusion, and disownment of Roma throughout European history and their present-day ramifications and manifestations across the EU. Various tools should be used complementarily, such as expert commissions based on thematic, specific events or geographical areas, citizens tribunals, institutional reforms commissions, systems for vetting abusive officials from public positions, etc. The EU Toolbox could start by supporting **the creation of a 'Commission of Commissions'**. This Tool could facilitate an **'umbrella process' over a period of five-years running in parallel and coordinating – where and when relevant – national, regional, and local-specific Commissions.**

CHACHIPEN research confirms the need to avoid 'one-size-fits-all formulas' or the uncritical transfer of national-specific models to different regional and local contexts. The EU's value added would be to ensure the transnational and cross-EU synergies and commonalities across these Commissions and other transitional justice tools. Priority could be first given to investigating the Roma Holocaust, Romani enslavement, and the forced sterilization of Roma women in Europe. This could be complemented, or followed up, with **theme-specific impacts or types of manifestations** in current or present-time antigypsyism such as racialized poverty, segregation and exclusion, racialized policing, environmental racism, and the legacies of antigypsyism in law enforcement as well as EU Roma Citizens free movement and rights.

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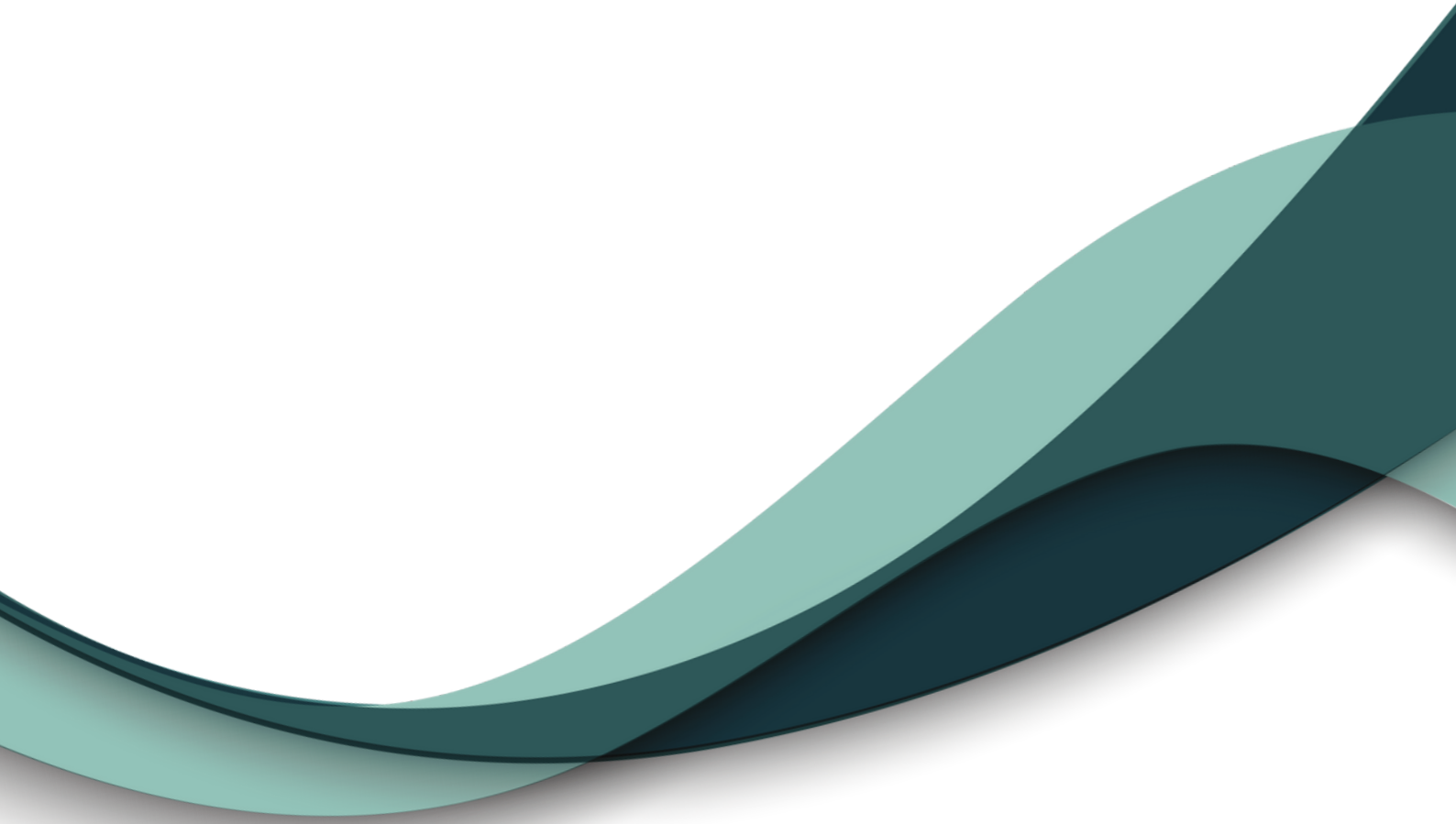


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## ANNEX: Truth and Reconciliation Commissions (TRC) – Selected Features based on International Standards



Sources: Authors' own elaboration based on Office of the United Nations High Commissioner for Human Rights (OHCHR), *Rule of Law Tools for Post-Conflict States – Truth Commissions*, Geneva, 2006; and United Nations, Guidance Note of the Secretary General, *United Nations Approach to Transitional Justice*, March 2010.



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