

# ERRC RESPONDS TO EU DEPORTATIONS OF ROMANI CITIZENS

This summer the ERRC was busy responding to the expulsion of EU Roma from several Western European countries, notably Denmark and France.

Following the 28 July **announcement** by French President Nicolas Sarkozy targeting Roma for eviction and expulsion, in August and September 2010 the ERRC devoted significant attention to documenting and reporting French actions against Roma. The ERRC submitted **two legal briefs** to the European Commission outlining fundamental rights violations by French authorities and worked extensively with international media to ensure rights-based reporting on the events. ERRC researchers conducted primary interviews with Romani migrants expelled from France and gathered documentation of evictions and expulsions. The data clearly indicates that ethnic discrimination and profiling and mass expulsions without individual consideration are taking place. It also raises concerns that France's collection of fingerprints and other identifying data may be in violation of European data protection law. Following the European Commission's 29 September announcement that it is pursuing further evidence of discriminatory impact of the French actions, the ERRC is making strategic plans for the coming period.

Elsewhere, on 3 September 2010, the ERRC filed **appeals** against deportation orders issued to 10 Romanian Roma by the Danish Immigration Service with the Danish Ministry of Refugees, Immigration and Integration Affairs. The appeals follow the arrest of the Roma concerned during police actions targeting 23 EU Roma in Copenhagen on 6 July 2010 and their collective



On 20 August 2010, ERRC staff met Romanian Roma returned from France at the airport in Timisoara, Romania, to document the conditions of their return and their treatment by French authorities.

PHOTO CREDIT: RICHARD ADKIN

deportation from Denmark to Romania the very next day. In July 2010 ERRC staff travelled to Romania to meet the 23 Romanian Roma who had been deported from Denmark for allegedly having threatened public order and policy by squatting in a derelict building on private property and by pitching tents on private property. Such deportations of EU citizens from one EU country to the next raise serious concerns under the EU's Free Movement Directive. During interviews, the affected Roma reported that they did not understand why they had been deported from Denmark.

## ERRC BRINGS TOGETHER 22 ROMANI ACTIVISTS FROM 11 COUNTRIES FOR INTENSIVE TRAINING IN BUDAPEST

From 25 July - 4 August 2010 the ERRC hosted 22 participants in Budapest at its traditional Roma Rights Summer School aimed at capacity building for young Romani and Traveller activists and students in the field of Roma rights advocacy. Participants came from all corners of Europe: Bulgaria, Hungary, Ireland,

the Netherlands, Macedonia, Moldova, Romania, Serbia, Spain, the United Kingdom and Ukraine.

The Summer School was an intensive ten days of workshops led by experts in human rights and Roma-related issues and group discussions with young Roma from around

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

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Europe. Participants were introduced to domestic and international human rights legislation and procedures, as well as to

monitoring, debate, public speaking, community organising and advocacy techniques and tools. The Summer School

offered an introduction to human rights using informal education methodologies and was an excellent forum for the exchange of ideas, innovation and expertise for participants in an early stage of their careers. The main goal was to develop the capacity of a new generation of Romani human rights activists to use human rights instruments and mechanisms to advance the rights of Roma and to combat discrimination from grassroots to governmental levels.

Participants of the Summer School pause for a photo just before departure. Front row, left to right: Owen Ward, Ciprian-Valentin Nodis, Maria Bodnar, Brigitta Balogh, Cassie Marie McDonagh. Middle row, Left to right: Anna Orsos, Norina-Elvira Herki, Roman Krok, Petru Gheorghe, Ajda Kadrijevic, Sali Shiva. Back row, left to right: Mustafa Asanovski, Radoslav Kuzmanov, Diego Garcia Bustamante, Ivelin Kamenov, Anton Mihaylov, Viacheslav Rymyskiy, Mark Lakatos, Hadis Redjepi.

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## ERRC VICTORY BEFORE EUROPEAN COURT IN ROMANIAN CASE

On 13 July 2010, the European Court of Human Rights (Court) issued a long-awaited judgment in the case of **Carabulea v Romania** on the torture and death in police custody of a 27-year-old Romani man, represented by the ERRC and others. The Court found that Romania violated Articles 2 (right to life), 3 (right to protection from torture, inhuman and degrading treatment) and 13 (right to an effective remedy) of the European Convention on Human Rights (ECHR).

The Court's forceful judgment related to a series of appalling rights violations which began on 13 April 1996 when Gabriel Carabulea was arrested on suspicion of robbery and taken into police custody in Bucharest. The same day his wife visited him and found him to be in good health. Three days later Mr Carabulea was admitted to hospital in critical condition, vomiting blood and suffering severe pain. Mr Carabulea was kept in hospital under constant police

guard. During the few minutes Mr Carabulea was permitted to see family members, he described to them how police had hung him by hand-cuffs from a cupboard for a prolonged period of time and had wrapped him in a wet carpet and beaten him, in efforts to extract a confession. On 3 May 1996 Mr Carabulea died of internal injuries. His family was not formally notified.

In its judgment, the Court found that Mr Carabulea had died as a result of police torture and that the Romanian authorities had failed to carry out proper investigations into his death. In addition to finding that Mr Carabulea had been physically tortured, the Court found that keeping Mr Carabulea under constant surveillance and not allowing his family proper access and information were "egregiously unfair and excessively cruel in all the prevailing circumstances".

The application to the Court was filed in 1998 by Gabriel Carabulea's brother,

Viorel Carabulea, who was awarded non-pecuniary damages of 10,000 EUR and pecuniary damages of 3,030 EUR. Mr Carabulea's daughter, who was 3 months old at the time of his death, was awarded 35,000 EUR to be held in trust until she reaches adulthood.

By a slim majority the Chamber declined to consider separately the claim under Article 14 (non-discrimination) of the ECHR that Mr Carabulea was tortured and killed and that no proper subsequent investigation was undertaken, in part at least, because of his Romani ethnicity. Nevertheless, the judgment provides two significant opinions from three judges who considered that the discrimination element ought to have been decided. They consider that in the face of well-documented evidence as to discrimination against Roma the burden to prove lack of discrimination should fall to the respondent State. They also call for disaggregated data collection by States.

## ERRC BRINGS TOGETHER TRAFFICKING EXPERTS IN BUDAPEST

On 1 July 2010, the ERRC organised an informal consultation in Budapest, Hungary, to explore the issue of human trafficking in Romani communities within the framework of the EC-funded project "**Trafficking of Roma in Eastern and Central Europe: Analysing the effectiveness of national laws and policies in prevention, prosecution and victim support**", implemented in partnership with **People in Need (Slovakia)**.

Present at the consultation were 15 representatives from various NGOs and

independent experts including the **International Romani Union**, **Terre des Hommes** and the **Human Trafficking Clinic**. The participants represented Roma rights, anti-trafficking and women's rights organisations from a wide array of European countries and the United States.

Seminar participants discussed a variety of topics including: factors that contribute to the vulnerability of Roma to human trafficking; forced marriage and child begging in relation to trafficking; and the

most effective approaches to combating trafficking by Roma rights organisations. The goal of the consultation was to create an open dialogue among NGOs from diverse backgrounds to better understand the phenomenon and the multitude of inter-related factors contributing to this egregious human rights violation.

The consultation contributed to improved awareness and understanding of human trafficking within Romani communities and stronger interest by the



participant organisations in cooperation. The ERRC plans to continue its work in

the field of human trafficking in the future and will publish a comprehensive

report on human trafficking and Roma later this year.

## ERRC DISCUSSES ROMA EDUCATION AT OSCE MEETING

On 22 - 23 July 2010, the ERRC participated at the OSCE Supplementary Human Dimension Meeting on Education of Persons Belonging to National Minorities: Integration and Equality. The meeting, held in Vienna, acknowledged education as essential in ensuring the full participation of national minorities in economic, social and political life. It reaffirmed the need for a holistic approach that links education to other relevant aspects of life, while also stressing the importance of children learning in integrated school environments, enabling them to achieve their full potential while supporting cohesive and sustainable societies.

The meeting resulted in an NGO statement, joined by the ERRC, which quoted the language of the European Court of

Human Rights in *Sampanis and Others v Greece*: "integration in schools is a fundamental element of integration into society as a whole". Concluding that "separate is never equal", the ERRC recommended that the OSCE Participating States implement their commitments enshrined in the OSCE Action Plan on Roma and Sinti, especially to ensure that national legislation includes adequate provisions banning racial segregation and discrimination in education while developing and implementing comprehensive school desegregation programmes.

Many positive examples of promoting minority languages were also presented at the conference. The ERRC cautioned that promoting "Romani language should at no point become an

excuse for governments to discriminate, isolate and further limit the rights of Roma and that it is not a substitute for good command of State languages." Furthermore, the ERRC highlighted that Romani language "has been misused sometimes as an argument to create separate educational systems" as in the *case of Croatian schools* where Romani children are customarily placed in separate classes, ostensibly because of Croatian language deficiencies.

Improving the situation of Romani children in education was also related extensively to the importance of collecting disaggregated data on school enrolment and completion rates and the number of Romani children studying in schools intended for children with disabilities.

## ERRC STRENGTHENS TIES IN UKRAINE

ERRC legal staff travelled to Ukraine from 28 June - 7 July 2010 to re-establish contacts with local lawyers, NGOs, Romani activists, public officials and diplomatic representatives. The purpose of the visit, which included Kiev, Odessa and Uzgorod, was to assess the situation of Roma rights on the ground, to identify possible ways of cooperation in joint projects and to visit Romani settlements.

During the visit, an ERRC lawyer met in Kiev with representatives from *Chiricli*, a Romani organisation, representatives from the *International Organization for Migration* and local lawyers. The ERRC also met officials from the United States and German embassies to discuss possible cooperation. In Odessa, meetings were held with local lawyers, Roma rights activists, local NGOs including Zbora, and local authorities. In Uzgorod, the ERRC met with a Roma health mediator, representatives from "The Good" Foundation, officials from the Health Department and local lawyers and activists. The ERRC delegation also visited Romani settlements in the city to observe conditions.

The ERRC identified a number of Roma rights challenges and prospects in Ukraine. A primary concern is the difficulty in pursuing anti-discrimination claims in court since Ukraine does not yet have an anti-discrimination law. Furthermore, the lack of Roma NGO networks and the lack of legal knowledge concerning human rights issues and how to deal with human rights violations in general present other major challenges. On the other hand, enthusiasm

and will on part of lawyers to engage in Roma rights litigation should be noted as an opportunity to improve the situation of Roma in the country. The ERRC lawyer identified several opportunities for cooperation with local lawyers and activists, including conducting legal workshops, seminars and trainings. Furthermore, a willingness to cooperate on the part of Government officials provides a window of opportunity to improve Roma rights in Ukraine.



During research in Ukraine in June 2010, the ERRC visited Romani settlements along with local lawyers, NGOs, activists and public officials.

PHOTO CREDIT: ERRC

## ERRC MISSIONS FIND LACK OF PROGRESS IN ROMA EDUCATION IN GREECE AND CROATIA

As a part of the ERRC's monitoring and advocacy on the implementation of European Court of Human Rights judgments, in June 2010 the ERRC travelled to Croatia to assess the current situation of Romani children in schools involved in the case **Oršuš and Others v Croatia**. The ERRC visited several primary schools in which Romani children attend Roma-only classes and talked with school authorities. Information gathered during the mission shows that the situation in the schools remains the same:

the majority of Romani children continue to attend Roma-only classes. The ERRC also identified one more school in the village of Podturen where Romani children are also attending Roma-only classes.

One positive development was an initiative by the principals of the primary schools involved in the case which asked Medjimurje County authorities and the Ministry of Education to introduce free-of-charge three year pre-school programmes for Romani children to help

them overcome language barriers before beginning their primary education. For the time being, however, this proposal remains unanswered by the national authorities. During the visit, the ERRC also held a meeting in Zagreb with leaders of Romani NGOs to discuss possibilities for future cooperation and to better understand the human rights violations which Roma face in different parts of Croatia.

Earlier, in May 2010, the ERRC visited 12 Romani settlements in Greece together with local partner **Greek Helsinki Monitor** (GHM) to monitor implementation of the European Court of Human Rights judgment **Sampanis and Others v Greece** of 5 June 2008 and assess the current situation for Romani children in education. During field visits and through consultation with GHM, the ERRC documented continuing segregation and discrimination of Romani children in schools across Greece. As part of its advocacy efforts on the implementation of human rights judgments, the ERRC and GHM met with Greece's Deputy Minister of Education and subsequently prepared a letter to the Greek Ministry of Education expressing concern that Romani children continue to be effectively segregated or deprived of education. The letter included a list of the relevant localities and requested that the Ministry ensure that all Romani children in the stated communities be enrolled in school for the coming school year.



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

PHOTO CREDIT: ERRC

## ERRC DOCUMENTS ROMA, ASHKALI AND EGYPTIAN RIGHTS IN KOSOVO

In May 2010, the ERRC travelled to Kosovo to conduct research in Roma, Ashkali and Egyptian communities for the finalisation of a report on the general human rights situation of these groups. During the 10-day trip, the ERRC, in cooperation with the Roma and Ashkali Documentation Centre, visited major communities throughout Kosovo, conducting interviews with community leaders and residents.

Roma, Ashkali and Egyptian individuals interviewed described their living conditions and reported the human rights challenges they face. Most live in sub-standard conditions, many without property documents and some continue to live in IDP camps after 10 years. The vast majority are unable to find employment, and many are unable to access social assistance. Children experience various obstacles to education, including

segregation, discrimination, language barriers and violence.

Among the interviewees were a number of recent returnees, individuals and families, primarily from Germany, but also from Serbia, Macedonia and Sweden. The conditions faced by these people upon arrival were bleak: having been gone for as long as 20 years and without any warning about their deportation, most did not have any housing, work or family to return to. Several of the families included children who had lived for most or all of their lives in Germany. Many of

them spoke only German and were unprepared for the transition and for integration into Kosovar society.



After more than a decade, internally displaced Romani families continue to live in deplorable conditions in Cesmin Lug, a lead-contaminated camp in Mitrovicë/Mitrovica, Kosovo.

PHOTO CREDIT: ERRC



## ERRC DISCUSSES ROMA RIGHTS IN ITALY

At a conference held in Milan, Italy, from 16 - 18 June 2010, the ERRC presented a paper on Roma in European Court of Human Rights case law. The conference, entitled "The Legal Status of Roma and Sinti in Italy", was the first of its kind in Italy. It brought together Roma and Sinti activists, lawyers, sociologists, government officials and others, to share viewpoints on the situation of Roma and Sinti in Italy and how it relates to the wider European context. The programme was ambitious and encompassed cultural, social and legal issues. The conference was well attended by participants from

Italy and around Europe and provided an opportunity for exchange of ideas and for the various actors there to gain a comprehensive overview of the complex situation of Roma and Sinti in Italy.

Earlier, from 3 - 6 June 2010, the ERRC participated in the First Anti-Racism Meeting of the Federazione Roma and Sinti Insieme in Bolzano, Italy. The meeting brought together organisations dealing with Roma and Sinti rights in Italy, representatives of the Council of Europe, European Commission and other European countries and Italian national and local

decision makers and politicians. The goal of the meeting was to discuss the stereotypes and prejudices concerning Italian Roma and Sinti and to further ideas and solutions for the problems identified. The ERRC's participation in this meeting had several aims: to strengthen existing partner relations with Italian NGOs and identify new partners; to identify possible participants for our November 2010 **Roma and Sinti Rights Training Course** in Italy; to discuss the ERRC and its work; and to participate in the debate on discrimination against Roma and Sinti and how to tackle discrimination from within.

## ERRC 2010 SUMMER INTERNSHIP PROGRAMME COMES TO A CLOSE

This summer, the ERRC hosted 10 Romani and non-Romani interns from around Europe and North America. ERRC interns primarily work in the ERRC legal and programmes (research, advocacy, communications and human rights education) departments and are generally involved in a range of administrative and substantive activities. This summer was a rewarding experience for the ERRC and our interns alike. The following are some personal accounts:



**Hadis Redjepi**  
Macedonia

This summer I started to work at the ERRC within its Romani internship programme. As a young Romani man, I have always been motivated and interested to work in the Roma field. My main goals were to get more involved in Roma matters, to become more familiar with the situation of Roma in Europe, to find ways to make effective policy or react in a positive way when it is necessary and learn about many other important issues related to Roma.

As I continue with my internship I am becoming aware of how the ERRC deals with Roma issues in Europe. Through my internship, I have improved my writing skills. I had the chance to draft letters of concern to State authorities. I am more aware of the discrimination, segregation, hate speech or ill-treatment and other violations of basic human rights faced by many Roma. I am more aware of the fact that we do not have to wait for someone to take initiative when our rights are violated and to behave professionally in our work. Aside from the above, I have also been impressed by the staff relations; like real family members who protect Roma rights. When there is a violation of Roma rights, the family always tries to intervene and to defend Roma. One of the most interesting things for me has been learning about litigation and the procedure to bring a case to the European Court of Human Rights. I am very grateful for my time at the ERRC because I became more familiar with the situation of Roma, gaining new experience and developing myself.



**Nour Gemayel**  
University of Central Florida

This summer I worked at the ERRC through the Bard-CEU summer internship programme. I am more than glad to have been placed with the ERRC: what an experience! During my stay with the ERRC, I worked on the new website to help get it up and fully running as soon as possible. My job fixing each webpage was valuable because I was able to read many of the articles on the website, greatly expanding my knowledge of something to which I had no previous exposure. With each passing day, I developed a deeper appreciation for the incredible depth of the current Roma situation. I left with a strong curiosity regarding the story of Roma, from pre-migration until today; and am

scratching the surface of this starting with a summer research paper for my university.

Whenever my programme peers asked me how work is going, my answer always expanded from my actual work to the incredible warmth of the people with whom I worked. I think the ERRC staff is passionate, dedicated and constantly trying to improve. I thank the staff for accepting us interns into their family and treating us as co-workers. I will remember everyone and this whole experience very, very fondly ... and being in beautiful Budapest isn't so bad either!



**Stewart Dearing**  
**NYU School of Law**

I came to work in the ERRC legal department from New York University School of Law as a Center for Human Rights and Global Justice (CHRGJ) Fellow. Before this summer, Art History research had provided my only window into the situation of Roma. I wrote my undergraduate thesis on the portrayal of Roma in late nineteenth- and early twentieth-century avant-garde European painting. This research experience made me want to learn more about the current problems that Roma face and to help promote change.

At the ERRC this summer, I got just such an opportunity to learn more about Roma today from a lawyering perspective. I spent the summer researching and evaluating the role of the Race Equality Directive in promoting Roma rights across Europe, particularly looking to the work of government entities known as equality bodies. Through my research and daily interactions with the staff here, I have come to appreciate how challenging and multi-faceted Roma rights work really is, given the variety of ways in which Roma experience discrimination. I leave the ERRC with a much deeper knowledge of the contemporary Roma experience (from both inside and outside of the office) as well as a profound respect for anyone committed to such a complicated area of legal work.



**Eric Helms**  
**Josef Korbel School of International Studies, University of Denver**

I came to the ERRC from the University of Denver as an MA Candidate in International Human Rights with concentrations in human trafficking and Roma rights. My interest in Roma rights began in Bulgaria where I spent two and a half years as a Community and Organizational Development Volunteer in the small Rhodope town of Bratsigovo. As a volunteer, I worked primarily with the Romani community in the municipality on sexual health education, human trafficking awareness campaigns and literacy programmes. While spending time in the Romani community I was appalled at the level of discrimination and racism directed at Roma by the majority population. From this experience I

realised that I wanted to work as a Roma rights advocate to help ameliorate the situation of Roma throughout the world.

Interning at the ERRC this summer has provided me with the unique opportunity to combine my passion and experience in the fields of human trafficking and Roma rights to help combat this egregious human rights violation. To date, research in the field of human trafficking with regards to Roma has been scarce and superficial at best. Scholars and researchers agree that Europe's Romani population is at a high risk for human trafficking, yet little work has been done in the field. My time at the ERRC was spent working on a human trafficking project exploring the overrepresentation of Roma as victims of human trafficking, their portrayal in the media, the services available to them and the problems in preventative and educational outreach activities. It is my hope that this groundbreaking work will influence policy and empower international organisations and non-governmental organisations to better address the issue of trafficking and improve preventative and protective activities aimed at vulnerable Romani communities.



**Jessica Parra**  
**Fordham University School of Law**

I came here as a legal intern via the Leitner Center for International Law and Human Rights at my school, Fordham University School of Law. When I heard that the Leitner Center was accepting applications for internship funding, I immediately contacted the ERRC. I had spent some time in Bosnia over the years working with the Romani community in Sarajevo. The work I did there was mainly humanitarian, and through my experience I learned about the situation of Roma in Europe. My work in the community and the relationships I formed fostered a desire to work on behalf of Roma from the legal perspective. I learned about the ERRC well before I attended law school, so I

jumped at the opportunity to get to work here!

My internship has been an extremely valuable experience for me. I've been able to do some research on the European Union Race Directive and how it is and is not applied to the Roma community in certain countries. I've also been able to get familiar with one case in particular, *D.H. and Others v the Czech Republic*, since part of my job was to organise and upload the case file into a database. I was also lucky enough to travel to Romania with one of the ERRC lawyers to interview a group of Roma who were deported from Denmark under suspicious legal circumstances. The opportunity to go into the field was invaluable, and I'm currently following up on the research we did there.

I've always been interested in doing human rights work, and my interest in the Romani community and the issues it faces began a long time ago. It's truly been a blessing to get to work at the ERRC, and has only reaffirmed my desire to continue doing human rights work. The opportunity to work at the ERRC has been one of the most valuable experiences of my life.



**Alexander Mills**  
**Princeton University**

When I arrived at the ERRC, I did not know what to expect. In my two months here, I have been involved in a variety of human rights issues affecting Roma throughout Europe. I have learned extensively about forced evictions of Roma from their homes, discrimination that Roma face in education and about problems with census procedures in various European countries. Aside from understanding the problems Roma face, I have gained insight into projects, programmes and initiatives that aim to remedy the situation. Working at the ERRC has been a learning experience and it has taught me that working in the human rights field is an ongoing series of efforts: some successful, others less so.

The people at the ERRC are hard-working and really believe in what they do. The work environment is friendly and open and my experience in the office has been rewarding. Everyone in the office has an upbeat attitude and workdays were fun even when there was a lot to do. As an intern, I felt included in all the inner workings of the ERRC. Staff meetings were always interesting because I liked hearing about the projects everyone was working on and taking part in discussions on what the ERRC's goals should be in various situations. Working at the ERRC has been an invaluable life experience and I would recommend it to anyone with even a slight interest in human rights and an open mind.