

ERRC LEGAL VICTORY AGAINST SLOVAKIA CONCERNING DEATH IN POLICE CUSTODY CASE

On 14 December 2010, the **European Court of Human Rights** (Court) ruled in favour of the applicant in the case of **Mižigárová v Slovakia** – a case brought by the ERRC concerning the death of a 21-year-old Romani man while in police custody in Poprad, Slovakia in 1999. In August 1999, the victim, Mr Lubomir Šarišský, was arrested and taken into custody by police for an alleged bicycle theft. While in custody, Mr Šarišský was shot in the abdomen and died four days later in hospital

as a result of the gunshot, leaving his wife and 10-month old daughter behind. The ensuing police investigation into the death, marked by serious flaws, and domestic proceedings only resulted in the conviction of an off-duty police officer for injury to health caused by negligence, for which he received a 2½ year suspended sentence.

The Court held that Slovak authorities violated their obligation to take reasonable measures to protect Mr Šarišský's

health and well-being while he was in police custody. The Court also held that the ensuing investigation was severely inadequate, which amounted to a further violation of Article 2 (the right to life) of the **European Convention on Human Rights**. Mr Šarišský's wife, Ms Milusa Mižigárová, was awarded a total of 45,000 EUR in non-pecuniary damages by the Court for pain, frustration and humiliation caused by the violent death of Mr Šarišský.

ERRC CONFERENCE FACILITATES STAKEHOLDER DISCUSSION OF TRAFFICKING IN ROMANI COMMUNITIES

On the occasion of **International Human Rights Day**, 10 December 2010, the preliminary results of a study conducted by the European Roma Rights Centre (ERRC) and **People in Need Slovakia** (PiN) were presented at a conference in Budapest. The conference was attended by governmental and non-governmental representatives from the US and Europe, international organisations, Roma rights activists and academics.

The preliminary findings indicate that Romani communities are deeply affected by trafficking in several central European countries. The research, conducted in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia, indicates that Roma are highly vulnerable to trafficking due to discrimination and structural poverty which result in low socio-economic status, low educational achievements and high levels of unemployment.

During the conference, experts provided input on the draft report and contributed to the formulation of recommendations to the target governments. In March 2011, the ERRC will publish the final results of the study, which was supported by the European Commission's **Daphne III Programme**.



Experts, activists and governmental representatives attended the conference to discuss the preliminary findings of the trafficking research.

PHOTO CREDIT: SINAN GÖKÇEN/ERRC

THE ERRC COMBATS RACISM AND DISCRIMINATION AGAINST ROMA AND EMPOWERS ROMA TO DEFEND THEIR OWN RIGHTS.

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ERRC LAUNCHES REGIONAL ROMA HOUSING REPORT IN SERBIA

On 13 December the ERRC report **“Standards Do Not Apply: Inadequate Housing in Romani Communities”** was launched at a press conference in Belgrade. This study documents the housing situation of Roma in Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Romania, Serbia and Slovakia. Young Romani activists across the target countries carried out the field research for the study as part of a capacity building project implemented by the ERRC from 2008 – 2010 entitled “Empowerment of Roma to Fight Rights Deprivation”, supported by the **United Nations Democracy Fund**.

At the press event, ERRC representatives and the Romani researchers presented the main findings of the study to national and international journalists. The research indicated that the housing of Roma does not meet adequate standards in any of the

countries studied. Roma residents live in poor conditions in overcrowded houses and lack security of tenure, making them vulnerable to forced evictions. Most of the evictions documented during this study were illegal under international law. The study also documented discrimination against Roma by public authorities and private citizens in access to public or private housing. The ERRC and the young Romani activists urged Governments to



A team of ERRC staff members presented the findings of the housing research at a press conference in Belgrade.

PHOTO CREDIT: MEDIJA CENTAR BEOGRAD

implement the recommendations produced on the basis of this research.

ERRC HOSTS LEGAL TRAINING IN RUSSIA

From 10-13 January 2011, the European Roma Rights Centre organised a legal training jointly with the regional Roma NGO “The North Caucasus Centre for Roma Culture” in Krasnodar, Russia. The training provided Russian lawyers, NGO activists and government officials from the Department of Migration and Minority Affairs, the regional department of the Ministry of Foreign Affairs and the regional Human Rights Ombudsman with

knowledge about the European Convention on Human Rights (Convention) and the European Court of Human Rights (Court) and how these tools can be used to protect the rights of Roma if the Russian legal system fails.

During the training the ERRC discussed the current **situation of the Romani population in Russia** and provided an overview of the main international mechanisms

for human rights protection. Detailed information was provided about Convention articles which are widely applicable in Roma rights cases, such as the right to life, the right to be free from torture and degrading treatment, the right to private life, the right to be free from discrimination, the right to property and the right to have a fair trial. The explanation was supplemented by practical examples, many from European Court cases filed by the ERRC.

ERRC LAUNCHES ROMANI WOMEN’S ACTION IN ITALY

On 10 and 11 February 2011, the ERRC launched a women’s rights action in Italy ahead of the July 2011 review of Italy’s compliance with the **Convention on the**

Elimination of All Forms of Discrimination Against Women (CEDAW). On those days, the ERRC held a training course on conducting field research on

the different experiences of women as perceived by Roma in Italy.

ERRC trainers focused on developing interview techniques and introduced the participants to CEDAW, the principle of equality, non-discrimination and State obligations. The CEDAW review process was explained and topics such as gender stereotypes and violence against women were discussed. During a field visit to a local Romani women’s enterprise, participants practiced conducting semi-structured interviews.

Selected training participants are currently undertaking research on violations of women’s rights in their communities around Italy, which will be used as primary data for a parallel report for consideration by **Committee on the Elimination of Discrimination Against Women**.



ERRC and Roma Onlus Staff with the Romani women who participated in the training in Rome.

PHOTO CREDIT: ALESSANDRA LUPPINO

ERRC PREPARES FOR LITIGATION ON BEHALF OF ROMANIAN ROMA

In late December 2010, the ERRC visited Hădăreni, Romania, to gather witness statements about the non-implementation of the 2005 European Court of Human Rights judgment in the case of **Moldovan and Others v Romania**. In this case, the Court ruled that Romanian authorities failed to provide justice or redress to the victims of a 1993 pogrom during which three Romani men were killed and substantial damage to homes and property was caused. The ERRC continues to work on this case together with **Romani Criss**, with the aim of launching new litigation before national courts concerning the failure of the Romanian Government to implement the 2005 decision.

In December 2010 and January 2011 the ERRC also spent time in Cluj-Napoca, Romania, gathering documentation about the 17 December forced eviction of 270 Roma from their homes on Coastei Street and their forced relocation to social housing outside the city, in a location called Pata-Rât, about 500 metres from the city garbage pit and about 250 metres from a drug factory's waste site. Working with **Amare Phrala** and the Desire Foundation, the ERRC gathered witness statements from all the affected families, documenting violations of international and domestic law.

On 17 January, the ERRC and its partners participated in a public debate in Cluj-Napoca, condemning the treatment of the Roma concerned by local authorities. At the same time, the ERRC and its partners sent a **letter** to local and national authorities in Romania and to representatives of the European Union, the Council of Europe, the United Nations and the Organization for Security and Cooperation in Europe,

outlining the violations of international human rights standards. The organisations called for urgent measures to ensure that the Roma moved from Coastei Street to Pata-Rât are immediately moved from their current segregated, hazardous location and provided with adequate alternative accommodation in Cluj-Napoca, in appropriate proximity to their jobs, schools and other public services. Since that time, the ERRC has been working to organise environmental testing of the new housing area and gather further evidence in the case.

At the end of January 2011 the ERRC visited clients in the village of Țânțăreni,

Romania, to collect statements from Romanian Roma expelled from Denmark on 7 July 2010. Since the summer, the ERRC has supported the Romani Romanian citizens in **appealing their expulsions** before the Danish authorities. The Roma explained to the ERRC that they had travelled to Denmark to seek work because of the poor social and economic conditions in Romania. The evidence points to violations of the EU's **Free Movement Directive (2004/38/EC)**, the **Charter of Fundamental Rights of the European Union**, the **Racial Equality Directive (2004/38/EC)** and the **European Convention on Human Rights**.



Roma forcibly evicted to segregated social housing in the Pata-Rât Romani settlement 18 km outside of Cluj-Napoca protest the deterioration of their living conditions, saying: "I am Roma. I want to live in dignity."

PHOTO CREDIT: DESIRE FOUNDATION

ERRC DOCUMENTS HOUSING RIGHTS VIOLATIONS FOR SOCIAL CHARTER ACTION IN PORTUGAL

In early February 2011, ERRC staff members conducted follow-up research on the housing conditions in 12 Romani settlements across Portugal as part of work on a **collective complaint** filed in April 2010 under the **Revised European Social Charter**.

ERRC staff documented deplorable living conditions in Romani communities across Portugal, including overcrowding, badly constructed and segregated social

housing, and substandard conditions in informal settlements which have existed for decades with makeshift shacks lacking access to basic amenities such as electricity, toilets, waste removal or drainage. In one case, the ERRC documented the **destruction by municipal authorities and police of the only water source** in an informal Romani settlement the day prior to the ERRC visit. The ERRC interviewed Roma from Beja in

the south to Braganca in the north, many of whom reported similar experiences concerning the failure of authorities to offer them assistance in housing related matters or in treating health problems such as asthma and arthritis.

In March 2011, the ERRC will submit a response to the **Portuguese Government's comments on the merits** of the complaint on the basis of the new evidence gathered.

ERRC HOSTS HUMAN RIGHTS COMMISSIONER THOMAS HAMMARBERG

On 27 January 2011, the ERRC hosted a series of meetings for Council of Europe **Commissioner for Human Rights** Thomas Hammarberg in Budapest with Hungarian NGOs including the Roma Education Fund (REF), the Hungarian Helsinki Committee (MHB), the Hungarian Civil Liberties Union (TASZ), Chance for Children Foundation (CFCF) and the Legal Defense Bureau for Ethnic Minorities (NEKI). Commissioner Hammarberg also met with the Open Society Institute (OSI) and Amnesty International and visited a school with a significant Romani population.

The ERRC **updated** Commissioner Hammarberg on violations of the human rights of Roma in Hungary since his last **visit** in October 2009. Research conducted by the ERRC indicates problems in the State's response to anti-Romani violence and hate speech, over-representation of Romani individuals (especially Romani women and youth) amongst victims of trafficking, over-representation of Romani children in the child protection system and the illegal segregation of Roma in education, often into schools for the mentally disabled.

Reminding the Commissioner that the Hungarian government declared Roma issues to be a priority during its EU Presidency,

ERRC representatives emphasised that the Hungarian government should fulfil its commitment at home and within the EU.



ERRC staff updated Commissioner Hammarberg and his team on several Roma rights related issues during their visit to the ERRC office.

PHOTO CREDIT: MARIO SCHWAIGER

ERRC ADVOCACY BEFORE UNITED NATIONS DISCRIMINATION BODY

In early January 2011, the ERRC submitted a **parallel report** about discrimination against Roma in Serbia in preparation for the UN **Committee on the Elimination of Racial Discrimination's** February-March 2011 review of Serbia's compliance with the **International Convention on the Elimination of All Forms of Racial Discrimination**.

The ERRC detailed the poor conditions in Romani settlements, which are often segregated, highlighting the particular vulnerability of Romani Internally Displaced Persons (IDPs) from Kosovo.

The ERRC raised concerns about forced evictions in Serbia, during which authorities often destroy property, neglect to

provide alternative accommodation and fail to ensure the safety of those affected, as well as about discrimination in access to social housing. In its submission, the ERRC also raised concerns about delays in establishing the new equality body, the implementation of human rights judgments, violence against Roma and access to education and healthcare.

ERRC DISCUSSES THE SITUATION OF ROMA IN TURKEY

On 15-16 December 2010, the ERRC participated in a political seminar on "Roma citizens in Turkey" organised by the European Commission's DG Enlargement, in cooperation with the Turkish Prime Ministry Secretariat General for EU Affairs in Istanbul, Turkey. During the seminar,

the findings of a study on the situation of Roma in Turkey by the **Fundación Secretariado Gitano** (FSG), the ERRC and the **Edirne Roma Association** (EDROM) were presented. Discussions focused on several issues, including access to social services, combating stereotypes, housing

and urban renewal, working life and employment challenges. Participants included representatives of the European Commission, intergovernmental organisations, Turkish authorities, Romani and non-Romani NGOs, experts and academics. Some of the presentations are available **online**.

ERRC ADVOCACY ON EUROPEAN ROMA POLICY

In its role as co-chair of the **European Roma Policy Coalition** (ERPC), the ERRC along with other coalition members hosted a meeting in Brussels with Permanent Representations to the EU on 21 January 2011. The objective of the meeting was to inform the Permanent

Representations and the Hungarian Presidency to the EU about the Coalition's **position** on the EU Framework for National Roma Integration Strategies (EU Framework) and identify ways in which to participate in the process of the adoption of the EU Framework by the

European Council. The Hungarian Permanent Representation and Presidency to the EU identified common elements of the ERPC priorities and its own objectives, including a comprehensive integrated approach to Roma inclusion, a system of data collection and monitoring. During

discussions, the ERRC offered input on the importance of employing an integrated approach to Roma issues across areas while ensuring a human rights perspective, for example by ensuring that funds are not used to support or further segregation. ERPC advocated that the focus of programmes and projects should

be on “active citizenship” as opposed to “providing assistance to Roma.”

On 9 February the ERRC hosted a meeting of Budapest-based Romani and non-Romani organisations to facilitate brainstorming and coordination of NGO actions related to the Hungarian Presidency to the

EU and the soon-to-be adopted European Framework. Following the meeting, NGOs sent a **request** to the Hungarian Presidency and the European Commission to open a process of consultation with civil society in relation to the Framework and the next **European Roma Platform Meeting**, scheduled for 8 April 2011 in Budapest.

ERRC WELCOMES NEW STAFF MEMBERS



Dzhevid Mahmud and Edina Tordai
Legal Trainees

Dzhevid Mahmud joined the ERRC as a Legal Trainee in September 2010. He is from Bulgaria and holds an MA in Law from the Varna Free University in Bulgaria and an MA in Public Policy from the Central European University, Budapest. Since 2000, he has been actively involved in the Roma movement in Bulgaria

and later at the European level. In 2008 he interned at the European Commission.



Edina Tordai joined the ERRC as a legal trainee in January 2011. She is from Hungary and graduated with a degree in law from the University of Debrecen in Hungary in 2008. Previously, she worked for the Mayor's Office in Hatvan in the fields of education, employment and social affairs. She was also a trainee at the European Commission.

As members of the ERRC's legal team, Dzhevid and Edina assist in developing and implementing the legal strategy, handling selected cases, drafting amicus curiae briefs and legal submissions to domestic and international tribunals, as well as working with lawyers, judges, human rights organisations and other relevant institutions.

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Dana Iepure
Lawyer

Dana Iepure joined the ERRC in December 2010 as a staff lawyer. She is from Romania with a Certificate of Transnational Law from the University of Geneva and an MA in European Institutions and Procedures from Cluj-Napoca's Babes-Bolyai University. She is a member of the Cluj Bar Association in Romania. Before joining ERRC, she worked as a lawyer in private practice in Romania. In 2007, she worked as a legal officer within the Registry of the European Court of Human Rights. Her country brief at ERRC includes Romania and Italy.

ERRC INTERN REFLECTIONS



Andrea Pakieser

I began my internship with the ERRC in November 2010 in order to gain a better understanding of Roma and human rights issues in Europe. The ERRC is a very dynamic organisation and is always involved in several different campaigns at one time. I've learned a lot through helping with several major projects, including the conference and research on trafficking issues, the report on Roma housing in the Western Balkans and correspondence with major European and international institutions.

Over the past few months I've been able to develop an awareness of the complexities of the field of Roma Rights, the different actors at work and the factors that continue to pose obstacles to achieving social justice and equal opportunities for Romani communities throughout Europe. It's also been very interesting to see how European governments interpret their commitments to social rights. Coming from a country with a comparatively under-developed commitment to human and social rights (the US), I am inspired to see how European civil society opens a dialogue with elected officials in order to develop and shape better, and hopefully more effective, interpretations of these rights for the benefit of vulnerable and minority communities.