

ERRC ADVOCACY TARGETS EU INSTITUTIONS

On 12 May 2011 the ERRC travelled to Brussels, Belgium, to participate in the annual EU progress report meeting, which brought together civil society groups to discuss the situation of human rights in the EU accession states. In advance of the consultation, the ERRC submitted briefing documents detailing the situation of Roma rights in **Macedonia** and **Serbia**.

On 14-15 April the ERRC attended the annual meeting of the **Fundamental Rights Platform**, a network of civil society organisations engaged with the **European Union Agency for Fundamental Rights**, in Vienna, Austria. Participants had the opportunity to meet and consider potential cooperation with organisations working in a variety of areas of fundamental rights, from children's rights to LGBT rights. The ERRC suggested cross-cutting cooperation, particularly between disability rights and Roma rights, and contributed to reflections on strategic litigation and monitoring State response to hate crimes.

On 8 April the ERRC presented the position of the **European Roma Policy Coalition** (Coalition) on the **European Framework for National Roma Integration Strategies** (Framework) at the **European Roma Platform** meeting (Platform), organised by the **Hungarian Presidency to the European Union** and the **European Commission**. The European Commission launched the Framework just days before the Platform on 5 April, calling on all Member States to prepare and submit a national Roma integration strategy by the end of 2011



Many ERRC staff took part in the demonstrations demanding strong policies for Roma inclusion.

PHOTO CREDIT: ERRC



While officials from around the EU participated in the European Roma Platform meeting in Budapest on 8 April 2011, activists demonstrated outside demanding clear measures against anti-Roma violence and discrimination.

PHOTO CREDIT: ERRC

focusing on Roma access to education, healthcare, employment and essential services. As co-chair of the Coalition, the ERRC welcomed the Framework as an important step forward but expressed **concern** about the lack of consultation during the process of elaborating the Framework and the absence of clear measures to combat discrimination, anti-Gypsyism, hate speech and violence against Roma. The ERRC also pointed out the failure of the Framework to articulate ambitious or explicit targets, to oblige Member States to collect disaggregated data, to provide clear governance mechanisms or explicitly to state how EU funding mechanisms should be reformed in the next budget period. On 19 May 2011 the EP-SCO Council **endorsed** the Framework, which now moves towards endorsement by the European Council in June.

The Platform meeting took place on the occasion of International Roma Day, which many Romani activists celebrated across Europe with demonstrations against Roma rights

violations. The ERRC initiated a **petition** against anti-Roma violence, which was signed by more than 700 Roma and pro-Roma activists. The petition was presented to the European Commission which was urged to adopt a “zero tolerance policy” concerning anti-Roma violence and hate speech. The ERRC also joined a demonstration against anti-Roma violence outside the Platform meeting venue.

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

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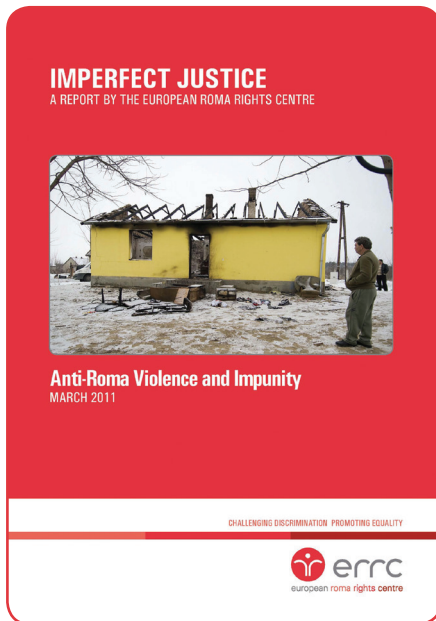
ERRC LAUNCHES REPORTS ON STATE RESPONSE TO VIOLENCE AND TRAFFICKING

On 6 April 2011 the ERRC launched **Imperfect Justice: Anti-Roma Violence and Impunity**, a report on the State response to anti-Roma violence in the Czech Republic, Hungary and Slovakia. The report, available electronically, presents the results of ERRC monitoring of the State response to 44 selected violent attacks against Roma in the three countries since 2008.

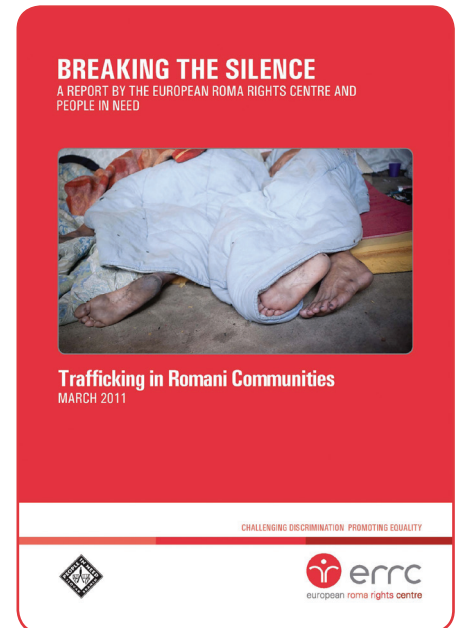
During research for this report, the ERRC sent requests for information to police

departments, prosecutors and courts for updated information on the investigation and prosecution of the attacks which had been reported in media. The results raise serious concern about the delivery of justice to Roma whose rights are violated. Of the cases under examination, courts convicted perpetrators in only 20% of the cases. In 27% of cases police investigation was suspended without identifying the suspect and racial motivation had been confirmed in only three of the 44 cases. The ERRC will continue to monitor the State response to anti-Roma violence in these and other European countries with a view to publishing an annual update on the findings.

impact and extent of trafficking on Romani persons; identifies the factors that put Romani individuals at risk of trafficking; and outlines what governments and civil society are or are not doing with regard to prevention, protection and prosecution. The report provides credible, evidence-based information on how Romani communities are affected by trafficking in human beings in order to inform rights-based anti-trafficking and social inclusion policy and programming.



Also during the period the ERRC and **People in Need** published **Breaking the Silence: Trafficking in Romani Communities**. The study is based on the findings of the research conducted by the ERRC and PiN in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia. The estimates of Roma among trafficked persons in the target countries are several times higher than the proportion of Roma in the general population: Roma are perceived to represent 50-80% of trafficked persons in Bulgaria, up to 70% in parts of the Czech Republic, at least 40% in Hungary, around 50% in Romania and at least 60% in Slovakia. The report maps the purposes, perceived



ERRC SECURES LEGAL VICTORY FOR DEPORTED EU ROMA

On 15 April 2011 the Danish Ministry of Immigration, Refugee and Integration Affairs reversed the expulsion orders of 13 Romanian Romani individuals, 10 of whom were represented by the ERRC. The decision followed legal challenges filed by the ERRC in the wake of the deportation of a larger group of 23 who were **collectively arrested and expelled from Denmark** in early July 2010 for alleged public safety reasons and who were banned by the Danish authorities from re-entering Denmark for two years.

The Ministry stated in its decision that it found reason to reverse the expulsion decisions handed down by the Immigration Services because the expulsions contravened European Union law. The Ministry underlined the disproportionality of the orders, stating that the Roma did not constitute a threat to public order sufficient to allow expulsion under EU law.

The decision also followed recent Danish Supreme Court **decisions** concerning other European citizens, some of them of

Romani ethnicity, who had been deported from Denmark for similar reasons. The Supreme Court held in those cases that expelling EU citizens due to petty offences, such as trespassing, is disproportionate and violates Denmark's obligations in relation to the EU **Free Movement Directive**, guaranteeing the right of EU citizens to travel and reside in EU countries for up to three months without any requirements. The ERRC and a local lawyer are presently in the process of filing damage claims on behalf of the illegally expelled Roma.

ERRC LITIGATION DEVELOPMENTS IN ROMANIA

The ERRC has worked intensively to prepare litigation on behalf of approximately 250 clients following their 17 December 2010 **eviction** from the centre of Cluj-Napoca and relocation to a toxic site next to a garbage dump called Pata-Rât outside the city. ERRC staff members continued to gather witness statements and powers of attorney and

to elaborate the litigation strategy with a Romanian lawyer. Judicial proceedings before domestic courts and the **National Council for Combating Discrimination**, the national equality body, will be initiated in the coming period.

The ERRC supported two Romani applicants in Timișoara, Romania, in filing

legal claims in domestic court in February 2011 based on the Romanian Civil Code and adverse possession laws, concerning legalisation of the ownership of their houses and land. In both cases the defendants are the local council and the city of Timișoara. The first hearing of both cases is scheduled for 16 June.

ERRC RESEARCH ACTION IN FRANCE, MACEDONIA AND PORTUGAL

ERRC researchers were busy gathering information in several countries during the period. From 9-13 May 2011 ERRC staff members travelled to Portugal to meet various Government institutions, NGOs and MEPs to discuss the situation of Roma in the country, focusing on the deplorable housing and living conditions of Roma. Substandard housing conditions were documented directly in informal Romani communities in Braganca, northeastern Portugal, and Vidigueira, southern Portugal. Following the visit the ERRC sent a follow-up **letter** to Vidigueira authorities welcoming the restoration of water services to the Romani communities after an earlier ERRC intervention, expressing concern that the circumstances and conditions of the return of water are unknown to residents and that inadequate living conditions prevail in the settlement, and calling for the authorities to make detailed information public. Roma housing conditions are the subject of a **collective complaint** filed by the ERRC against Portugal, currently under consideration by the **European Committee of Social Rights**.



During a visit to the informal Gerland Romani settlement in Lyon, France, the ERRC talked with various habitants from Craiova, Romania, who had received orders to leave France on 8 March 2011.

PHOTO CREDIT: ERRC

From 13-20 March an ERRC research team documented continuing **violations of the EU Free Movement Directive in France**. The ERRC collected testimonies from Romanian Roma following the mass issuance of expulsion orders earlier that month in four locations around Paris and Lyon, documenting interpretation problems, failure to consider individual circumstances

and degrading treatment by law enforcement officers. Numerous Romani women reported family break-up in the context of the returns. Following the visit, the ERRC has worked to link the affected Roma with legal representatives to ensure adequate representation of their interests.

Between January and March 2011 the ERRC and the **Helsinki Committee for Human Rights of the Republic of Macedonia** (MHC) conducted research on the representation of Romani children in special schools in Macedonia. In January and February MHC requested information disaggregated by ethnicity from all special schools and primary schools with classes for children with special learning needs about the total number of pupils and placement procedures. In March ERRC researchers visited special schools in Kumanovo, Skopje and Veles, meeting school authorities and parents of enrolled children. The preliminary findings, which indicate that Romani children are overrepresented in special schools in Macedonia, were **presented** to the European Commission in May 2011 during its review of Macedonia's accession progress in 2011.



Romanian Romani residents of an informal settlement in Moulin Galant, France, were issued expulsion orders on 9 March 2011 in the absence of an interpreter.

PHOTO CREDIT: ERRC

ERRC TRAINING ACTIVITY

From 27-29 April 2011 the ERRC, in cooperation with the Ukrainian Romani organisation "Chiricli", provided legal training to Ukrainian human rights lawyers on hate crimes law and international anti-discrimination law in Odessa, Ukraine. During the programme, trainers delivered presentations on international hate crimes law, the implementation of such in Ukraine as well as practical ways to combat discrimination using national and international legal provisions. Participants

worked through mock cases and were assisted to develop their own litigation strategy applying the knowledge they gained during the training. The trainees, from different parts of Ukraine, proved to be very interested in human rights and Roma rights specifically. A follow-up legal training is scheduled for October 2011.

Earlier, from 10-11 April the ERRC participated in a seminar for legal practitioners entitled, "Recent developments in EU

anti-discrimination law" in Trier, Germany, organised by the **Academy of European Law** in cooperation with the European Commission. Participants attended presentations and discussions on EU and other international law on non-discrimination; age, sex and disability discrimination; comparative approach to the implementation of EU anti-discrimination law; burden of proof; remedies and sanctions; multidimensional discrimination; and mediation in discrimination disputes.



ERRC staff and Ukrainian human rights lawyers at the two-day training course on hate crimes and international anti-discrimination law in Odessa, Ukraine, organised by the International Fund for Romani Women Chiricli.

PHOTO CREDIT: ERRC

On the same days the ERRC hosted a human rights monitoring training at its office in Budapest for the team of researchers engaged by the ERRC

to conduct regular documentation of Roma rights issues in the Czech Republic, France, Italy, Macedonia, Portugal, Romania, Serbia, Slovakia and

Ukraine. Participants discussed the ERRC's programme strategy and work plans, and explored interview techniques, gathering documentary evidence, and data protection and security principles. Following the training programme the monitors began work in their individual countries.

The ERRC also undertook preparations for its 8th annual Roma Rights Summer School coming up in July 2011 in Budapest. The 10-day training course for young Romani, Sinti and Traveller activists and students from around Europe will offer an introduction to human rights as well as an excellent forum for the exchange of ideas, innovation and expertise for participants who are at an early stage of their careers and want to explore the field of human rights activism.

ERRC ADVOCACY ON EXTREMISM, TORTURE AND RELIGION

On 15 April 2011 the ERRC submitted a brief on Ukraine to the UN Sub-Committee on the Prevention of Torture, preceding its fact-finding mission to the country in late April-early May. The submission provided a legal analysis of current anti-torture provisions in Ukrainian legislation and their implementation (or lack thereof) by law enforcement authorities. Based on available information, the ERRC outlined some positive changes that have taken place and provided recommendations on actions necessary to remedy remaining problems. Attention was paid to the situation of Roma in Ukraine and their vulnerability to physical and psychological abuse by law enforcement authorities. Specific examples were provided of Roma who were beaten and tortured in detention.

The ERRC and other international and Hungarian Romani and pro-Romani or-

ganisations carefully followed patrol activities of paramilitary groups in Hungary during March and April. Together with **Amnesty International** and **Human Rights First**, the ERRC sent a **letter** to Hungarian and international authorities expressing concern about the patrols, in which participants wearing black military clothing intimidated Romani residents of Gyöngyöspata during the first two weeks of March. Following the commencement of patrols in Hajdúhadház on 12 April the ERRC sent a **joint letter** with the **Chance for Children Foundation**, **Amnesty International Hungary**, the **Hungarian Civil Liberties Union**, the **Hungarian Helsinki Committee** and the **Legal Defence Bureau for National and Ethnic Minorities**, calling on authorities to swiftly condemn anti-Romani violence and to instruct Hungarian police to intervene.

The ERRC also participated in an international workshop entitled "Working with Romani - challenge for the churches and diakonia" on 1-3 April in Debrecen, Hungary, organised by the Reformed Church District of Piatra Craiului/Királyhágómellék in Romania. Several church and civil society organisations from Romania, Germany and Hungary were present at the conference, which explored the challenges and prospects of church work within Romani communities and channels to improve cooperation between the church and civil society. The ERRC gave a presentation outlining the basic problems that Romani individuals and communities face in Europe, calling on the church community to be more active in the fight against racism and discrimination by using their influence over their followers.

INTERN REFLECTIONS



Lia Gaudi

My first experience as a Romani activist was in 2004 in Timișoara, Romania, where I started working on local-level Roma issues, mostly in the areas of education, social inclusion, human rights and youth delinquency. After six years of being totally absorbed in the different facets of the Romani movement, I decided that my experience as a grassroots human rights activist must be complemented by work inside a European human rights organisation to understand why and how the two "teams" can join efforts in building a better future and a better life for Roma and non-Roma. I started learning how the ERRC fights against Roma rights violations, the legal procedures used and how local work is needed in order for these efforts to be sustained, consistent and to

be heard by decision-makers. Roma rights issues are not an easy ones, but we, as activists in human rights, should decide in which way the results of our work will be reflected on future generations. Upon first look, as an activist inside or outside the movement, I see a need for each of us to remain active in one way or another. I have learned that in order to ensure the consistency of our work and our beliefs, we need to keep our human rights activist spirit in and out of the institutional playing field.



Arlene Rivera

For my final semester of law school at Nova Southeastern University in Fort Lauderdale, Florida, I opted to gain practical experience in the field of human rights. After a few years as an immigrant rights activist, I wanted to leave the familiar behind and learn from lawyers and activists in a more established setting. The ERRC turned out to be the perfect fit. My primary focus during my three-month internship has been an examination of the right to free movement as applied to Roma in eight different countries. This has allowed me to examine the legal structures of the eight countries as well as that of the European Union, and to gain a deeper understanding of the situation of Roma throughout Europe.

During my time at the ERRC, I've learned much about the field of human rights. Heavy amounts of reading and writing are required and it seems that every day new, relevant and noteworthy events are occurring. At times the internship was overwhelming because I wanted to focus on what was already on my plate while remaining actively engaged with other developments. Striking a balance between the work I had to do and the work I wanted to do was difficult at times. But overall, I am pleased with my decision to intern at the ERRC; the privilege of being exposed to a fervent group of human rights activists alone was worth every challenge.

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Sri Endras Iswarini

I had not heard of the ERRC before **PILnet** suggested that I apply for an internship there. I then read the background of the ERRC and found that the organisation had an interesting approach to human rights, particularly Roma rights. Truly, I did not know a lot about Roma so in order to gain a better understanding of Roma and human rights issues in Europe I decided to apply to the ERRC.

In April 2011 I began my internship here and got involved in activities such as a campaign on the integration of Roma, updating the organisation's library and conducting desk research on the integration of Roma in education in the UK. Though my internship was a short one, I came to understand how the ERRC promotes the rights of Roma

through advocacy, campaigns and research. I have understood that greater efforts are needed due to the complexities of the issue, the deep roots of discrimination and stigma toward Roma and lack of political will among Governments at national and regional levels. This kind of situation has inspired me to eagerly continue my work on human and women's rights in my home country, Indonesia, particularly connected to Sharia law and the radicalisation of certain groups that currently challenge the country.

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Angel Ivanov

Since September 2010 I have been a research fellow at the ERRC focusing on "The Role the Churches in Promoting Social Change Romani Communities". My 10-month fellowship, funded by the **Open Society Institute's Roma Initiatives**, includes desk (online and in public libraries) and field research in Bulgaria, Hungary, Romania and Serbia. During my fellowship, I have worked with ERRC staff members to develop my research methodology which included conducting 45 first-hand interviews across three locations in each of the target countries. I have already conducted more than 160 in-depth interviews with church leaders, NGO representatives, Government officials, social service providers and Romani individuals involved with the church to varying degrees. My research will culminate in a report which will include an analysis of all of the interviews.

My research focuses on the platform of Christian churches and Muslim institutions and how they can be a factor and an actor in promoting positive change within Romani communities. The research aims to understand what kind of change religious institutions promote: spiritual, social or both, as well as the interaction between these two norms. It also explores how religious institutions could promote bottom-up social change within Romani communities in cooperation with representatives of civil society and Government stakeholders.

The impetus for my research came from readings and conversations about the civil rights movement and the African American church movement in the USA that started within Christian Evangelical churches and became one of the key generators of social change in African American communities, permanently altering American civil society.