

ERRC LEGAL ACTION HELPS TO END STATE OF EMERGENCY IN ITALY

The Council of State in Italy ruled on 16 November 2011 that the State of Emergency targeting Roma, in effect in parts of the country since May 2008, was illegal and unfounded. The State of Emergency, which was instituted by Decree in May 2008 in the regions of Lombardy, Campania and Lazio, and subsequently expanded to include Piedmont and Veneto, was extended several times, continuing to December 2011. According to this Decree, special state authorities were afforded extraordinary powers, including: monitoring

camp, conducting a census of persons resident in camps (including minors), 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 of informal settlements.

The ERRC started legal action in 2008 before the Italian courts claiming that the Decree was unlawful and demanding its annulment.

The ERRC welcomed the judgment of the State Council, which ruled that there was no evidence of an extraordinary and exceptional disruption of order and public security in the affected areas to justify a state of emergency, and no evidence of a connection between the existence of nomadic settlements and such disruption. The organisation sent a **letter** on 24 November 2011 to Italian authorities urging them to immediately cease all measures undertaken in accordance with the extraordinary powers granted by the State of Emergency.

PORTUGAL HOUSING POLICY FOR ROMA VIOLATES EUROPEAN SOCIAL CHARTER

In a case brought by the ERRC against Portugal, the **European Committee of Social Rights** found Portugal in violation of the **Revised European Social Charter** in a **decision** made public on 7 November 2011. The violations arose out of Portuguese policy and practice related to housing in Romani communities. The decision sends a clear message to

the Portuguese government that they must act to end this situation.

The Court found violations of the RESC arising out of problems of access to social housing, substandard quality of housing, lack of access to basic utilities and residential segregation of Romani communities, compounded by a lack of

practical access to effective legal remedies for redress.

The Committee held Portugal in violation of Article 31 (right to housing), Article 16 (right to family and private life) and Article 30 (protection from social exclusion) alone and in conjunction with Article E prohibiting discrimination.

ERRC MONITORS THE IMPLEMENTATION OF ORŠUŠ AND OTHERS V CROATIA JUDGMENT

An ERRC lawyer and researcher travelled to Croatia in September 2011 to monitor and document the implementation of the European Court of Human Rights judgment in the **Oršuš and Others v Croatia**

case. The Grand Chamber of the European Court of Human Rights held on 16 March 2010 that the segregation of Romani children into separate classes based on language is unlawful discrimination, violating the European Convention on Human Rights.



ERRC staff members talk with Romani families in Croatia about the current education situation of their children.

PHOTO CREDIT: ERRC

The ERRC team travelled to Croatia to assess the current situation of Romani children in the schools involved in the case. The ERRC visited several primary schools in which Romani children attend Roma-only classes, interviewed school authorities, representatives of the Medjmurje County as well as the representative of the Ministry of Justice and Ministry of Science, Education and Sport. According to information gathered from the

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

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school authorities, segregated Roma-only-classes based on their inadequate Croatian language capacity do not exist anymore.

However as there are more Roma pupils than non-Roma, the Romani children continue to have separate classes, following the same curriculum. The large concentration of Romani pupils in these schools is mainly due to the higher numbers of Roma living in the school catchment area. Non-Roma parents often show an unwillingness to send their children to these schools and prefer to enrol them in schools where primarily Croatian pupils attend.

The county authorities, with the support of the Ministry of Science, Education and

Sport and the Roma Education Fund, have taken measures to tackle the language barriers that Romani pupils face. In the last school year (2010-2011) they introduced a free one-year preschool education program for Romani children to provide extra support. However according to some school authorities this one-year program is not sufficient to address the language issues Romani pupils face. They recommend that the program should last at least three years (as initially proposed) and that Romani parents should also be involved.

The language issue for the children in the upper classes still remains unsolved. Older Romani children with

limited Croatian have not received any additional support from the schools. As a result, many Romani children leave primary school without being able to read and write. Poor school attendance and the high dropout rate of Romani children also remain a problem. A new Family Centre in the region of Medjimurje, which should address some of the problems, has not started working yet. When it is operational, it should work with Romani parents and raise awareness on the importance of education.

The ERRC will continue to monitor the situation and will report to the Committee of Ministers in 2012.

ERRC TRAINING FOR LAWYERS AND ACTIVISTS IN PORTUGAL

The ERRC organised two training events in Portugal, targeting lawyers and Roma rights activists.

The first course took place from 10 to 14 October in Lisbon, and provided capacity building for Romani human rights activists. The participants were nine Romani community leaders involved in social work at the community, local and national level.

The course examined the concepts related to human rights and a rights-based approach as well as the legal framework

for human rights at the European and national level. The course also aimed to develop activists' skills in areas such as human rights research, monitoring and advocacy. The participants shared their professional experiences as well as many personal stories that enriched the dialogue and idea sharing and provided material for analysis and debate within the group.

On 14 and 15 October, ERRC staff organised a legal training course in Lisbon for Portuguese lawyers, focused on Roma rights litigation.

The training had 10 lawyer participants and focused on the European Convention of Human Rights, in particular on the right to life, prohibition of torture, inhuman and degrading treatment, and the right to education, right to a fair trial and the right to an effective remedy in conjunction with the prohibition of discrimination.

The training also provided lawyers with practical exercises on how to file cases with the European Court of Human Rights.

ERRC MEETING WITH COERCIVELY STERILISED ROMANI WOMEN IN CZECH REPUBLIC: STILL NO ADEQUATE REDRESS FOR THE VICTIMS

In late October, ERRC staff travelled to Ostrava in Czech Republic to attend a meeting discussing the current status of coercively sterilised Romani women in Czech Republic with **Life Together**, the **League of Human Rights** and the Group of Women Harmed by Forced Sterilisation.

The meeting particularly focused on the issue of a recent decision by the Czech Supreme Court in the case of a coercively sterilised Romani woman and the

impact of that case on the ability for additional legal action.

The meeting also addressed the possibility of advocating for a collective compensatory mechanism for victims of coercive sterilisation as well as the possibility to continue advocacy on an international level.

On 22 November 2011, two years after the Czech Government under Prime Minister Fischer expressed **regret** for individual steri-

lisations of Romani women, the ERRC and its NGO partners **expressed their concern** that no effective steps have been taken to provide the victims with adequate redress for irreparable injuries. The organisations stated that no official government follow-up has ever ascertained the extent of the problem or offered support to those affected. Current legislation in the Czech Republic prevents the majority of victims of coercive/forced sterilisation from bringing claims due to statutory limitation regulations.

A MAJOR OBSTACLE: IMPLEMENTATION OF JUDGMENTS

From 31 October to 1 November ERRC staff participated in a seminar organised by the **Netherlands Helsinki Committee** (NHC) entitled "Bridging the Implementation Gap - Enlarging Civil Society's Role in the European Court of Human Rights' Implementation Process". The seminar looked at

different activities that civil society can initiate to bridge the implementation gap.

Participants presented and assessed examples of good practice, such as NGO coalitions established to follow-up on judgments and formal and informal

ways to press governments for better implementation.

The event aimed to act as a starting point for a Europe-wide civil society alliance to become more actively involved in the implementation process. The seminar was

followed by an informal NGO meeting to discuss and adopt an NGO Action Plan, which will call on governments to address

the problem of non-implementation and suggest practical ways to bridge the implementation gap.

The ERRC has covered this topic in its flagship publication **Roma Rights 2010/1** edition.

ERRC IN THE FIELD

The ERRC teams continued visiting target countries to monitor and document the situation of Roma for further action.

In August 2011, the ERRC staff conducted a field trip to the South Federal District of Russian Federation (Rostov-on-Don, Krasnodar) to assess the current problems of the Roma population there and practical ways to address the issues. Research in several large settlements has shown that most of the problems stem from a lack of personal documents. Without personal documents, it is impossible for Roma to access basic human rights, such as the right to education, housing, health care and employment. Most of the Roma in the settlements visited by ERRC staff live in illegal or substandard housing. ERRC is currently working on developing an action plan to help identified communities obtain personal documents.

The ERRC intends to address the problem by working directly with the communities and highlighting the problem to the authorities through advocacy actions and submissions. The ERRC is also considering lobbying local authorities to simplify the procedure for Roma to obtain personal documents.

ERRC staff also conducted a field trip to Odessa, Ukraine in August 2011 to visit targeted settlements and conduct interviews with Roma living there. Problems with personal documents remain one of the main problems for Roma in Ukraine. The situation in the area of documentation has not changed much since the **last**

research conducted by the ERRC in Ukraine in 2005.

The lack of personal documents continuously creates substantial impediments to the enjoyment of basic human rights. Most Roma do not have ownership documents for the land and houses they live in. Another area of concern is access to education and segregated schooling of Romani children, in Odessa and Odessa region. The ERRC is now working to develop a concrete plan to address urgent issues through constant monitoring, advocacy submissions, working with communities and strategic litigation.

ERRC staff went to Cluj-Napoca, Romania between 29 September and 1 October 2011. They visited the community of Pata-Rât, which was forcibly evicted from the centre of the city in December 2010. The purpose of the trip was to assess the impact of the eviction one year after the event. Field research continued in the first two weeks of October. Based on the findings of the research, the ERRC is drafting a report that will be used in the current legal proceedings and in advocacy activities.

ERRC staff also travelled to Kiev, Ukraine from 23 to 26 October 2011 to meet with



Romani families are living near a rubbish dump at Pata-Rât in Romania after being forcibly evicted.

PHOTO CREDIT: ERRC

NGOs and state representatives and discuss ways of future cooperation and on-going ERRC research in the Odessa region. The ERRC staff stressed the urgent need to address the problem of the lack of documents as soon as possible. Meetings with NGOs were focused on ways to cooperate more effectively to monitor violence against Roma, hate speech, promote more effective implementation of existing legal provisions, deal with hate crimes and discrimination, and lobby for adoption of a comprehensive anti-discrimination law. Pushing Ukraine towards joining the Roma Decade is another potential area for cooperation among national NGOs and the ERRC, as it will clearly contribute to a more sustainable implementation of pro-Roma policies and programs.

ERRC CONTINUES TO SEEK JUSTICE FOR ROMANI VICTIMS

In recent months, ERRC lawyers have been busy supporting Romani individuals subjected to rights violations in Russia and Romania by taking appropriate legal action against relevant authorities to remedy the abuses.

In July 2011, the ERRC submitted a **Memorandum** to the **Committee of Ministers**, highlighting the Romanian State's failure to comply with European Court of Human Rights judgments against Romania in **Moldovan and others v Romania (Nos.1 & 2)**, **Gergely v Romania** and **Kalanyos and Others v Romania**. All these cases involve anti-Roma violence

and outline major structural and complex problems. According to the ERRC's request, during their 1120th Human Rights meeting of 13-14 September 2011, the Committee of Ministers classified all the abovementioned cases under the **enhanced supervision procedure**.

The ERRC is providing legal assistance for the Romani community evicted in December last year in **Cluj-Napoca**, a city in northwest Romania. A domestic proceeding against the local government (asking for damages and for relocation to adequate housing), as well as a complaint for discrimination to the national Equality Body,

were recently filed on behalf of the victims. On 17 December 2010, around 200 people were evicted from Coastei Street, in the city centre of Cluj-Napoca, to the outskirts of the city, close to a rubbish dump. They were placed in modular houses, isolated from public services, in very poor hygienic conditions and crowded accommodation.

In October 2011 the ERRC got involved in the case of young Romani man who was apprehended by Russian police for being drunk in a public place and put under administrative arrest for five days. After the five-day arrest had expired, the individual was not released, but was kept under arrest for

allegedly committing a murder. According to the accused's statement, he was beaten, verbally abused and threatened by police officers on duty to extract a confession of committing a crime. Currently the accused is in detention and his case is under investigation. The ERRC is monitoring the case.

On 20 October 2011, the ERRC sent a **letter** urging the Ukrainian authorities to

investigate the conduct of law enforcement officials engaged in targeting Romani residents with unlawful discriminatory identity checks, including fingerprinting and verification of documents in Lviv, during September and October 2011. Romani individuals in Lviv have reportedly been subject to specific measures to collect personal, identifying information, in the absence of any allegation of

involvement in criminal activities. Police have reportedly inquired about Roma in the process of regular checks of public places, taking measures to check the identity documents of any Romani person found. Some of those Romani individuals who were subject to checks were also taken to the police stations, where they were fingerprinted, photographed and some beaten up.

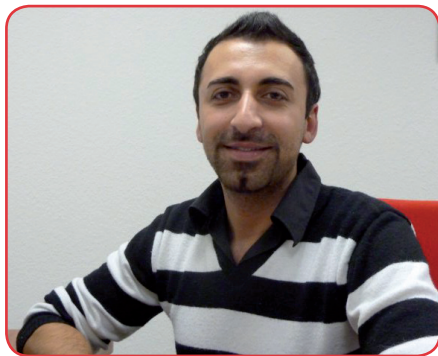
ERRC WELCOMES NEW STAFF MEMBER



Marianne Powell
Communications Officer

Marianne Powell recently joined the ERRC as Communications Officer. She trained as a journalist and has specialised in non-profit communications for the last six years. She previously worked on communications in the field of labour rights at the International Transport Workers' Federation. She has also worked on charity communications in the UK for a number of organisations including the National Council of Voluntary Organisations. She recently completed a postgraduate certificate in Digital Media Management at Birkbeck University, London. She is particularly interested in digital media for NGOs and non-profit organisations. She is originally from the UK, and completed her undergraduate studies in English Literature and Spanish at the University of Sheffield.

INTERN REFLECTIONS



Orhan Usein

I started my internship at the ERRC in October 2011. Prior to the ERRC, my work was focused on measuring the needs of vulnerable groups and developing policies and projects for tackling these needs. At the ERRC I started gaining knowledge from a human rights based approach and linking it with Roma and their entitlement to these rights. This was very important for me, since not only did I learn more about human rights but also had the opportunity to perceive Roma issues from different perspectives.

During the internship I developed a particular interest for multiple discrimination and Roma as one of the frequent groups being subject to it. I started researching this area, mainly because of the fact that one cannot talk about Roma and discrimination, without taking into consideration the intersectional grounds of all types of discrimination.

Furthermore, as part of the internship, I had an excellent opportunity to participate in a gender equality and diversity training course in the Netherlands. This training assisted me in gaining valuable knowledge on the correlation between gender and human rights. Hence, I am currently working on a project proposal that will tackle the Roma LGBT community and try to break taboos such as sexual identity and sexual orientation within Roma communities.

In short, this internship has allowed me to pursue research that I am really interested in, thus gaining priceless knowledge and experience for my further professional development.

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Olga Herzenberg

Prior to the beginning of my internship in September 2011, I had already lived in Hungary for one year as an Erasmus student. Coming to Hungary, I soon realized that Roma are presented in an extremely bad light in the media and prejudice against Roma is expressed by many Hungarians. I came to the ERRC to gain a better understanding of Roma and human rights issues in Europe. The ERRC is a diverse and dynamic organisation and very actively participates in many projects and campaigns concerning Roma all over Europe. I was fortunate to be able to work with both the Programmes and the Legal departments. Thanks to that, I managed to get a good idea of how a human rights NGO needs to be organised internally and the weekly department meetings provided an insight on how work can be distributed in an efficient manner. My engagement in both departments also helped me understand that the field of Roma rights is complex and that the obstacles leading to social justice and equal opportunities are very high.

I have learned a lot through providing research on the implementation of EU anti-discrimination directives, writing briefs of landmark Roma cases and updating and preparing manuals for Romani rights activists. I was also involved in corresponding with international institutions and ministries and organised meetings with delegations visiting the ERRC. I am very grateful to have had such an eye-opening experience with the ERRC.

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Elise Filo

I came to the ERRC for a three-month internship because I wanted to learn more about how a human rights NGO works from within. I have had previous experience on other ends of the spectrum, from international organisations to freelance work, both of which may rely greatly on NGOs, and it was important for me to understand better the dynamics of their relationship. The ERRC is an ideal body to this end, as the interplay of its various departments, in each of which I have interest and a degree of knowledge, is essential to its functioning in its unique field. In the future, I intend to work for the protection and promotion of human rights internationally, for which this will constitute an invaluable opportunity.