

## ERRC MARKS THE THIRD ANNIVERSARY OF THE D.H. JUDGMENT

On 30 November 2010, the Council of Europe's Committee of Ministers reviewed the implementation of judgments issued by the European Court of Human Rights (Court): *D.H. and Others v The Czech Republic*, *Sampanis and Others v Greece* and *Oršuš and Others v Croatia*. The three cases concerned the discrimination of Romani children in education. During October and November, the ERRC undertook a series of advocacy activities linked to the third anniversary of the Court's landmark judgment in the ERRC case *D.H. and Others v The Czech Republic*. In this case, the Court confirmed that the placement of Romani children into special schools for mentally disabled children on the basis of biased testing was discriminatory. Yet, three years after the judgment, there is no decrease in the number of Romani children tracked into the reduced curriculum for children with mild mental disabilities.

During October and November, the ERRC, working together with the **Open Society Justice Initiative** and the **Greek Helsinki Monitor** (which filed *Sampanis and Others v Greece*), prepared a legal advocacy brief, filed on 8 November, to be considered by the Committee of Ministers. The brief outlined the lack of progress in implementing the judgments by the Governments of the Czech Republic, Croatia and Greece.

On 19 October and 9 November, the ERRC organised two briefings on the cases with representatives from Budapest-based and Prague-based embassies. During these information sessions, which were attended by representatives of 18 embassies, the ERRC and embassy officials discussed the role of the diplomatic community in promoting the implementation of these important judgments. The ERRC urged the respective Governments to support improved implementation of the judgments and targeted work with national authorities to develop and implement concrete plans to achieve equal education for Romani children.

On 9 November, as a member of the Czech NGO Coalition **Together to Schools**, the ERRC participated in a Coalition press conference. On the same day, the ERRC hosted an informal briefing



ERRC lawyer Lydia Gall (right) gave a presentation about *D.H. and Others v The Czech Republic* as part of a panel discussion at Central European University.

PHOTO CREDIT: MARIO SCHWAIGER

for Prague-based international journalists. During both of these events, the ERRC discussed the continued segregation of Romani children in education and the lack of political will among Czech authorities to implement the judgment. A selection of **related media coverage** is available on the ERRC website. The ERRC and its partners from Together to Schools also met officials from the Czech Ministry of Education responsible for implementation of the Court's judgment.

Finally, the ERRC, in association with the **Human Rights Initiative (HRSI)** at Central European University (CEU), hosted an information table and panel discussion on these judgments for members of the CEU community. At the information table, the ERRC distributed materials to inform staff and students about the education judgments and Roma rights in general. During the panel discussion, attended by around 100 people, Lydia Gall from the ERRC, Liana Ghent from the International Step by Step Association and Beata Olahova from the Roma Education Fund discussed progress, barriers and new opportunities for improving education for Roma.

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

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## ERRC ADVOCACY BEFORE UNITED NATIONS REVIEW BODIES

In October and November, the ERRC submitted parallel reports to the UN **Committee on the Elimination of Discrimination against Women** (CEDAW) and the Human Rights Council, highlighting key human rights issues affecting Roma in the Czech Republic and Hungary.

The ERRC **reminded** the CEDAW that, since its last review in 2006, the Czech Republic has failed to introduce a compensation mechanism for the victims of coercive sterilisation and has not taken adequate steps to prevent coercive sterilisation from occurring in the future. In its **Concluding Observations**, the CEDAW agreed, recalling that its 2006 **recommendations** and the 2005 Czech Ombudsman's recommendations aimed to ensure that Romani victims of coercive sterilisation can access justice. The CEDAW again urged the Czech Republic to adopt legislative changes to ensure that coercive sterilisation does not occur in the future and to establish an *ex-gratia* compensation procedure for victims whose claims have lapsed. Based on data submitted by the ERRC relating to the vulnerability

of Romani women and girls to trafficking in human beings, especially for the purposes of forced prostitution and forced labour, the CEDAW recommended that the Czech Republic "implement preventive measures specifically targeted at Romani women and girls, including awareness-raising campaigns." The CEDAW also expressed concern that a disproportionately high number of Romani girls drop out of or fail to attend school, or attend segregated schools for pupils with mild mental disabilities. It emphasised the importance of data collection, recommending that the Czech authorities collect disaggregated data on women who face multiple forms of discrimination, such as Romani women.

On 8 November 2010, the ERRC and a group of NGOs submitted a **report** to the Human Rights Council for its first **Universal Periodic Review** of Hungary. The submission highlighted violations of Roma rights and drew from monitoring and research conducted by the ERRC and the other organisations. It reports that Roma do not have equal opportunities in employment, education and health care. Coercive

sterilisation remains a concern for Romani women in Hungary. There is no adequate legal protection against the trafficking of women, gender-based violence and domestic violence, to which children living in childcare institutions and Romani children and women are highly vulnerable. The report also notes that Romani children are over-represented in the Hungarian child protection system. Due to improper administration of justice and the rule of law, Roma still face discrimination by the police and the justice system. Ill-treatment by law enforcement authorities still prevails, particularly against Roma. The submission highlights more than **50 violent attacks against Roma which have resulted in 9 fatalities since 2008**. Hungarian law enforcement officials often fail to investigate these crimes properly, and in particular fail to consider the ethnic motivations for these crimes. There is no effective response from the State to dangerous hate speech, despite an increasing number of anti-Roma statements by public authorities and politicians. The Human Rights Council review is scheduled to take place in March 2011.

## SEVERAL FIRSTS IN THE ERRC'S HUMAN RIGHTS EDUCATION WORK

This autumn, several ERRC training programmes reached out to new audiences and addressed new issues. From 27-29 October 2010, the ERRC delivered a 3-day training on gender equality for female Romani trainers in Bucharest, Romania. The training was part of project led by the **Association of Romani Women in Romania** and supported by EU Structural Funds entitled Social Inclusion of Roma Women, which aims to promote the empowerment and social inclusion of Romani women in Romania. Twenty Romanian Romani women involved in social work at the community, local and regional levels participated.

The course included two main components. The first clarified concepts related to gender: gender equality, gender mainstreaming and the legal framework for women's rights. The second presented diverse methodologies that can be used in non-formal educational settings. The participants shared their professional experiences and many personal stories that enriched dialogue and provided material for analysis and debate within the group. ERRC trainers offered information about concrete legal and advocacy tools for addressing

women's rights abuses. The course included small group activities to develop understanding of the practical implementation of gender mainstreaming and other analytical methods. After each activity, the group debriefed to develop the participants' skills as trainers in conformity with the "learning by doing" principle. Course evaluations revealed a pressing need for sustained integration efforts from both Governmental and NGO structures to address the gender issues experienced by Romani women in Romania.

From 7-13 November, the ERRC held a human rights training course for Roma in Rome, Italy, in cooperation with **Roma Onlus**, an Italian Romani organisation. The intensive training course was filled with expert-led workshops and group



A diverse and engaged group of activists from around Italy participated in the ERRC's first intensive Roma rights training programme in Rome, Italy.

PHOTO CREDIT: ERRC

discussions with young Roma from different regions of Italy. Participants were introduced to domestic and international human rights and anti-discrimination legislation and instruments. They were also provided with practical sessions in monitoring, activism and advocacy techniques. The course involved 16 participants, Italian and non-Italian Roma from informal camps and standard housing throughout Italy who had demonstrated an interest in human rights work in their communities.



## ERRC PARTICIPATION IN ROMA DECADE EVENTS

On 29 September–1 October 2010, the ERRC participated in the International Steering Committee Meeting of the Decade of Roma Inclusion, hosted by the Czech Government in Prague. During the meeting, the ERRC gave a presentation about the synergy between the Decade of Roma Inclusion and other initiatives. The meeting, which included government representatives, international organisations and NGO representatives, assessed Roma-related developments in the Decade countries.

The ERRC made a statement on behalf of the **European Roma Policy Coalition**, welcoming the European Commission's announcement to establish an EU Framework for National Roma Integration Strategies in 2011 and urged that it should form

the basis for coordinated, comprehensive policies and programmes for Roma integration. The ERRC called for the Framework to ensure a more efficient flow of funds, increased transparency and accountability through specific measures, benchmarks, indicators and monitoring. The ERRC urged Governments of EU and accession countries to support this initiative at the EU Council and in bilateral meetings.

This meeting marked the first Decade Steering Committee meeting ever attended by the French Government. In light of anti-Roma developments in France since July 2010, the ERRC raised concern about the legality of **French measures** and the discriminatory remarks of the French President linking Roma to crime and trafficking.

On 5 October 2010, the ERRC participated in a seminar in Prague under the Czech Presidency of the Decade of Roma Inclusion. The seminar, which brought together experts from governments and NGOs of Decade countries, explored the collection and use of ethnically disaggregated data and its importance in the implementation of anti-discrimination policies in the field of education. Speakers from the Czech Government and NGOs discussed the role of the Czech Ombudsman in data collection, the experiences and challenges in monitoring ethnic data in the Czech Republic and the practical experiences of Czech institutions. Practical experiences of collecting ethnic data in Bulgaria and Romania were also discussed.

## ERRC AND PARTNERS ORGANISE CONSULTATIONS ON CHILD PROTECTION

The ERRC and its partners have begun organising a series of roundtables which will bring together government officials, Roma representatives and civil society actors to review the findings of EC-funded research conducted in the past year on the representation of Romani children in the child protection systems of Bulgaria, the Czech Republic, Hungary, Italy, Slovakia and Romania. The ERRC and its partners aim to use the roundtables

to facilitate networking among relevant professionals and to help forge coalitions to work towards systemic change. In the Czech Republic, the roundtables were organised in November in Ostrava, Prague, Usti nad Labem and Karlovy Vary. In Bulgaria, ERRC partner **Bulgarian Helsinki Committee** will organise the roundtables in January 2011. In Romania, roundtables will be organised in Constanta, Brasov, Timisoara and

Bucharest. In Slovakia, ERRC partner **Milan Šimečka Foundation** will host roundtables in Mihalovce, Banska Bystrica, Roznava and Trnava. In Hungary, roundtables will be held in January 2011. The locations of the Italian roundtables to be organised by ERRC partner **osservAzione** have yet to be identified. The results of the research and meetings will be compiled in a report to be published in June 2011.

## ERRC BRINGS CAPACITY-BUILDING PROJECT TO A CLOSE

For the past two years, the ERRC has been implementing a capacity-building project entitled "Empowerment of Roma to Fight Rights Deprivation", supported by the United Nations Development Fund in Albania, Macedonia, Montenegro, Serbia, Slovakia and Romania. The first component of the project involved training Romani activists to conduct research and to document violations of housing rights among Roma. Six researchers were

selected to carry out 10 months of field research. For most of them, this was a new experience. As the Romani activist from Romania, Bica Mihai Calin said: "When I began working in the ERRC's housing research project I did not have much experience conducting research. [...] Working with the ERRC was a challenge for me; the housing field is a very difficult one. I learned how to analyse and identify a problem in different circumstances. This

work offered me the opportunity to meet different communities in different parts of Romania and challenged me to identify the best way to communicate with different people from different backgrounds." Based on the results of 10 months of research throughout the project countries, the ERRC has prepared a regional report on Roma housing, which will be launched at the Media Center in Belgrade, Serbia, on 13 December 2010.

## ERRC SUPPORTS COUNCIL OF EUROPE HUMAN RIGHTS COMMISSIONER IN ROMANIA AND DOCUMENTS FRANCE RETURNS

During his visit to Romania in mid-October 2010, the ERRC accompanied Council of Europe **Human Rights Commissioner** Thomas Hammarberg to Barbulesti, a Romani settlement near Bucharest, Romania. Commissioner Hammarberg intended to learn more about the living conditions and economic situation of Roma in Barbulesti and to talk to Roma who had been returned

from France. The ERRC helped Commissioner Hammarberg speak with various Romani individuals during the visit. Commissioner Hammarberg also met Romanian authorities independently and is expected to follow up in the coming period.

The ERRC also used the opportunity to undertake additional documentation

about the **return of Roma from France to Romania**. Among the Roma who were returned from France, many Roma reported constantly travelling between France and Romania over the last 7 years and indicated that the approach of French authorities had changed over the last 2 years. Police raids in Romani camps have reportedly intensified in terms of

frequency and roughness. Romani respondents reported that French police come in big numbers and make a series of arrests, sometimes arresting everyone they find at the time of the raid, including children older than 14. Roma reported being kept in police custody anywhere from 2 hours to 2 days; in the end, some are served with expulsion or immediate repatriation orders and placed under police surveillance. Most Roma reported that they were collecting scrap metal in France and that the police would arrest them and order their repatriation if caught a second time. According to statements collected by the ERRC, in some cases French police also took Roma who are caught begging 30-50 kilometres away from the place where they were caught

and left them alone without documents or any information about how to get back or why they were left there.

The ERRC continues to be involved in legal advocacy with the European Commission on the legality of the measures undertaken by French authorities in 2010.

Commissioner Hammarberg speaks with Romani residents of Barbulesti, Romania during his October 2010 visit.

PHOTO CREDIT: SANDRO WELTIN



## ERRC ADVOCATES EUROPEAN ROMA POLICY DEVELOPMENT

In October 2010, the ERRC became co-chair of the **European Roma Policy Coalition** (ERPC); in this role the ERRC supports the **European Roma Grass-roots Organisations Network** as chair together with **Amnesty International Brussels** (co-chair). The ERRC and the ERPC have been advocating for an EU Roma policy since 2007. In reaction to the European Commission's announcement of 7 September that it would adopt such a framework policy by April 2011, the ERRC contributed substantively to the ERPC's November Statement on "**Essential Elements of the European Framework for**

**National Roma Strategies**". This statement is intended to provide guidance to EU and Member State policy-makers in establishing an effective policy framework for Roma Inclusion. The ERRC discussed the statement with representatives of 18 Member States at an embassy briefing hosted in Prague on 9 November; urging direct support from the Member States of its principles during policy negotiations. The ERRC also raised key components from the statement at an informal roundtable with civil society organised in Brussels on 24 November 2010 by the European Commission on the effectiveness of

EU cohesion policy. On behalf of ERPC, the ERRC advocated strong linkages between cohesion policy, the Framework Strategy and the new **Europe 2020 Strategy**, which outlines the EU's path to economic recovery and growth in the next programming period, and the establishment of concrete Roma inclusion indicators in all three policies. The ERRC also raised similar concerns during a European Parliament hearing on 1 December on EU Roma policy, advocating the need for disaggregated data collection to monitor policy impact and conditionality of funding on equal opportunities planning for Roma.



## ERRC INTERN REFLECTIONS

**Hillary Waldron**  
Ireland

I began my internship with the ERRC in September 2010 with the aim of expanding my book knowledge and gaining practical experience in human rights law. I was particularly interested in working with the ERRC on issues and legislation dealing with children's rights. Recently, the ERRC has been involved in a training of trainers in gender equality in Romania, so, since I began my internship my work has been mainly focused on gender issues and legislation aimed at promoting the equal treatment of men and women. This is an area of European law I have little experience in and none whatsoever from

the Romani perspective, so being involved in the drafting of a trainers' manual has enabled me to expand my knowledge in an area of law that I may have not had the opportunity to, had I not been working for the ERRC.

The ERRC is an excellent working environment for an intern. The multi-cultural staff is friendly and supportive and there is a great deal of diversity in the tasks being researched and carried out. Weekly staff meetings provide interns with great insight into the day-to-day running of a human rights NGO and current political and legal situations facing Roma in Europe.



**Rosi Mangiacavallo**  
**Italy**

I started my internship at the ERRC over a month ago. One of my tasks is to monitor the situation of Roma and Sinti in my country, Italy. During this time, I have witnessed an increased number of evictions of Roma in several Italian cities.

In Rome, authorities decided to settle about 7,000 Roma in seven formal camps and to dismantle about 201 illegal camps throughout the capital. Often there is no news after the eviction. What happens to these families?

In Milan, preparations for the 2015 Universal Expo have accelerated the “cleaning” of the city and the Deputy Mayor has reported that there are about 11 evictions per week, which have left around 350 Roma evicted. The frenzy of Roma evictions is also apparently creating tensions between the institutions themselves. Recently there has been a controversy over housing assigned to some Romani families from the Triboniano Camp. Minister of the Interior Roberto Maroni intervened, saying that Romani families can not have social flats, and the housing offer was retracted. The Association Casa della Carità, which administered the housing project, has publicly condemned the retraction of the housing, underlining that rental contracts had been signed by Roma before the Interior Minister’s declaration. The City of Milan, however, has refused to change its plan and 10 Roma have filed an appeal against the Mayor, the Prefect and the Minister of the Interior.

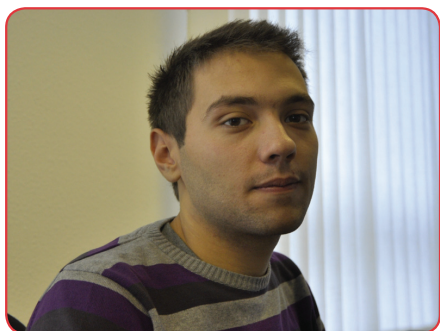
In Giugliano, in the Province of Naples, it has been announced that a wall will be built to divide local factories from Romani houses. Why? “Integration is impossible because there are too many [Roma],” said the mayor of Guigliano. The construction of the wall will reportedly cost the Province of Naples 300,000 EUR.

In Pisa, during the October 2010 eviction of the Cisanello Romani camp, the commander of the municipal police made offensive remarks to stunned Roma, threatening to take their children away if they did not leave the town.

Every day for over a month I have been telephoning and writing to Italian institutions to gather more specific information on the cases outlined above. My job is to find out why these incidents happen and to establish contacts between the ERRC and institutions to pave the way for future collaboration that will help to overcome the policy and practice of forced evictions.

For more than a month I have been looking for answers that I have not been able to obtain for different reasons: “To provide this data, we need to get the authorisation of the office head”; or “The person in charge read your request but I do not know why she did not reply; call back again tomorrow”; or “The colleague following your file is not in the office now, please call again”; or “The answer to your question has been given, but not directly to you. We sent the data to the office which is responsible for providing it. Contact them”; or “Why call us? How did you get our direct office number?” ... and so on, *ad infinitum!*

Data relating to evictions should be easily available. Still, problems arise when a human rights NGO requests information. Why? And so for more than a month, between evictions and requests for information never received, I have been knocking on many, many doors in my country trying to find answers which the authorities don’t want to provide.



**Ivan Matic**  
**Croatia**

After acquiring my MA in Nationalism Studies with a concentration in national minorities from Central European University (CEU), I began a six-month internship at the ERRC. Before continuing my academic education, I decided to gain practical experience in the protection of human rights and, considering its reputation, the ERRC seemed to be the best place to start.

For the past two months, I have worked on the ERRC’s follow-up on the case of *Oršuš and Others v Croatia* and the ERRC’s **submission** to the Committee of Ministers of the Council of Europe. This experience has allowed me to gain in-depth understanding of issues related to school segregation that Romani people face daily as well as the process of desegregation. It also provided me the opportunity to thoroughly research relevant Croatian legislation and policies, and get to know how and where legislation and policies fail to provide for Romani children.

As a result, I took a particular interest in school segregation issues. Backed by helpful and supportive ERRC staff, I initiated a small awareness-raising project at CEU on segregated education as part of ERRC activities to commemorate the third anniversary of the landmark judgment *D.H. and Others v The Czech Republic*. As far as I’m concerned, the ERRC not only meets its reputation but surpasses it.