

VIOLENCE AGAINST ROMA ON THE RISE: ERRC TESTIFIES

The escalation of violence against Roma in Europe was discussed at a hearing in Washington DC. The ERRC Executive Director Dezideriu Gergely testified about the on-going violence against Roma and the lack of adequate state response at the hearing, held by the **Commission on Security and Cooperation in Europe** (US Helsinki Commission) on 15 February 2012.

In his **testimony**, Executive Director Gergely referred a recent European Union Survey on Minorities and Discrimination which highlights that on average one in five Roma respondents were victims of racially motivated personal crime at least once in the previous 12 months. According to this survey, 81% of Roma who indicated they were victims of assault, threat or serious harassment considered that their victimisation was racially motivated.

Mr Gergely also presented the findings of an ERRC report which points out that the state rarely achieved successful prosecutions in cases of violence against Roma. This **report**, published in 2011, looks at the state response to 44 violent attacks against Roma in the **Czech Republic, Hungary and Slovakia**.

ERRC Executive Director Gergely stated that, "Many Romani victims of violent crimes do not secure justice. A limited number of perpetrators of violent attacks against Roma are successfully identified,



ERRC Executive Director Dezideriu Gergely underlined the inadequacy of the state response to violence against Roma.

PHOTO CREDIT: HELSINKI COMMISSION

investigated and prosecuted. Even fewer are eventually imprisoned for the crimes they have committed against Roma".

The ERRC also highlighted the ways that the US could assist the on-going integration of Roma in Europe, by offering the assistance of US law enforcement in addressing bias crimes against Roma; offering good practice examples of promoting minority inclusion in education, housing, healthcare and employment; and offering

financial assistance to civil society organisations in Europe addressing anti-Roma discrimination and rights violations.

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

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Andrzej Mirga, OSCE Senior Adviser on Roma and Sinti Issues at the OSCE and ERRC Executive Director Dezideriu Gergely discussed recent developments in Europe regarding the Roma with US Helsinki Committee Chairman Congressman Chris Smith.

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ERRC PROVIDES TRAINING FOR ACTIVISTS AND LAWYERS

Two ERRC staff members delivered a five-day human rights training course in Brno, Czech Republic. The course is part

of the group. The training course offered a series of concrete legal and advocacy tools and instruments for addressing hu-

man rights abuses in Czech Republic and Slovakia. There should be a clear emphasis on desegregation in housing and education and structural violence against Roma.

LAWYERS TRAINING

ERRC lawyers, together with **Drom Romany Center**, conducted legal training on Roma rights litigation in Brno, Czech Republic on 18-19 February 2012. Participants from Czech Republic and Slovakia came together to acquire new knowledge and skills on human rights litigation, in particular in front of the European Court of Human Rights. During the training, participants and ERRC trainers focused on international legal instruments, regarding human rights and protection against discrimination. They discussed the main articles of the European Convention most frequently used in Roma rights litigation, and the practical aspects of filing a case to the European Court. Participants applied their new knowledge from the training to develop a case application to the European court, based on case studies presented to them. At the end of the training, participants and staff agreed to cooperate and support each other in Roma-related cases in Czech Republic and Slovakia, share information and provide practical advice.



ERRC brought 11 Czech and Slovak Roma rights activists together for a five-day human rights training in Brno, Czech Republic.

PHOTO CREDIT: ERRC

of the ERRC's Human Rights Education programme, which aims to build capacity among Romani human rights activists in ERRC's focus countries. The participants were 11 Romani individuals from Czech Republic and Slovakia, mostly from segregated communities, involved in social work at the community and local level. The course methodology aims to transform activists into actors of change within their communities, by switching from a needs-based approach to a rights-based approach to the difficulties Romani communities and individuals are facing.

The course focused on two main components. One component dealt with clarifying concepts related to human rights and rights based approach as well as the legal framework for human rights in Europe (EU level, Council of Europe instruments and Czech and Slovak antidiscrimination legislation). The second component aimed to develop a set of skills and practical tools in the areas of human rights research, monitoring and advocacy.

The ERRC training course focused directly on methodologies of human rights education with an emphasis on peer learning among the participants. The participants shared their professional experiences and personal stories to enrich the dialogue and idea sharing. These experiences also provided material for analysis and debate within

man rights abuses in Czech Republic and Slovakia. An important element of the training course was the debriefing of each activity which aimed at developing deeper understanding of the many facets of complex issues, which find themselves at the intersection between law, politics, identity, economy, society and ethics. The evaluation of the course



Participants of the legal training course strengthened their knowledge on international legal instruments against discrimination.

PHOTO CREDIT: ERRC

CHALLENGES TO INCLUSIVE EDUCATION TABLED IN CZECH REPUBLIC

The European Court of Human Rights announced its landmark judgment in the ERRC-initiated *D.H and Others v Czech Republic* case on 13 November 2007. Since then, the Czech government has done little to implement the decision, which instructs the Czech Republic to promote inclusive education. Given the limited adoption of adequate measures, Roma children continue to be disproportionately sent to practical schools, which means their access to the mainstream curriculum remains limited even now, almost five years after the judgment.

There were two separate meetings in Czech Republic in February, looking at the challenges and advocacy prospects of inclusive education for Romani children.

On 3 February 2012, the ERRC participated in a meeting to discuss strategies for the implementation of the *DH and Others v Czech Republic* ruling. The meeting was organised by the **Open Society Justice Initiative** (OSJI) and held in Prague.

FURTHER LITIGATION

Representatives of the OSJI, the ERRC, the **Czech Ombudsman's Office**, **Open Society Foundation Prague** as well as Czech NGOs, Association for Inclusive Education and **Romodrom**, participated in discussions on further litigation and advoca-

cy opportunities to bring about more adequate implementation of *DH* goals.

During the meeting the participants discussed the current developments and changes to the Czech education system. These include plans for national testing in the 5th and 9th grades, the establishment of school ranking charts, the reform of regional schools, and university reform. Furthermore the meeting looked at recent issues with the Ministry of Education, including problems with using European funds and frequent staff changes. The ERRC acknowledged difficulties in promoting inclusive education principles, mostly due to the lack of political will from the Ministry of Education.

Participants agreed to appeal to Czech politicians to promote programmes working with Roma parents as well as the Czech majority, inclusive education in the curricula of Czech universities, and the link between the quality of education and inclusive education.

The ERRC also participated in a discussion on the procedural strategies of ongoing and future litigation of inclusive education. The ERRC country lawyer informed other participants of the current progress of ERRC cases in the Czech Republic. Stakeholders confirmed they would continue to collaborate.

ADVOCACY ON INCLUSIVE EDUCATION

On February 6-10, 2012, the ERRC participated in the stakeholder meeting on inclusive education in Ostrava, the Czech Republic. The meeting was organized by the **Open Society Roma Initiatives** and hosted by the Ostrava-based NGO **Life Together**. The main objective was to discuss the opportunities and challenges of coordinated advocacy on inclusive education in the Czech Republic. Other participants of the meeting were representatives of Open Society Justice Initiative, **Open Society Disability Rights Initiative**, **OSF Office of Programs**, OSF Prague, **Early Childhood Program**, **Roma Education Fund**.

During the week-long stay in Ostrava, ERRC representatives visited elementary schools, regular as well as practical, community centres run by the Life Together, the regional branch of Czech school inspection, and the Mayor of Ostrava, Mr Petr Kajnar. The ERRC also met representatives of Roma pedagogic assistants, the group of forcibly sterilised Roma women and families of their former *DH* case clients.

The meeting participants agreed that the Open Society Roma Initiatives will organise another meeting of all stakeholders in Ostrava in May 2012.

ERRC PRESENTS RESEARCH FINDINGS ON IMPACT OF EVICTION IN CLUJ-NAPOCA

The ERRC and its partner, **Grupul de Lucru al Organizațiilor Civice** (GLOC), organised a media event on 19 December 2011 in Cluj-Napoca, Romania, on the occasion of the first anniversary of the forced

evictions of almost 60 families from their homes close to the centre of Cluj-Napoca. They were moved to Pata-Rât, an industrial area close to the city's rubbish dump. At the media event, the ERRC and its partner

highlighted the ongoing problems faced by the evicted community.

The ERRC presented the preliminary findings of the participatory research it conducted in Pata-Rât between September and November 2011. The research found that housing conditions, access to work, education and healthcare have all been badly affected. Romani individuals face increased discrimination and are at risk from environmental health hazards.

Key findings of the research included: Almost a fifth (19%) of individuals lost their main source of income from formal and informal work, mainly due to the destruction of social networks and the distance from work; the average monthly family income per capita has dropped by 30%; families have less to spend on basic commodities including food, while transportation costs are much higher; only 5% of the



Romani families evicted from the centre of Cluj-Napoca were settled in Pata-Rât, an industrial area close to city's rubbish dump.

PHOTO CREDIT: ERRC

respondents reported cases of discrimination and degrading treatment before relocation, rising to 30% after relocation.

Furthermore, 89% of respondents described their health situation as well or very well before relocation, while only 46.5%

reported themselves to be well after the eviction (none said very well). In 2011 all the children due to be enrolled in primary school for the first time (that the ERRC is aware of) were rejected by mainstream schools on the basis of alleged insufficient space in the classrooms.

The ERRC and its partner Grupul de Lucru al Organizațiilor Civice (GLOC) also sent a **letter** of concern to the Romanian authorities highlighting the ongoing problems of the Romani community based in Pata-Rât.

ERRC HIGHLIGHTS FORCED EVICTIONS, VIOLENCE, PREJUDICE AGAINST ROMA

The ERRC has sent several letters of concern in the last quarter, drawing attention to Roma rights at the national and international level.

Authorities in Albania and Lithuania planned or carried out forced evictions in February, despite temperatures as low as minus 30. The authorities didn't consult with the communities or provide adequate alternative accommodation. The Romani communities at risk of eviction included young children. The ERRC and its partners sent separate letters to **Albanian** and **Lithuanian** authorities to raise concern regarding these evictions. The ERRC joined with national partners, the **Albanian Helsinki Committee**, and Lithuanian organisations Roma Community Centre and "Gypsy Fire" to raise attention and secured media coverage.

In Slovakia, political parties have been using anti-Roma messages for political gain. The Slovak National Party, for example, posted billboards referring to the

'cost' of Roma, encouraging unhelpful and unfounded prejudices. The ERRC and a coalition of partners sent a **letter** of concern asking the authorities to refrain from using election materials to negatively target one minority.

POLICE RAID IN UKRAINE

The ERRC also urged the Ukrainian authorities to investigate a violent police raid on a Roma settlement in Uzgorod. The ERRC sent a **letter** to the police chief and prosecutor regarding the incident, which took place on 11 January, 2012. A special assignment unit within the Ukrainian Ministry of Interior, Berkut, burst into the Radvanka settlement in the early morning, according to media reports and testimonies from local residents. The law enforcement officials used tear gas and beat residents with rubber batons. The raid on the settlement had been planned and carried out as part of an ongoing operation to target places that could be centres of organised criminal activity. The ERRC called on the authorities

to launch an official investigation into the legality of the militia actions in Uzgorod.

On 31 January 2012, the ERRC sent a **letter** to Hungarian authorities, expressing concern about a recent instruction to police which could lead to rights violations of Romani communities. The Instruction on Police Enforcement in Multicultural Environments implicitly targets Roma, who are the largest ethnic minority group in Hungary. Although the ERRC welcomes any intention from the police to work constructively in multicultural environments, some aspects of the guidelines were unclear, raising concerns this could lead to stereotyping and further discrimination against the Roma minority. In particular, the instruction uses vague and prejudiced language which is open to a number of interpretations. The ERRC called on the Chief of Police and Ministry of the Interior to clarify the language they are using and to monitor the implementation of the instruction to ensure that Romani communities are not unfairly targeted.

ERRC IN THE FIELD

In January 2012, ERRC staff met lawyers and NGOs in Rome to organise follow-up litigation after the annulment of the State of Emergency Decree and the subsequent legislation by the Italian Council of State's **judgment** of 16 November 2011. Pro-bono lawyers from an international law-firm, as well as national lawyers and local NGOs will join the ERRC's efforts to compel the Italian authorities to abide by the State Council's judgment, to cease all the activities undertaken under the State of Emergency and to relieve all its consequences.

In February 2012, ERRC researchers went on a fact-finding mission to France to investigate procedures and policy of the "assisted humanitarian return programme", as well as forced expulsions and immigrant detention centre conditions. ERRC researchers attended hearings on cases of evictions and collected testimonials from Romani people. ERRC researchers also met with local lawyers, local NGOs and governmental offices.



Romani residents of an illegal camp face eviction in La Courneuve, France, February 2012.

PHOTO CREDIT: ELISE FILO

UKRAINE: ERRC HIGHLIGHTS AREAS OF CONCERN FOR ROMA

On 1 December 2011 ERRC submitted its observations to the European Commission on the occasion of the revision of the **European Neighbourhood Policy 2011 Action Plan** by the Ukrainian Government. The ERRC has drawn the European Commission's attention to three main areas of concern for Roma in Ukraine: lack of personal

documents, lack of legal titles to land and houses, segregated schooling and overrepresentation of Romani children in special schools as well as non-admittance of children to schools due to lack of documents. The ERRC stressed the fact that, to date, no anti-discrimination law has been adopted and emphasised the need for it to be adopted and im-

plemented as soon as possible. The submission called upon the Ukrainian government to adopt a comprehensive anti-discrimination strategy as a matter of priority, address the lack of personal documents and facilitate access to property titles for land and houses by simplifying the procedure for Roma to obtain these documents.

ERRC PRESENTS AT CEDAW MEETING

An ERRC lawyer recently took part in a meeting to mark the 30th anniversary of the establishment of the **Committee on the Elimination of Discrimination Against Women** (CEDAW). She presented on the implementation of the CEDAW Committee views adopted in the case of *A.S. v Hungary*, which concerned the coercive sterilisation of a Romani women.

The presentation took place at a meeting 24 February 2012 and was organised by the Open Society Justice Initiative (OSJI) and the Office of the High Commissioner for Human Rights (OHCHR). The panel included UN Special Rapporteur on Violence against Women Ms Rashida Manjoo and Dubravka Simonovic, CEDAW Committee member. Delegates dis-

cussed CEDAW's working methods on follow-up, as well as ways to improve implementation and monitoring by strengthening cooperation between the UN treaty bodies and Special Procedures. The panel also identified 'good practices' and roadblocks to effective implementation at the national level, with a particular focus on CEDAW jurisprudence.

ITALY IN THE SPOTLIGHT FOR DISCRIMINATION

The Committee to Eliminate Racial Discrimination (CERD) focused on Italy (among other countries) at its last session. The ERRC and Italian partner **Associazione 21 Luglio** submitted a **parallel report**, focusing on issues of discrimination against Roma. The report looked at:

- Substandard housing conditions and forced evictions;
- Data collection;
- Access to education;
- Hate speech and violence; and
- Access to healthcare.

The Italian Council of State ruled last year that the Italian 'nomad state of emergency' decree was **unlawful**. Under the decree, special state authorities were afforded extraordinary powers, including: monitoring camps, conducting a census of persons resident in camps (including 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. In this context, there was a lot for the report to focus on.

Despite the recent judgment, Roma in Italy face ongoing discrimination, and there are no clear evidence that the authorities are altering their attitude or approach to the minority.

The ERRC and Associazione 21 Luglio made a number of recommendations to the authorities. They called on Italian authorities to cease all measures undertaken in accordance with State of Emergency, and to stop the use of public funds and resources for the construction of new formal camps.

REFORMING THE EUROPEAN COURT OF HUMAN RIGHTS

The ERRC joined discussions on the forthcoming **reforms** of the European Court of Human Rights (the Court), hosted by the current chair of the Council of Europe (CoE) United Kingdom and the **Open Society Foundations** on 2 February 2012 in London.

Representatives of civil society, including the ERRC, voiced opinions that the focus of the reforms should be the ongoing changes under Protocol No 14,

improving the implementation of the Court's judgments at national level and bringing transparency to the election of judges to the Court.

Civil society representatives put an emphasis on the underuse of the infringement procedure against member states constantly refusing to comply with the decisions of the Court and the resolutions of the CoE's Committee of Ministers. Organisations also raised concerns about

the lack of sufficient resources for training national lawyers and judges on the European Convention on Human Rights and dealing with differences in the legal cultures among member states.

In short, civil society called for work towards improving the existing mechanisms of work of the Court introduced with Protocol No 14, and warned against the more far-reaching reforms proposed by the UK government.

MULTIPLE DISCRIMINATION IN HEALTH CARE DISCUSSED IN VIENNA

ERRC staff participated in a two-day meeting on 28-29 February 2012, organised by **Fundamental Rights Agency**

on multiple discrimination from legal perspective and multiple discrimination in health care.

During the first day of the event, which took place in Vienna, participants clarified their understanding of the characteristics

of legal responses possible under existing laws in various member states, compared practices of legal experts in this field and identified possible legal approaches. The second day of the event was devoted to discussion on how to best address the

barriers faced by, as well as discrimination experienced by, different groups of health users with an ethnic/migrant background (older people, persons with disability and women) in access to and quality of health care.

An ERRC lawyer delivered a presentation on discrimination in access to health care during the second day of the meeting, highlighting key concerns and the best ways to address them from a legal and social perspective.

ERRC WELCOMES NEW STAFF MEMBER



Marek Szilvási
Research Officer

Marek Szilvási joined the ERRC in February as Research Officer. Marek holds a BA and MA in Sociology and Philosophy from the Palacky University Olomouc, the Czech Republic, and a MA in European integration (Euroculture, Europe in the Wider World) from the University of Groningen, the Netherlands. He is currently pursuing a PhD program in political sociology in which he deals with challenges of the contemporary European politics of Roma inclusion. Marek previously worked with the Secretariats of the Decade of Roma Inclusion and the European Sociological Association (ESA).

In the ESA, Marek worked as a research assistant of the ESA President and an administrative support of the ESA Executive Committee. At the Decade Secretariat, he was involved in analysing the National Action Plans for Roma Inclusion of the Decade's member states, as well as in the work on synergies between the Decade's Action Plans and the EU Framework for National Roma Integration Strategies up to 2020.

INTERN REFLECTIONS

Johannes Beer

I started my internship at ERRC in March 2011, and was here for a year. I did the internship as part of the Austrian Memorial-Service, which is an alternative for the mandatory Civil Service (or Military Service) in Austria.

I learned a lot about Roma issues and how NGOs work. I also gained a broader understanding of human rights, how they work, and which bodies in the EU are linked with them. I saw how discrimination problems are approached and how they can change. The ERRC also motivated me to look for jobs back home which concern this topic, and I will definitely stay active on these issues.

As well as learning about Roma issues, I was also able to improve some technical skills, by working with the communications department.

One of the best experiences was the Roma Rights Summer School, as I met a group of Romani Activists from all over Europe (and even the US). I was part of the team that prepared the conference, and assisted before and during the event. During the 10 days I didn't just learn about mechanisms and instruments you can use as an activist, I also learned a lot personally, as there were very interesting perspectives from the different participants, which lead to inspiring discussions.

Furthermore I was also able to attend a press event by ERRC in Belgrade, which gave me the opportunity to travel to a city I have never seen before, and see how official media events work.

I met lots of very interesting people, who gave me new points of view on various issues and topics. I was delighted to be able to be part of a really talented and caring team for so long, and I am really sad that my internship is over now.

