

# ROMA RIGHTS

QUARTERLY JOURNAL OF THE EUROPEAN ROMA RIGHTS CENTRE



**ERRC 10<sup>th</sup> Anniversary**

Numbers 2 and 3 2006

**ERRC**  
EUROPEAN ROMA  
RIGHTS CENTRE



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**Editor-in-chief** Dimitrina Petrova  
**Executive editor** Claude Cahn  
**Coordinating editor for this issue** Rita Izsák  
**Associate editor** Savelina Danova-Russinova  
**News co-ordinator** Tara Bedard  
**Design and Layout** Dzavit Berisa

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**Address** 1386 Budapest 62, P.O. Box 906/93, Hungary  
**Telephone** (36-1) 413-2200  
**Fax** (36-1) 413-2201  
**E-mail** office@errc.org  
**Internet** http://errc.org

**Cover photo:** Romani girl watches officials destroy her housing, Rome, Italy.  
**Photo:** Stefano Montesi

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The top of the page features a large, stylized logo for the European Roma Rights Centre (ERRC). The letters 'ERRC' are rendered in a bold, blocky font, with the 'E' and 'R' being significantly larger than the 'R' and 'C'. Behind the logo, a map of Europe is visible, with the countries shaded in a light grey tone. The text 'EUROPEAN ROMA RIGHTS CENTRE' is written in a smaller, sans-serif font across the top of the map.

# Ten Years of the European Roma Rights Centre

Rita Izsák

*...in order that a man may be happy, it is necessary that he should not only be capable of his work, but a good judge of his work.*

*John Ruskin, English critic*

It is always good to celebrate, and anniversaries certainly give a good reason to do so. The European Roma Rights Centre celebrates its 10th anniversary this year. The organisation, just like any other organisation, has received both positive and negative reviews since its founding in 1996. It is positively evaluated due to its successful efforts to put Roma rights issues on the international human rights agenda, and it is criticised mainly because of its failure to include enough Roma on staff.

This journal is dedicated not only to the evaluation of the ERRC today but also to the past decade of Roma rights – to see what we have achieved, where we stand, and what are the next steps to be taken. Things that happen in the course of advocating Roma rights are the same factually. The difference is only *how* we interpret them. I believe that it is good to be critical but it is not good to be too pessimistic, because it dampens our enthusiasm, and weakens our strength to go on. And we need lots of strength for the continuation of the fight for the rights of the Roma, as there are many obstacles hindering a positive course.

In the first section, we publish the presentations of the ERRC's 10<sup>th</sup> anniversary event so that those who could not come to the celebration can have a taste of its atmosphere, though the picture would be more complete if we could attach a CD with the music of Mr Károly Gáspár and the band Etno Rom, who conjured an amazing party with their special performances. In this section, we can read of the concerns of the Open Society Institute about the establishment of the ERRC, whose Executive Director, Dimitrina Petrova summarises later the

impacts of the organization. ERRC colleagues elaborate further the challenges and achievements in the fields of community development, strengthening the rights of Romani women and delivering high-quality human rights education.

Following the anniversary presentations, we are glad to publish interviews with some prominent Roma rights activists, who share their thoughts about the achievements of the last decade and express their hopes and expectations for the future of the ERRC. The next part focuses on other non-governmental organisations (NGOs). 1990-1995 appears to be a period where human rights activists initiated a real wave of change through the establishment of various Roma rights NGOs. We congratulate the outstanding work of those who celebrate with us this year: the Hungarian *Roma Press Centre* and the *Roma Civil Rights Foundation* were both founded in 1996, so they became 10 years old as well. The *Council of Europe Committee of Experts on Roma and Travellers* is also 10 years old. We invited these organizations, as well as the young but powerful Czech *League of Human Rights*, to tell us how they evaluate their own work and envision the future of Roma rights.


Due to the anniversary celebration, various ERRC sections include a retrospective article as well: the Legal Department section provides us with a historical review of the jurisdiction of Roma rights cases at the European Court of Human Rights; in the Advocacy section, the International Helsinki Federation analyses the situation of Roma rights and policies in the

region of the Organization for Security and Cooperation in Europe (OSCE); “Meet the ERRC” rubric gives us the opportunity to get to know ERRC staff a little more closely.

I hope that, through this issue of our journal, we all will be able to see and reflect on the big picture that we lose so easily during our everyday routine. I hope we can stop for a minute and think about whether we are on the right path and doing the right things. I also hope

that these articles and statements will help us to see what is our role in this battle for human rights and how we can cooperate best in order to achieve those goals that we all seem to fight for – many times shamefully isolated.

I wish all of us much strength to keep up the fruitful work, wisdom to learn the lessons from the past 10 years, and the reality that we move closer to making the world a better place for Roma, which will make it a better world for all of us.

The logo for the European Roma Rights Centre (ERRC) is prominently displayed at the top left, featuring the letters 'ERRC' in a large, bold, sans-serif font. Behind the logo is a stylized map of Europe. The title 'The 10<sup>th</sup> Anniversary of the European Roma Rights Centre' is centered at the top in a bold, black, sans-serif font.

## The 10<sup>th</sup> Anniversary of the European Roma Rights Centre

*The celebration of the 10<sup>th</sup> anniversary of the European Roma Rights Centre took place on 5 April 2006 at the British Embassy in Budapest, with the participation of more than 100 guests. The celebration included speeches by Professor Sir Bob Hepple QC, the Chair of the ERRC Board of Directors; Mr. Aryeh Neier, the President of the Open Society Institute in New York; Dr. Dimitrina Petrova, the Executive Director of the ERRC; and Dr. Deborah Harding, Member of the ERRC Board of Directors. Two panel discussions took place as well: the first one, moderated by ERRC Programmes Director Claude Cahn, was entitled "Roma Rights and Roma Inclusion: A Discussion on the Occasion of the Tenth Anniversary of the European Roma Rights Centre" and included ERRC Staff Members Tony Tashev, Andi Dobrushki, Dianne Post, Ostalinda Maya Ovalle and Larry Olomoofe. The second panel was a spontaneous discussion with the audience and with several Roma rights activists: Ms. Nicoleta Bitu, Member of ERRC Board of Directors; Ms. Viktória Mohácsi, Member of the European Parliament; Dr. Jenő Kaltenbach, the Hungarian Parliamentary Commissioner for National and Ethnic Minority Rights; Mr. Ferenc Kőszeg, President of the Hungarian Helsinki Committee, and Mr Rumyan Russinov, Deputy Director of the Roma Education Fund – led by Dr. Rita Izsák, ERRC Mandate and Communication Officer.*

*The panel discussion was followed by a reception where prominent persons, such as Mr. Gábor Demszky, the Mayor of Budapest and supporter of the anniversary celebration; Mr. John Nichols, the British Ambassador of Budapest and the generous host of the event; and Mr. George Soros, Founder and Chairman of the Open Society Institute, kindly agreed to be our guest speakers.*

*The texts of a number of the presentations at the event follow below.*

### **Bob Hepple**

Your Excellencies, Mr. Mayor, distinguished guests, ladies and gentlemen. It is my great pleasure to welcome you to this birthday celebration of the European Roma Rights Centre. I think you all know that the ERRC was founded in 1996 as a public interest law organization in order to give the Roma the tools which would enable them to fight discrimination and to achieve equality.

The ERRC Board, of which I am Chair, has nine members, a number of the whom are here today. I am not going to ask them to stand up, but I hope you will meet them later in the proceedings: The members are Nicoleta Bitu from Romania, Professor Theo van Boven from the Netherlands, Deborah Harding, who is a founder member of the board, from the United States, Karel Holomek from the Czech

Republic, Dr. Jenő Kaltenbach from Hungary, Azbija Memedova from Macedonia, Professor Erika Szyszczak from the United Kingdom, Alexander Torokhov from Russia. We also have our founder, Mr. Ferenc Kőszeg. You can see it is an international board and about half of the members are themselves Roma.

We are extremely grateful to Her Majesty's ambassador and also to the mayor of Budapest for making this event possible. I am glad to say that the United Kingdom's government has for a long time given support to this organisation, and we are grateful that they have been able to host this event together with the mayor of Budapest. This city has provided us with a very favorable environment in which to base our activities throughout Europe.

The centre has 21 staff, and later on Dr. Dimitrina Petrova, the Executive Director, will introduce them, too. The most important donor to our organization since the very beginning has been the Open Society Institute, which as you know was founded by Mr. George Soros, who will be joining us for the reception later this evening. There are many other donors as well, including the European Commission, the Ford Foundation, the Sigrid Rausing Trust, The Human Rights Project of the Foreign Commonwealth Office of the United Kingdom and the Netherlands Ministry of Foreign Affairs.

I would like to take this opportunity to recognise also the Centre's previous Chairs of the Board of Directors. The Founding Chair of the Board of Directors was Mr. Andras Biro. He was succeeded by Lord Lester of Herne Hill QC. Unfortunately neither of them could be with us here today.

In the presentations and panel discussions, speakers will be explaining why we came into existence, what we have done and what our future plans are. There will be some opportunities for you to comment and ask questions.



*ERRC Board of Directors Chair Bob Hepple.*

PHOTO: ERRC

Our first speaker, I am really glad to say, is Mr Aryeh Neier, who has been described as America's foremost human rights advocate. He was recently awarded the International Bar Association's prestigious rule of law award, which is awarded to those who have made an outstanding contribution to the rule of law throughout the world. He has a long record in the field of human rights, and we are delighted that he is here. He is currently the president of the Open Society Institute, an initiator and a loyal supporter of the ERRC since its inception. He is going to say something to us now about Roma rights, the historical background, the founding principles and the next agenda.



***Aryeh Neier<sup>1</sup>***

It is a great pleasure to be here this evening. I want to acknowledge the role of the British Embassy as the host for this occasion and the role of the British government in supporting the ERRC. I think it is particularly noteworthy because there was an occasion when the ERRC sued the British government and won a judgment against it in the House of Lords. Therefore, the willingness of the British government nevertheless to maintain its support for the ERRC is something that seems to me especially praiseworthy.

As Bob Hepple said, the Open Society Institute was an initiator of the ERRC, which is true, so I want to recall some of our concerns and hesitations in playing that role. One of them was that we were aware that institutions which

are founded or initiated by foundations have not always had a great record of success. Another, and perhaps a more significant factor, is that we wanted the ERRC to use litigation to promote social change. But there have only been very few examples in which litigation has been used successfully in order to promote social change. Those with which we were familiar had all taken place in countries with a common law tradition such as in the US. It is very much more difficult in countries with a civil law tradition, both because of the increased reliance on positive laws and because precedent does not play the same part in countries with a civil law tradition as it does in countries with a common law tradition. We were also aware that when one embarks on this path, it is not where one can hope to achieve

<sup>1</sup> *Aryeh Neier is the President of the Open Society Institute.*



great victories over the short period. It takes a sustained effort over a very long period of time in order to make headway.

As an American, I was conscious of the difficult path that the National Association for the Advancement of Colored People, the NAACP, had in trying to make headway through litigation on behalf of American blacks. The NAACP was founded in 1909 and embarked on a specific litigation programme to desegregate the schools in 1930 and only made its great breakthrough in 1954. It takes that kind of a time period even in the relatively favourable context of litigating in a country with a common law tradition. Nevertheless, it seemed to us that one had to begin this work and that it was necessary to establish the ERRC.

The urgency of the situation facing Roma in the countries of Europe with significant numbers of Roma, and the importance of the rights issues with which the ERRC had to grapple, made us believe that, despite the difficulties, it would be worth the very long term investment that would be required. I think that the results in the first decade more than justified that decision to embark on this path. To me, the accomplishments of ERRC are many: among them, it seems to me, is its indispensable role in

creating a generation of Roma rights activists with the training and the skills to be effective in advocating for Roma rights. Whatever else happens, the fact that there are several hundred Roma people who have acquired the skills to act on behalf of Roma rights seems to be an enormous accomplishment. Second, it seems to me that the ERRC has created an awareness of deprivation of rights that Roma suffer and also the significance of engaging in battles to promote Roma rights. Third, there have already been a number of significant victories in litigation on behalf of Roma rights that have been achieved by the ERRC. And, finally, perhaps as significant as any of the others, the ERRC has paved the way for comprehensive efforts to advance the cause of Roma equality that are epitomized by the launch of the Decade of Roma Inclusion, with emphasis on Roma education and other aspects of Roma equality.

There is a very very long way to go. There are no quick ways that I know of to fulfill the goals of ERRC. But I think that those of us who had a part in helping to launch the ERRC feel enormously proud of what has been accomplished. We are grateful to the ERRC for making us proud.

*Thank you very much!*



### *Dimitrina Petrova*

In 1997, we sent a three-person mission to Turkey, to research the human rights situation of Roma and bring back reports on cases of abuse, which we could publicize and if necessary file lawsuits in the courts. Two weeks later, the mission returned. It brought the disturbing news that Roma in Turkey didn't want to identify as Roma; that they lived in horrible poverty on the margins of society but would not talk or even be seen in the company of strangers. There had been cases of death and torture in detention, but none of the victims wished to file complaints. We published a few photos and short factual reports in Roma Rights, our journal, and this was it. There was no follow up for quite some time. In the next seven years, we sent three further missions to Turkey,

with similar results. There was every evidence that the human rights position of Roma in Turkey was deplorable; but it had attracted no attention from either Turkish or international human rights groups. We tried to raise funds to undertake work in Turkey, but there was no donor interest. Thus in Turkey to date, the ERRC has failed to fulfill the promise contained in its mission.

The reason I am telling you this story of failure is that NGOs are usually very reluctant to state they have failed in something. Indeed, they take care to hide their failures. They prefer to speak of challenges and lessons learnt. But just like other NGOs, the ERRC 10 years' history is a mixed experience of inspiring achievements, bitter disappointments and



## Ten Years of the European Roma Rights Centre



- Over 500 cases lodged, of which:
  - Over 300 completed
  - Over 225 won or otherwise settled positively
  - 22 cases won in international jurisdictions
  - Including 15 cases won, European Court of Human Rights
  - 179 cases still pending
- More than 580 publications, including:
  - 32 issues of the Roma Rights quarterly
  - More than 20 comprehensive reports in 16 languages
  - More than 500 press releases
  - Comprehensive training manual in 6 languages
- Over 100 high quality submissions on 25 countries targeting 23 international fora
- Over 1000 Roma trained through scholarships, internships and in training workshops
- Situation of Roma established among top European human rights priorities

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a slew of lukewarm results in between. Our record is not an uninterrupted string of successful actions. It is not the case that as soon as we emerged, the mainstream society, or indeed the Roma, fell on one knee to welcome us onto the scene of human rights activism, or of Roma affairs. Yes, we have had certain failures, but today we also have the maturity to acknowledge them.

What matters in the end is the balance. Ten years is a long time and a 10<sup>th</sup> anniversary is the right time to take stock. Having examined skeptically the results of the ERRC work, I submit that that ERRC has been, on balance, a successful endeavor.

For each defeat, count several victories. We failed in Turkey, but in 20 or so other countries, in which we started in similar initial conditions, we made a difference.

Sometimes success is a singular event, sometimes a process. We have plenty of individual

actions that are clear victories in the promotion of human rights. But I think our accomplishments are best described in terms of processes, to which we have contributed incrementally in the direction of justice and equal rights for the Roma. If I permit myself to use the unelegant and frequently abused word “impact”, I would highlight the major impact of the ERRC in the following processes:

1. The process of developing the field of Roma rights. Ten years ago, there was no “Roma rights” – now this is a rich field of human rights advocacy, as well as an aspect of the Roma movement. To do justice to my former and present colleagues, I must be immodest on this point. I must say that ERRC has been the premier driving force for developing this field – alone at first, joined by others later. ERRC was the conceptualizer of Roma grievances, the translator of these grievances into the powerful language of international human rights and the framer of issues in the struggle to

empower the Roma. It is to ERRC's credit that approximately six years ago the issue of the Roma was firmly planted at the top of the European human rights agenda. Today, although there are other important institutions involved in Roma rights, ERRC remains a busy laboratory that continues to produce strategic tools for the Roma rights movement. The service ERRC did to society is that it put human rights and Roma issues in one house. And by doing this, it made a difference in both.

2. Ten years ago there were only several cases – first in Bulgaria and then in Hungary – in which Roma had claimed their rights in the court rooms. I am counting as a first victory the Pazardjik case, in which a Romani man successfully sued the Ministry of Internal Affairs in Bulgaria, for violent police conduct during a punitive raid of a Romani neighborhood. This was in 1994. In 1996, ERRC started building its litigation program, on an almost empty place. Not only were Roma at that time too weak to defend their rights in the courts but the legal, political and social ingredients for public interest law were still missing in the region. Today, Roma have prevailed in the courts in hundreds of cases. Fortunately, numerous organizations work to combat racial violence and discrimination against Roma throughout Europe, and ERRC helped kick-start some of this work through institutional grants to human rights and Romani NGOs in the period 1996-1999, when, due to the underdeveloped state of Roma rights, we were performing the additional role of a donor. We had to do this work because otherwise the ERRC enterprise would have remained in a vacuum for too long. Though many organizations take on cases today, the ERRC, with its strategic litigation program first developed by the US lawyer Jim Goldston, remains to date the biggest and most victorious litigator on behalf of Roma and also perhaps on behalf of any minority in Europe. In the European Court of Human Rights alone, we have won 15 cases and lost only two (and three were inadmissible). In international jurisdictions generally, including the ECtHR and UN treaty bodies' individual complaint procedures, we have won 22 strategic cases and lost four. In domestic courts, we have litigated – alone or together with others – over 500 cases, with a success rate unparalleled by Roma rights groups. Not all cases of course are of the same strategic value, but some *are* trail blazing, and many go beyond established jurisprudence, as well as beyond satisfying the individual Roma clients.
3. ERRC played a role in advancing the implementation of anti-discrimination law in Europe. Starting in 2000, we have been preoccupied with advocating comprehensive anti-discrimination law and policy. Several countries have adopted excellent legislation that we are in the process of testing. We want the good laws to work in practice; actually, we are aware that good equality provisions in many countries will be symbolic legislation; but symbolic legislation is worth advocating, as it can break a deadlock and pave the way for increasingly effective legislation. We plan to keep working at this front in our second decade.
4. The ERRC has developed the largest and most authoritative information resources on Roma rights, including in electronic formats. We have published a quarterly journal, 15 country reports, several thematic reports and other materials whose quality has been regarded as high. I personally am particularly proud of the fact that we have managed to maintain a standard of accuracy of reporting. We have often made authorities unhappy with our interpretations, but no friend or foe has ever been able to point at a factual error in our reports; this is critical for a human rights organization for which, as I have been saying to my colleagues ad nauseam, credibility is everything.
5. ERRC has played a role not only in establishing Roma rights as a priority for human rights in Europe but also in the area of social policy development. We helped articulate directions for rights based policies in the sectors critical for Roma inclusion, i.e. education, healthcare, housing and employment. Perhaps the single most important issue that we have attacked from all sides, through research, advocacy, litigation, training, etc. – is the issue of school segregation.

And perhaps the single most important priority for us in the next years will be the struggle for desegregation. We are currently in the process of updating our own role in this area, looking in particular at the need to adopt legislation creating positive obligations to desegregate.

6. ERRC has been a school for Romani activists. The majority of the younger generation of Roma who are active today in both governmental and non-governmental settings have passed through the ERRC as board members, staff, interns, scholarship recipients, local monitors, participants in joint projects, partners, etc. I think that the diversity of the ERRC is in itself an accomplishment. Since ERRC is not a local NGO but an international organization, with all the ensuing cultural and linguistic pitfalls, including of course English fluency but also *a nagyon nehéz de eredeti magyar nyelv* (the very difficult but original Hungarian language), maintaining a high quality international professional team in this land has never been an easy task. It is a basic principle in human rights that human rights is of everybody's concern and this concern is as legitimate when it crosses identity borders as when it is an insider voice. The ERRC is a positive example of human rights advocacy pursued by mixed teams stretching across ethnic, religious or other boxes. ERRC has enjoyed the benefits of Roma and non-Roma working together for Roma rights.

If I now turn to challenges for the second decade, well, there are plenty, both short term and long term. In fact, to save time, I might just turn around and say that all the things I highlighted as accomplishments are convertible to challenges for the future. It is more difficult today than 10 years ago to play a strategic role in an increasingly complex human rights environment, and in

an increasingly complex Roma movement. Work on legal cases generates a range of new obstacles, equality of rights for the Roma is still a far away destination, and navigating the small boat of the ERRC also promises to be more difficult in the second decade. In some places, the tasks ahead are daunting: in Turkey, where we at last won, a couple of months ago, a large three-year grant; and also in Ukraine; and in Russia, as that country keeps drifting away from any hope that the rule of law matters. A few days ago, a prominent human rights advocate, the 58-year-old Boris Krendel, the leader of the major human rights group in Tomsk, Siberia, was forced to go into hiding together with his young daughter, when the city was flooded with leaflets telling the citizens of Tomsk that it is intolerable to live in the same city with a man helping the Gypsies. He is helping the Roma, because, being a partner in an ERRC project, he filed a case challenging the impunity of powerful criminal gangs who set on fire the Roma settlement in the town of Iskitim, where a 7-year-old girl died in the fire.

But today is a day of celebrating. ERRC was born under a lucky star which is evident even in such grotesque incidents, as when a drunk man in Ukraine assaulted Jim Goldston, the ERRC's first legal director, and was waving an axe at him, or when KFOR soldiers agreed to rescue a Romani man from paramilitaries in Kosovo only if Claude Cahn walked in front of them through a minefield. The assailant threatening to kill Jim was stopped, and Claude walked through the minefield unharmed. We will need the good luck further. We will also need motivated, competent and hardworking people. Such people are the staff members of the ERRC, hard working and hardly ever thanked, so I will call their names and after they all stand, I will ask you to join me in thanking them.



### ***Further Commitment to the ERRC by George Soros***

The ERRC was honoured by the presence of Mr. George Soros, Open Society Institute Founder and Chairman, at the ERRC tenth anniversary event. The Open Society Institute provided the ERRC with its initial grant, and has been a core donor to the ERRC ever since. Mr. Soros himself has repeatedly reiterated his commitment to Roma rights and Romani empowerment, both through regular speeches on the issue, as well as via generous funding of a range of Romani and Roma rights initiatives. At the ERRC event, during a speech at the reception, Mr. Soros reflected on a number of matters concerning the ERRC's

first ten years. He also committed to further financial support for the ERRC in the years to come.



### ***Ten Years of Action by the European Roma Rights Centre***

*The text that follows is an edited version of a presentation by six ERRC staff members at the ERRC's tenth anniversary celebration in Budapest in April 2006. The presentation aimed to summarise a few aspects of ERRC action during its first decade. Programmes Director Claude Cahn provided the framework for the presentation, which featured interventions by: (1) Community and Litigation Development Officer Tony Tashev; (2) Staff Attorney Andi Dobrushki; (3) then-Legal Director Dianne Post; (4) Women's Rights Officer Ostalinda Maya Ovalle; and (5) Human Rights Trainer Larry Olomoofe. Framework text is in Roman type below; the five interventions are in italics.*

#### **Claude Cahn**

When we started ERRC in 1996, we joined a small group of domestic initiatives:

- ✧ NEKI in Hungary
  - ✧ The Human Rights Project in Bulgaria
  - ✧ Romano Centro in Vienna
  - ✧ Liga Pro Europa and Romani CRISS in Romania
- ... and a handful of others.

For the most part, however, we arrived into a void – a void of action – and even a void of information.

Roma were attacked by vibrant skinhead movements and in some cases even brutally killed – but no one knew what, if anything, had been done to challenge these, or even how many deaths there had been.

Non-Roma burned to the ground Romani settlements, but these events were barely regarded as newsworthy.

Issues related to systemic discrimination in access to goods and services – including in the realisation of fundamental rights such as education – had barely been broached at all.

In charting our achievement today, we focus on five areas of our work:

- ✧ Challenging impunity for degrading treatment;
- ✧ Anti-discrimination law and policy;
- ✧ Pressing for school desegregation;
- ✧ Romani women's rights; and
- ✧ Capacitating Roma rights activists.

From 1996, until the present day, a major component of our work involves challenging impunity for degrading treatment, including racially motivated violence by vigilante extremists and others, community violence, endemic police

abuse and other forms of cruel and degrading treatment. Through lawsuits, international and domestic pressure, as well as through other means, we have tried to ensure that these violent acts degrading the commonweal cannot stand.

In recent years these efforts have begun to bring results in the form of persons punished and damages awarded, strengthened legal norms, new commitments by governments to end these practices, new police structures aimed at countering extremist crime and, most importantly, in some countries at least – for now at least – a demonstrable decline in levels of racially motivated violence.

In seeking to end the impunity of perpetrators of these extreme harms and to bring justice to victims and surviving members of their families, we took on some of the most extreme cases in Europe:

- ✧ The 1993 Hadareni pogrom, in which ethnic Hungarian and ethnic Romanian villagers in Romania tortured to death three men accused of a local killing, while police looked on;
- ✧ The killing of Mario Goral – doused in gasoline by skinheads and burned to death in Slovakia in 1995;
- ✧ The massive pogrom at Danilovgrad, Montenegro in April 1995;
- ✧ The case of Anguel Zabchikov, killed by police in Bulgaria;
- ... to name only a few.

We made serious inroads into securing justice in all of these cases.

Above and beyond these legal actions, we have brought pressure on governments through the publication of comprehensive reports, by providing information to intergovernmental review bodies, and by taking advantage of European Union accession processes to force governments to end these extreme harms.

By early in the new millennium, we began to notice a sea change in the way some governments responded to violent abuse of Roma. Where previously no serious investigations had taken place,

some governments now responded quickly and comprehensively to attacks.

ERRC Community and Litigation Development Officer Tony Tashev will summarise some of our actions in these areas.

### Tony Tashev

*Imagine that you are at the house of your uncle, talking with your relatives, when suddenly two police officers burst in and accuse you of committing the theft of nine cows. They arrest you and bring you to the police station. The name of the person to whom this happened is Slavcho Tsonchev, a 49-year-old Romani man, and this happened in 1994 in Bulgaria. He was beaten at the police station during the whole afternoon. On the evening of the same day, one of the owners of the cows came to the police to inform them that they just found the cows and that Mr Tsonchev had nothing to do with the incident. However, he was not released because of the injuries inflicted by the police and he received no medical treatment. Mr. Tsonchev was found dead in police custody at two o'clock the next afternoon. Like in many other cases of police abuse, there was no effective investigation into the death of Mr Tsonchev.*

*In the last decade, there have been many such deaths. The police frequently deny wrongdoing by claiming that the person concerned committed suicide or had an accident. In the case of Mr Tsonchev, police said he had fallen on the ground. In another case, that of Mr Anguel Zabchikov, it was said that he had fallen down and hit his head on the asphalt and that due to his pathologically weak skull, he died. In the cases of Zahari Stefanov and Fatima Alexandrovic, it was said that they jumped out of the window of the police station. In all of these cases, the victims and/or their surviving family members waited between 6 and 13 years for justice. Thirteen years... is this justice or impunity?*

*The ERRC has also worked on issues related to racially motivated violence carried out by persons not working for the state. Skinhead attacks, in particular, have been among the most brutal crimes against Roma in Europe. For instance, in 1995, a 17-year-old Romani boy named Mario*



## Challenging Impunity for Degrading Treatment



- Anti-Romani Pogroms Do Not Stand
- Twelve positive rulings by international tribunals in Roma police abuse cases
  - 6 positive rulings at European Court of Human Rights against Bulgaria
- More than 1.9 million dollars in damages for victims of violence in Bulgaria, Croatia, the Czech Republic, Greece, Hungary, Italy, Romania, Slovakia, Serbia and Montenegro, and Ukraine
- Comprehensive documentation of impunity issues throughout Europe, resulting in 22 comprehensive publications in 14 languages
- Over 30 detailed submissions to international treaty review bodies pressing for redress of degrading treatment of Roma

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*Goral was chased through the streets of the town Banska Bystrica in Slovakia by a group of skinheads, stabbed with knives, beaten to a state of unconsciousness and then set on fire. Over 60% of his body was burned and 10 days later he died in hospital. In connection with the killing, police initially charged at least 17 persons, but finally only two of them were convicted. Another illustrative case of racist violence against Roma in Slovakia is the case of 50-year-old Anastazia Balážová. In 2000, three persons broke into the house of a Romani family in the town of Žilina and beat Mrs Balážová and her daughters with baseball bats. Mrs. Balážová died in the hospital three days later. Two of her children also had to be hospitalised as a result of the attack. Later, police detained three suspects, but on the same day released one of them, for lack of evidence. The remaining two men have been charged with violations including racially motivated assault with the intent to cause bodily harm. Prosecutors in the killing of Ms Balážová by racist skinheads*

*never sought convictions under criminal code articles more severe than those pertaining to “bodily harm”.*

*In conclusion, I would like to quote the statement of Mr Christopher Smith, Chairman of the Helsinki Commission of the US Congress, who said on the occasion of this case: “This murder proves that much remains to be done in the fight against injustice towards Roma.”*

### Claude Cahn

The ERRC’s advocacy work was reshaped in the year 2000 by the adoption in that year of two new European instruments against discrimination – the European Union’s Race Equality Directive and Protocol 12 was adopted 1998 to the European Convention on Human Rights – legal norms which significantly expanded and clarified the scope, content and breadth of European anti-discrimination law.

Because of these sudden and to some extent unexpected gifts, pressing for the adoption of comprehensive anti-discrimination law became a core part of the ERRC's advocacy work. Via the European Commission and through international agencies, we brought pressure on governments – in particular the governments of EU Candidate Countries – to adopt comprehensive anti-discrimination laws. We undertook training of judges, lawyers, policy-makers, advocates and activists in countries throughout Central and Southeastern Europe. And we undertook direct work with governments.

As a result, comprehensive anti-discrimination laws have now been adopted in most of the countries in which we undertake the bulk of our work.

In addition, we have brought groundbreaking legal actions to test and see implemented these new norms.

ERRC Staff Attorney Andi Dobrushki will describe some of the more noteworthy discrimination cases in which we have been involved in recent years.

**Andi Dobrushki**

*The ERRC has focused on a number of areas in anti-discrimination law and practice which significantly affect Roma, and where litigation has provided the means to bring about changes in legal practice as well as relevant legislation. Such a strategy has been successfully tried and carried out before both international and domestic fora.*

*The many ERRC legal challenges to racial discrimination against Roma are a result of years of careful planning on the part of lawyers thinking strategically about how best to present an issue so as to achieve enhancement of rights.*



*Andi Dobrushki, Ostalinda Maya Ovalle.*

PHOTO: ERRC

*Because of these, “Nachova”, “Moldovan”, “Bekos” have become interchangeable with the word “discrimination” in the context of the European Court of Human Rights jurisprudence.*

*Nachova and Others v. Bulgaria, which the ERRC won in February 2004 before the Chamber and in July 2005 in the Grand Chamber of the European Court of Human Rights, constitutes a significant expansion of the interpretation and protection afforded by the Article 14 of the European Convention on*

*Human Rights, which prohibits discrimination on grounds of race and ethnicity. It has opened a new stage for anti-discrimination litigation.*

*In the case, among other arguments, the applicants pointed out that racial prejudice and hostile attitudes towards Roma played a decisive role in the events surrounding the fatal shootings of their relatives and the failure to carry out a meaningful investigation.*

*The Court divided the protections included in Article 14 into substantive and procedural aspects, finding a violation of the procedural aspect and no violation of the substantive aspect, as no reversal of the onus could be allowed when the issue was the presence or absence of racial animus. After Nachova, Article 14 is understood to require of states positive action – that is an effective official investigation – whenever they are confronted with credible claims of racial motives behind the abuse.*

*The potential ramifications of the judgment are extraordinary. The ERRC considers this case an opportunity to further expand the protection afforded by Article 14 and to ensure a consistent application of the definition of discrimination as established in the Race Equality Directive, which is not dependent on intent, motivation, or any other subjective reality, but instead relies entirely on the objective characteristics of unequal treatment.*



*This interpretation will move us toward a more consistent concept of discrimination applied in the different contexts of violent crime, employment, and access to services, which in its turn should result in stronger legal protection against discrimination.*

*As of the end of 2005, the European Court of Human Rights adjudicated two other cases litigated by the ERRC and found a violation of Article 14.*

*In *Moldovan and Others v. Romania* (July 12, 2005) – a case which encapsulates the most egregious violations Roma face – the Court found a violation of Article 14 without differentiating between a substantive and a procedural aspect. Additionally, with regard to Article 3 of the Convention, the Court applied an approach it first developed in the 1970s, namely that the racial discrimination to which the applicants have been subjected constitutes a factor giving rise to “degrading treatment” within the meaning of Article 3.*

*The ERRC litigation before the domestic courts and creative use of available legislation is demonstrated at its best in the cases brought before the UK and Bulgarian domestic courts.*

*The Prague airport case, which culminated in a decision of the House of Lords on 9 December 2004, was filed by the ERRC together with six Czech Roma. The main claim advanced was that the refusals of leave to enter the United Kingdom were acts of unlawful discrimination against Roma on grounds of race. The House of Lords decided that such practice was “inherently and systematically discriminatory” against Roma.*

*The implication and impact of the case were immediately felt. The Home Office had to revoke the authorisation to treat certain ethnic groups more rigorously at borders, and no similar authorizations are operating any longer in the area of immigration.*



## Anti-Discrimination Legal Action Highlights



### Landmark Rulings

- First finding ever in Europe of violation of European Court’s Article 14 non-discrimination guarantees in a racial discrimination case (*Nachova and Others v. Bulgaria, 2004 and 2005*)
- Living conditions and racial discrimination constitute European Convention Article 3 degrading treatment (*Moldovan and Others v. Romania, 2005; Bekos v. Greece, 2005*)
- House of Lords strikes down UK immigration practices as racially discriminatory (“Prague Airport Case”, 2004)
- Racially segregatory housing policies constitute racial discrimination (*L.R. et al. v. Slovakia, 2005*)
- First ever international rulings in racial discrimination cases against Roma in Serbia and Montenegro and Slovakia
- First implementation of domestic anti-discrimination law in Central and Eastern Europe in battery of cases in Bulgaria

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*In Bulgaria, the ERRC obtained the first ruling by a Bulgarian court based on the country's new comprehensive anti-discrimination act, no later than seven months after its entry into force. During the past year and a half, the ERRC, in its own capacity and in cooperation with its affiliates, filed and won eight cases of discrimination against Roma in employment and provision of services.*

*All these examples send a powerful signal that racism and xenophobia have no place in Europe. But perhaps the greatest significance of these cases lies in their very presence on the docket of Europe's tribunals, be it international or local. A decade ago, few minority victims would have been inclined or able to seek legal remedies for discrimination. The success of some in having their claims heard is testimony to the growing power of law as a force for positive change in Europe.*

### **Claude Cahn**

From the beginning, many impressed upon us the idea that, where Roma are concerned, "education is the key". In 1996, this cliché meant everything and nothing at all. It had no policy content.

In 1997, the ERRC began multi-country research into the situation of Roma in the educational systems of Central and Southeastern Europe. This led in 1999 to the publication of a comprehensive report, as well as to the filing of legal action in the Czech Republic to challenge the racial segregation of Romani children in schools for the mentally disabled. This lawsuit has since become a vanguard of efforts throughout the region to press for desegregated education.

Since then, we have worked continuously to press the school desegregation agenda. Thus have we provided policy substance to the cliché as we found it 10 years ago.

ERRC Legal Director Dianne Post will summarise a few of our efforts to secure desegregated schooling in our region.

### **Dianne Post**

*The approach of ERRC to the problem of school segregation of Roma children has been both wide and deep. The ERRC's first legal director, Jim Goldston, started working on the problem in 1999 and organized a case in the Czech Republic where Romani children were overwhelmingly sent to schools for the mentally disabled regardless of their ability. Such tracking then prohibited them from higher education and many opportunities. In spite of asking the European Court of Human Rights to work quickly because the children's future hung in the balance, the court did not make an admissibility decision for five years. In that decision, they struck out all the claims except discrimination in education. In the final decision nearly a year later, they ruled there was no discrimination. That case is now on appeal.*

*Following on the heels of that case, ERRC has another case at the European Court of Human Rights from Croatia. The facts are somewhat different and hopefully the result will be as well.*

*In addition to international cases, ERRC has been working at the domestic level in both courts and administrative agencies, most successfully in Bulgaria where two cases have been won in Sofia and seven more are pending pursuant to a project supported by the British Foreign and Commonwealth Office. ERRC staff members are working with local human rights advocates to convince the government to devise a permanent solution to the problem. Thus far, the government has not been suitably responsive. In Hungary, the new Equal Treatment Authority is being tested on the school segregation topic by filing an administrative claim against the schools in Alszósolca. The first iteration failed due to pressure from locals and fear of retribution.*

*That case is a text book example of why community organizing work is so important in human rights work. Attorneys alone and cases alone are insufficient to move the human rights agenda forward. The community must be engaged to ensure that the most salient issues are being addressed and they are being addressed in*



## Pressing for School Desegregation



- **D.H. and Others v. Czech Republic**
  - Action at the European Court of Human Rights challenges racial segregation of Romani children in schools for the mentally disabled
- **Orsus and Others v. Croatia**
  - Lawsuit against actions by Ministry in placing Romani children in separate, substandard classes with “reduced curriculum”
- **Domestic Lawsuits**
  - Cases in Bulgaria, Hungary and Romania challenge various aspects of segregated schooling
  - Sofia Court rules in 2005 for the first time anywhere in Europe that authorities have committed racial segregation against the Romani children by allowing them to attend a “ghetto school”
- **Comprehensive reports and international advocacy submissions documenting racial segregation in education**
- **Roundtable work with policy- and law-makers and intergovernmental agencies**

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*the way the community wants. Most important is implementation. Without an engaged community to follow up, a legal victory will mean little in the every day lives of clients.*

### **Claude Cahn**

In recent years, we have begun acting in the field of Romani women’s rights. These issues were impressed upon us as compelling human rights concerns not addressed adequately by anyone. We had previously been warned not to undertake action which might “inflame stereotypes”, by working on issues such as domestic violence and child marriage. However, as we have increasingly worked on internal community issues, we have been met by a growing group of strong individuals seeking our assistance in challenging these serious harms. In addition, we have made major strides toward ending practices such as the coercive sterilisation of Romani women.

ERRC actions and major achievements are presented here by Women’s Rights Officer Ostalinda Maya Ovalle.

### **Ostalinda Maya Ovalle**

*Romani women are among the most disadvantaged groups in Europe. An area in which the marginalization of Romani women has become particularly evident is health care. To address this issue the ERRC has carried out litigation and advocacy actions in cases of inadequate and degrading treatment by doctors and other hospital staff. An example of such is a Romani woman who gave birth in a hospital toilet and another case in which there was such a lack of postnatal care for a Romani woman that her baby died.*

*This substandard treatment is immediately visible in some hospitals where Romani women are segregated into “Gypsy rooms”. This spatial segregation is a manifestation of the sys-*

*temic discrimination and unequal treatment of Romani women that can have such long term effects as permanent sterilization and in some cases even death.*

*New areas which the ERRC is beginning to focus on include domestic violence against women (last year we took our first legal action in a domestic violence case) and the trafficking of Romani women and children, a terrible human rights violation to which members of the Romani community are particularly vulnerable.*

*Through our work we have also seen that violations of the fundamental rights of Romani women are sometimes carried out in the name of custom, in the name of tradition. Defying and overcoming discrimination requires courage and leadership. Therefore, it is vital to train Romani women in human rights. The ERRC has capacitated through workshops and training many grassroots Romani women activists to stand up for their rights.*

*Characteristics often attributed to Romani women are a lack of intelligence and education, illiteracy and passivity. My work at the ERRC has given me a completely different impression. I would like to talk about one of the many courageous women we have come across, Ms. Elena Konstantinova. Ms. Konstantinova came to the Regional Consultation on women and housing last year, held at the offices of the ERRC. She is a Romani woman from Russia and a fortune-teller by profession, but in her free time she is a very committed and outspoken activist. She faced a very difficult start in life. She was abducted at the age of 13, having her first child at 15 and her second child at 19. She became a widow and single mother when she was only 22. After the death of her husband, she was kicked out of her husband's family home. Temporarily, she returned to her parents' house, but they were too poor to sustain her. So she had to leave and was left alone, homeless, poor and with two daughters to look after. After a long struggle Ms. Konstantinova has managed to improve her situation. She remarried and makes her living out*



## Romani Women's Rights



- Actions to challenge coercive sterilisation of Romani women and other extreme medical malpractice issues in the Czech Republic, Hungary, Macedonia, Romania and Slovakia
- Securing equal access to health care, and challenging segregation, denial of care and degrading treatment
- International advocacy submissions on the situation of Romani women in Bosnia and Herzegovina, Croatia, Germany, Macedonia, Romania and Spain
- Comprehensive publications on Romani women's rights, as well as on internal community human rights issues
- Legal action to challenge domestic violence
- Capacitation of Romani Women grassroots activists:
  - Training workshops and internships for Romani women activists
  - Facilitating access by Romani women to processes at United Nations human rights review

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Guests including, at centre, from left to right, British Ambassador to Hungary John Nichols, OSI Chairman and Founder George Soros and Budapest Mayor Gábor Demszky. Mayor Demszky and Ambassador Nichols co-hosted the event.

PHOTO: ERRC

*of telling fortunes, but in the evenings after work she studies law on her own using books that she borrows from others. In 2003 the Romani Women's Congress (Romano Dzuvljikano Kongreso), the first Romani women's organisation in Russia, was created thanks to her initiative and perseverance.*

*In their everyday lives, many Romani women in Europe have to deal with difficult economic situations, discrimination by society and pressures from the community, but instead of giving up they are responding to this situation with courage and action. As was made clear in Beijing in 1995, women's rights are human rights. The ERRC is about human rights. It is past time that Romani women speak up for their own rights and have the ability to guide their own future. Our aim is to assist in making this a reality.*

### **Claude Cahn**

ERRC capacitation work also dates from 1997. It was born of the twin realisations that we cannot succeed without empowered Romani communities, and we would be irresponsible if we did not take up the issue of bringing human rights approaches, laws and norms to Romani activists themselves.

Our strategy was honed by 2001 into the following five-pronged approach:

- ✧ Scholarships for Romani university students of law and public administration;
- ✧ Internships and externships for Romani activists;
- ✧ Training workshops in ERRC methods and approaches;

- ✧ Event-specific action, such as bringing a 55-member delegation to the World Conference Against Racism in Durban, South Africa, in 2001;
- ✧ Publishing books, and audio and video human rights training materials.

ERRC Human Rights Trainer Larry Olomoofe will now detail some of the highlights of our human rights training work.

### Larry Olomoofe

*Over the past decade, ERRC human rights education programming has striven to implement the ERRC's mandate to empower Romani communities and individuals through a variety of quality-driven initiatives allowing them to acquire knowledge, understanding and experience in:*

1. *Human rights/Roma rights concepts and the underlying values and attitudes that lead to respect for human rights;*
2. *The instruments that protect human rights/Roma rights;*
3. *The skills, values and attitudes that uphold equal rights for all and encourage action in defence of these rights;*
3. *Discrimination and violence against Roma in Europe.*

*Allied to these points highlighted above, The ERRC aims to raise awareness of Romani communities about their Rights as well as to improve people's skills through the application of the following mechanisms in Roma rights action: legal representation, advocacy, community based and targeted projects, advisory skills, educational initiatives, outreach programmes and communication.*



## Capacitating Roma Rights Activists



- 339 scholarships to Romani university students of law and public administration
- 114 internships for Romani activists
- Over 80 training workshops for Roma rights activists and others
- Human rights training books, audio and video publications in 14 languages
- Delegation of 55 Romani activists at the World Conference Against Racism, Durban, South Africa, 2001

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*Recently, the human rights education capacitation workshops of the ERRC have become widely acknowledged and accepted by a range of general practitioners in the sphere of human rights as well-organised and robust initiatives that have a sustained and sustainable impact. Because of this, the ERRC has been asked by a variety of organisations and public institutions across Europe to implement training initiatives on their behalf for both Romani and non-Romani groups – activists, students, judges, journalists and governmental public officials. This has led to training workshops moving to the centre of ERRC human rights education programming for the foreseeable future.*

*An example of the sustained impact of ERRC capacity-building initiatives is the work on which we currently collaborate with the Swedish Ombudsman's Office Against Ethnic Discrimination (DO). Since October 2004, the ERRC has been working closely with the Swedish DO's office in training and capacitating a selected group of Romani activists and students from across Sweden. The first training event took place in 2004, and in 2005, the DO's office witnessed an unprecedented rise in the number of reported cases of discrimination among the Swedish Roma groups. The DO attributed this rise to ERRC's training efforts the previous year, claiming that the training had improved people's capacities to recognise, monitor and record cases of discrimination previously accepted as part of Romani life in Sweden. Consequently, a number of measures have been taken by the Swedish government to combat racial discrimination faced by the Romani communities in Sweden. The ERRC and the DO are continuing to collaborate on anti-discrimination training and capacitation in Sweden.*



### **Deborah Harding<sup>1</sup>**

It is an honor to be here and it is not easy to come last after so much has been said about

### **Claude Cahn**

These presentations of necessity have conveyed only a narrow sliver of the broad spectrum of actions we have undertaken in our first ten years.

By way of synthesis, I would like to tell briefly the story of ERRC Publications Officer Dzavit Berisha.

Dzavit lived in Kosovo until he and his family were expelled violently to Macedonia during the ethnic cleansing in 1999. His house was burned to the ground by ethnic Albanians. He and his wife Bolije returned to Kosovo as part of a voluntary returns program in 2001, aiming to make a positive contribution to life in post-conflict Kosovo, and to re-establish their lives there. However, after several months in Kosovo, Dzavit was picked up and mauled by ethnic Albanians and he and Bolije subsequently fled again to Macedonia. Dzavit entered our orbit first as an ERRC extern in a Skopje-based organisation, then later, after Macedonia refoiled Dzavit and Bolije to Kosovo in 2003, as a plaintiff in a lawsuit at the European Court of Human Rights. After they came to Hungary the same year, Dzavit also became first an ERRC intern, and then later an ERRC employee. Dzavit is responsible for the handsome ERRC publications you see here today.

I recount Dzavit's story because it exemplifies one of the central lessons of a decade of Roma rights – the Romani issue is very close at hand. It is all around us. The legendary wild and exotic Gypsy is in fact your neighbour, your barber, your bus driver, your brain surgeon, your prime minister, your colleague, your family. If that is not true yet, then it will be soon.

The work of the ERRC in the next years will be to see realised the promise that Roma can live with equal dignity in the societies to which they belong and in Europe as a whole.

the achievements of the ERRC. This has been a rich discussion today. It is yet another reason to

<sup>1</sup> Dr Deborah Harding is a Board Member of ERRC. She has recently retired from the position of Vice-President of the Open Society Institute–OSI (New York).

thank the European Roma Rights Centre for its leadership in putting the Roma rights issue on the map and in playing a leading role in building a Roma rights movement. As has been noted earlier, many Roma in leading rights and activist positions were introduced to human rights through the ERRC over the past decade, and many others have been trained or employed by the ERRC, received scholarships, worked as interns, local monitors or partners and learned to frame their issues in terms of rights.

The Roma story is a rights story. All policy discussions addressing Roma unemployment, education, health systems and housing issues come back to the rights of Roma. For this reason, the Decade of Roma Inclusion must embrace the issue of rights. And it is therefore critical that we do not let this overriding issue of rights get lost in the political, technical or bureaucratic discussions that have tended to define the Decade discourse so far.

It is significant that the ERRC has already successfully completed 10 years – a decade – of important work which we are celebrating tonight. Who would have imagined when the ERRC started out 10 years ago that the Roma issue would be so solidly on the agenda of many countries – not only in this region, but on the European level and on the international level? This is a paramount achievement and one to which we owe the leadership a resounding show of confidence.

Roma friends, your most natural ally going forward is the ERRC. They have the capacity to offer you much intellectual, advocacy and policy guidance and to support your work in a greater way than we have even seen in their first 10 years. I am urging you and the ERRC to get solidly behind the Decade of Roma Inclusion and make sure it succeeds. It is the only hope on the drawing board today to broadly address Roma issues. The days of the small projects may go on

for years but they will not affect the broad policy and enforcement changes needed to fix the terrible situation we are in.

I am asking the ERRC to begin to offer sustained and extensive policy development and policy advocacy training to Roma activists and leaders. I am suggesting that the ERRC dedicate its next years to assuring with you that the Decade does not fail. For, if it fails, I believe it may be your last hope to right the wrongs in your countries. The world will move on with new issues and we will have failed.

A very special word to my dear friend and colleague Dimitrina Petrova. I met her in 1992 in Sofia. We talked about setting up a Roma legal defense NGO there. I told her I would fund it. I didn't think she believed me. She set it up. It was the forerunner of the ERRC. I am immensely proud of her accomplishments. It has been a personal joy to watch her build two highly effective organizations and to have served on the board of the ERRC since its inception. The ERRC staff also deserves all of our thanks. They work long hours, care deeply and produce excellent and high quality work. I have had the great honor of serving on the board of the ERRC since its inception and watched the staff and its leadership grow and succeed over these past 10 years. I thank them for their commitment. I thank Bob Hepple for his leadership as Board Chair; and I thank Aryeh Neier for the vision of creating such a success.

Thank you all for coming and for participating in this conference. Please join Budapest Mayor Gábor Demszky, British Ambassador John Nichols and our guest speaker Mr. George Soros, a founding ERRC funder and an outspoken supporter of Roma rights, next door for a reception.

*Thank you.*



The top of the page features a large, stylized logo for the European Roma Rights Centre (ERRC) in the background. The logo consists of the letters 'ERRC' in a bold, blocky font, with 'EUROPEAN ROMA RIGHTS CENTRE' written in smaller letters below it. A map of Europe is overlaid on the logo, with the Balkans and Eastern Europe highlighted in a darker shade. The title 'Reflections on Roma Rights and the Romani Movement' is printed in a bold, sans-serif font across the top of the page, partially overlapping the logo and map.

# Reflections on Roma Rights and the Romani Movement

*András Bíró*

*The ERRC interviewed first Chair of the Board András Bíró, who provided his thoughts on ten years of the organisation and the movement.*

**ERRC:** *What are the best two or three things that happened to the Roma in the last 10 years?*

**A.B.:** The last decade or so witnessed something totally new in the life of the Roma community in the so-called ex-socialist countries. Whereas in terms of the forced social and economic integration since the 1960s this population experienced an unprecedented change, its cultural and identity needs got only lip service. One of the characteristics of the Communist regime was to give only formal autonomy to the ethnic/national minorities structured, officialised and controlled by the central power, favoring foremost their folklore, but *ipso facto* impeding tendencies of effective cultural and political autonomy.

One of the paradoxes among so many others of the Soviet regime was Stalin's personal case. Belonging to a national minority himself, he became visible as a young revolutionary in particular by his conceptual work on national minorities criticizing the czarist power for ignoring their rights. Once in power, he displaced whole minorities, including the Chechens who were considered dangerous and therefore transferred to Central Asia, to abide by his paranoid attitude toward the minorities.

This bias against minorities, fervently followed by the regimes of Central and Eastern

Europe for close to five decades, explains also the establishment's attitude to the Roma. Their forced integration in the production process was mainly motivated by the need of the extensive development model for unskilled, cheap labor. Whatever the reasons, for close to two generations, the Roma experienced a radical change in their livelihood and became "proleratized",<sup>1</sup> leaving behind their centuries old occupations in the service sector, thus contributing to their acculturation.

The transition to democracy offered a unique opportunity to this multifaceted group of people to have its voice heard by the majority population, as a distinct, although equal partner. In my view, the most significant positive fact in the last decade has been the outburst of dozens, even hundreds of local and national civic organisations in defence of their rights: political, cultural and social. It is the first time in history that self-representation was acknowledged in the framework of the republican constitutions, and – although not applied in the majority of the cases – parliamentary representation has become legitimised. Although questioned from some quarters, the establishment in Hungary by law of elected local and national minority self-governments has given the opportunity to thousands of Roma to learn about governance, even if the financial backing was inadequate to support a real, pro-active policy of these organisations.

<sup>1</sup> *While extensive research on the Roma has yielded first-rate data since this period, practically no research information is available about their acculturation, the impact of forced integration in terms of maintaining or not of their lifestyle, habits and cultural characteristics. Neither do we possess reliable data on their social stratification under the new circumstances since the 1990s.*

The new state of affairs has had a positive impact on two other important aspects of the advancement of the community: education and communication. Despite the persistence of segregated classes in the educational system of the post-Communist countries it is true that nowadays access to education is open for the Roma children and youngsters. It has become obvious too, that the negative stereotype about Roma parents not sending their children to school is void of sense. The available figures on schooling speak for themselves. The tiny, but growing proportion of Roma students in the universities is one of the heartening features as well; grants and special tutoring tend to alleviate century-old disadvantages.

However, a break-through is not yet on the horizon. No radical modernisation of the teaching methods and practices has taken place, and the persisting prejudices among important sectors of the educators are still alive. Shying away from taking up studies in hard sciences is another phenomenon to overcome, as opportunities for young Roma are limited anyway by unequal access to the job market.

Roma media multiplied in the last decade, including TV and radio stations. Roma journalism training has yielded a new generation of communicators professionally prepared and often highly talented. Their presence in the mainstream media though is far from satisfactory. The comparison with old EU members is depressing. The TV screens, public and private, still lack colored speakers, reflecting in a way the general mindset. In the entertainment business, on the other hand, particularly the musical scene, numerous talented young Roma artists have conquered the top.

**ERRC:** *What are the worst two or three things that happened to the Roma in the same period?*

**A.B.:** Unfortunately, this question is much easier to answer. It has become commonplace to state that the Roma are the biggest losers of the transition period. Lack of professional skills and endemic discrimination has pushed

the Roma workforce massively into unemployment. The market opportunities gave space to a small stratum of the Roma to go back to business in construction, antiques and small commerce. In the meantime, the ancestral elite, the musicians, lost out as traditional Gypsy music became outmoded. The bulk of unskilled labor though, miners, builders and ironworkers lost their jobs and returned to the outskirts of the villages, often losing their houses for unpaid mortgages. The social benefits became the only basis of material survival of families. Prolonged unemployment yielded not only worsening living standards but – as it is well documented – a loss of self-respect that accelerated the descending spiral. A growing proportion of the community is afflicted by this destiny, thus marginalisation and exclusion rule the scene. Housing and health statistics show a dreary picture. More than one third of the Roma share this dismal fate. Government policies – but for education – haven't managed to make any significant difference. Promises during electoral campaigns to capture Roma votes do not materialise in effective programs and projects financed by the state budget.

Ironically, freedom of speech gained with the establishment of democracy resulted in “liberated” anti-Roma public discourses, including the media. The latter recently have shown some restraint, but the prejudices take coded forms, winking at each other by formally paying tribute to political correctness. In practice though more than 650 primary school classes are segregated, access to discos often denied to Roma youth and discrimination in hiring has become commonplace. Threats of violence, in some cases followed by physical attacks, have been reported. During the terms of conservative governments, the discriminatory discourses appear even in official statements. The Roma electorate is split between the two major political orientations, with a slight advantage for the left. Abstention is quite high, as everywhere else among marginal social groups. Attempts to enter elections via ethnically based Roma parties haven't been a success; moreover many question the validity of such an approach.

**ERRC:** *What was the role of the rights-based approach?*

**A.B.:** Historical evidence shows that, in the first phase of their awakening as full-fledged citizens, the excluded and marginalised communities rely on initiatives of likeminded members of the majority. Following this trend – as soon as the totalitarian system collapsed – some of those who fought for human rights in the past regime logically turned toward the Roma, as the most deprived of power. For historical reasons as well, the members of the public in the new democracies were themselves not accustomed to stand up for their rights, not to speak about Roma excluded for centuries from public life. This meant that the first initiative to put on the agenda the defence of human – in this specific case – ethnic rights, to stand up with legal means against discrimination, was slow to catch up. The few NGOs established in Central and Eastern European countries faced the dilemma to handle exclusively human rights cases or to give general legal assistance to the Roma facing multiple problems in the field. As a rule, once autochthonous organisations came into existence, a division of labour has evolved, in which the Roma NGOs took up general legal defence cases as well. In Hungary, the Ministry of Justice established its own network of legal defence all over the country, with little impact though.

I consider the rights based approach to be a bold step ahead for the community. First of all the modern (younger) leaders of the community realised that on the long and arduous way of social integration this approach contributes to the development of citizen-consciousness among the deprived Roma. Secondly, that in the concrete cases of discrimination the very process of legal defence can repair the offense, thus prove to the powerless that it is a workable proposition. Thirdly, that ethnic cohesion and solidarity appears as a positive tool in furthering collective visibility. This aspect seems to be of cardinal importance as existing sub-ethnic divisions and the predominance of traditional kinship mentality still are stumbling blocks. Thus the acceptance of positive ethnic

solidarity may become the main tool in order to have their voices heard.

Obviously the rights-based approach is but one of the tools in the liberation process. As in the case of many deprived communities the job, habitat, education and health problems, which are overwhelming, need to be addressed one by one and in their complex interrelationship. But with discrimination being conspicuous in all these aspects, in my view, human rights defence is the cement of the building to be erected.

**ERRC:** *How do you see the role of the ERRC in improving the position of Roma?*

**A.B.:** As someone who was involved in the establishment of ERRC and subsequently served for several years as Chair of the Board, I am delighted at the tenth anniversary of the organization. Of course my view is conditioned by my early engagement in its existence, so no one should expect objective opinions from me. A decade ago I supported wholeheartedly the idea to establish a European center for improving via the defence of human rights the fate of the Roma on the continent. As I saw it then, two main objectives had to be acted upon:

- help establishing in the different countries professionally solid basis for the defence of Roma rights, but also by being their advocate in the international fora, and
- promote inside the communities the consciousness of citizenship and ethnic rights, thus reinforcing the Roma movement.

The first task has been a pioneering enterprise, by seriously documenting the state of the Roma. I believe that the studies done in the different countries (west and east) on the status of the Roma have been a success. No country studies had been made previously with a specific view of human rights, incorporating that aspect in the general description of the situation of the Roma. The ERRC representatives, by giving evidence before the UN and European human rights bodies about the dismal situation of the community, have helped to elevate the topic at intergovernmental level (EU, Council of Europe). This

contributed to prepare the ground for the unfortunately not very effective but still important statements pushing the national governments to remedy the deficiencies in that field, culminating in the Decade of Roma Inclusion. Professional assistance to local advocacy organisations to litigate certain cases before the European Court of Human Rights has to be put also at the positive side of the balance. These activities have given to ERRC such an international notoriety that its opinion is regularly sought out.

The other leg of the job is, perhaps, even more complex. To promote, train, support professionally and financially<sup>2</sup> local initiatives, to be the spearhead of the inevitably lengthy process of civil emancipation in countries of poor human rights records is a gigantic task. As I see it now, particularly in the first period of ERRC work, this task didn't get enough support in the Board, arguing probably rightly, that a young organisation had to establish itself professionally first. Undeniable efforts have been made since in the direction of training local activists in the different countries, and helping to establish national and local offices. The impact on the general Roma movement seems to me insufficient though, as in many countries it suffers from well-known weaknesses. The communication deficiency is to be mentioned primarily. The cases, even successfully fought, do not receive acknowledgment in the media; neither the community nor the general public's awareness is thus positively influenced.

The other aspect is the sustainability of the local projects, as by nature they can't ever become self-financed. The social responsibility of the lawyers has also its flaws, as pro bono work has not yet received sufficient status. I remain optimistic though, as emancipatory movements take time to develop, and the Roma movement is no exception.

**ERRC:** *What should be the next agenda, for the next 10 years – a) for the Roma movement; b) for the ERRC.*

**A.B.:** In my view it has become indispensable to overcome internal conflicts when the global strategy is at stake. Pluralism inside the Roma movement is healthy and necessary condition for a democratic transformation. I am highly suspicious of voices demanding total unity and submission to charismatic leaders. But building consensus in the most fundamental questions needs a developed sense of tolerance and negotiation, which is not alien to the traditions of *Romani Kriss*. It seems to me that the times have come to expect from the new Roma elite the formulation of a strategy in respect of the future, to be submitted to public discussion first of all inside and even outside of the community. Till now it was always from outside that the future has been devised. Integration is a complex global process in which there are not only winners. It seems there is consensus among the Roma in favoring social integration. It is obvious also, that such a project will have cultural and identity costs. In order to receive the advantages of a socio-economic development and adapt to the majority's way of life, a gradual modernisation has to take roots among the Roma not only in its middle classes, but also among the less privileged. How to stick to the most valuable traits of the traditional culture and adapt to modernity? I believe that such assessments have to be made by indigenous leaders in order to be followed massively.

Let us remember that since the 16<sup>th</sup> century in Europe the various peripatetic groups put under the generic name of gypsies, manouches etc. have followed a survival strategy where the tradeoff for keeping up the way of life was to accept marginality and frequently persecution. An admirable continuity of an oral culture surrounded by established states and, in general, inimical attitude from the population. Finding their economic niche in the servicing sector and the show business they responded to the demand of the market for the long term, by keeping their aloofness. The forced integration attempts of Maria Theresa and Joseph II were

<sup>2</sup> I believe it is time to acknowledge and publicly thank the leaders of the OSI, and George Soros in person, for the permanent support given to the cause of Roma.

ultimately unsuccessful, and for a good part settling down was the price to be paid. The second forceful integration orchestrated by Communist governments from the 1960s on, made a much bigger impact “proletarizing” the lifestyle and moving the main source of income from servicing to the production sector. Since the 1990s democracy offered for the first time the opportunity to generate an autochthonous vision of the future from the inside. It could say for instance, integration yes, but how far, in what respect? Of course this vision can’t become reality by miracle, or by simply formulating it. Other players will be part of the game, but at least a conscious, pragmatic policy line could be worked out which would be able to motivate cohesion and positive steps of change.

If no other reason to push in that direction, the demographic dimension imposes itself as the overwhelming factor on a continent where the majority experiences a decline in numbers, whereas the Roma community has a third world type of population growth. Taking only the electoral aspect in view, in many countries of the region the Roma votes, if agglomerating, may determine the outcome. Roma representation may thus become part of the power bargain and serve the interests of its members and act in the perspective of the vision. This presupposes a much more effective awareness raising work to be done by the civil and civic organisations inside the whole community, including the poorest strata.

This brings me to the last question. The turmoil characteristic of the new century – ethnic and religious conflicts, immigration based tensions and upheavals, wars and destruction, terrorism and/or liberation struggles – are to be seen as a

warning sign. Energy and environmental emergencies seem to become endemic. The restructuring of the economies in Central and Eastern Europe – where the majority of the Roma live – even if successful, will not automatically alleviate exclusion and poverty. This is the plausible scenario ERRC has to count on.

An organization like ERRC, not only like-minded but actively supporting the Roma cause on the continent, can be very valuable by developing even more horizontal partnerships with the Roma NGOs, and turning into, so to speak, their adviser in legal and strategic matters. This doesn’t mean to lose its organisational or conceptual independence at all. In the contrary, its value for the Roma organisations stems from its professional excellence and international notoriety achieved during the first decade of activity. An external eye is invaluable if the arguments and suggestions presented are taking into account the mutual autonomy and are based on dialogue. Building strategic alliances, not the forte of the Roma NGOs, may in this respect become an extremely precious mission.

On the other hand reinforcing and/or seeking out alternative methods of training activists becomes even more essential in the new circumstances. The last decade has yielded a whole lot of young potential leaders who got lost for the movement because of job opportunities elsewhere. But without dedicated and motivated activists in the Romani neighbourhoods and villages, the voice of the Roma will remain muted even further. I firmly believe that keeping up the standard of the legal and advocacy activity, more financial and staff support to this obligation would be highly advisable.



# ERRC

## The Decade of Roma Rights

*Interview with Nicolae Gheorghe<sup>1</sup>, August 2006*

**ERRC:** *You have been in charge at the Organization for Security and Co-operation in Europe (OSCE) Office of Democratic Institutions and Human Rights (ODIHR)'s Contact Point for Roma and Sinti Issues (CPRSI) for seven years. Your mandate has come to the end. How do you evaluate your actions in the last decade and what do you think your office has added to the course of the Roma rights movement?*

**Nicolae Gheorghe:** Well, currently I am in a self-critical mood while I try to collect the memories of the work I have done in the ODIHR CPRSI since 1999 and in the OSCE since 1990. Let's say that one of my first steps when employed by the ODIHR, in 1999, was to support the International Romani Union (IRU) and the Roma National Congress (RNC), which were the most visible organizations but, at that time, were somehow weak in their self-organization and in advocating for Roma rights. I provided them with the ODIHR's political and financial support and I managed to bring them to dialogue. In 2000, we established the International Roma Contact Group, which included the leadership of IRU, the board of RNC, and a couple of independent Roma activists and experts. This structure worked rather well for about one and a half years. The first discussions in August 2001 between the Finnish diplomacy and the Roma representatives, about the creation of a pan-European Roma body, were facilitated by this Roma Contact Group. The conjunction between the Finnish diplomacy, the institutional mechanisms of the Council of Europe

and the group of Roma representatives led to the establishment of the European Roma and Traveller Forum (ERTF), in 2003-2005. This brought the Romani movement to a different stage. And I look at this as an achievement.

There is also the ODIHR contribution to the negotiation of the OSCE Action Plan for Improving the Situation of Roma and Sinti within the OSCE Area, adopted by the OSCE Ministerial Council in December 2003. It is a complex document, too comprehensive I may say, focused on the pledge of the participating states to "eradicate the discrimination" against the Roma and Sinti and to implement effective policies "for Roma, with Roma". For sure, not enough results can be reported after almost three years since its adoption; there are too many words in this Plan (out of its ten chapters and 6,030 words) which are poorly or not at all matched by the actions recommended to the participating states or/and tasked to the OSCE institutions. Some senior diplomats have said that the OSCE Action Plan is a "living document", susceptible to be altered (eventually by shortening and better focusing its wording), strengthened, better matched by institutional and financial tools, better staffed, etc. We will review the implementation of the OSCE Action Plan during the forthcoming OSCE Human Dimension Implementation Meeting (HDIM), Warsaw, 2-13 October, more precisely in the Working session on 11 October. I hope to have the ERRC as a participant and as a contributor to this debate and to hear, again, your informed criticism of particular participating states as well as of the strengths and weaknesses of

<sup>1</sup> Nicolae Gheorghe is the former head of the Contact Point for Roma and Sinti Issues in the Office of Democratic Institutions and Human Rights (ODIHR) within the Organization for Security and Co-operation in Europe (OSCE). The views expressed in this interview are Nicolae Gheorghe's private views and they do not necessarily represent ODIHR's positions.

the OSCE institutions' current actions for the Roma and Sinti.

**ERRC:** *Five years ago, in an interview with the ERRC, you urged for a democratically elected constituent assembly of Roma at the pan-European level. Is the ERTF something you wanted? Has it met your expectations? What do you hope the Forum will be able to achieve that previous initiatives could not?*

**N.G.:** I think that it is too early to evaluate the merits of the Forum, and we still have to maintain both supportive and friendly critical approaches. As I mentioned, I was part of creating the Forum, and I was actively involved in the discussions until mid-2003, when I took a little bit of distance. I believe that the Forum is the best arrangement that we could achieve for the time being in the process of the Roma self-organisation. But this is exactly the problem: the current Forum is an "arrangement" and not yet an elected body. It is created by consensus after taking into account the realities of different structures and stages of Romani organisations Europe-wide and in the represented countries. In some countries, Romani organisations are mature, whereas in some others, they are still embryonic. In the future, the Forum will have to reach a higher level of democracy in electing the national delegates through transparent democratic rules, based on which the European elections can be organized. In 2008/2009 there will be new elections for the Forum. Constituent delegations have to take steps in advance to better prepare for the elections of national representatives.

My first hope from the Forum is that it will manage to create standards, precedents for the national Roma organisations, with its actions and that it will serve as a role model. My second hope is that the Forum will create a vision for addressing the various issues that Roma are confronted with. For instance, it might take a stand on issues and dilemmas such as assimilation, integration, cultural separation. Or it might form an opinion on whether we should advocate for general human and citizenship rights being applied in a non-discriminatory way for Roma, or do we need a stronger mi-

nority status in each particular state, or should we have something trans-national, like the *European Roma Rights Charter* that the Roma National Congress has proposed in the mid-1990s. The Forum should also voice an opinion about the Kosovo Roma during the talks on the political status of Kosovo and use its credibility, its mandate and legitimacy to express a clear vision about what should be done for Roma – in Kosovo, in Serbia or in other countries where they have fled and are being expelled as refugees and IDPs – and how these measures should be put into effect.

**ERRC:** *As regards Kosovo, do you think that there is solidarity among Roma with the Roma from Kosovo? Do Roma mobilize themselves and act with a common voice when the fundamental rights of a larger Romani group are seriously violated?*

**N.G.:** Unfortunately, I have to say that I am amazed about the lack of sufficient solidarity between Roma from different countries. But I also have to mention positive developments, for example when Martin Demirovsky, as assistant to the Member of the European Parliament Els de Groen, organized a debate on the situation of Roma in Kosovo in the European Parliament on 6 March 2006. The ODIHR Contact Point managed to bring the discussions further and hold a debate in Skopje on 26 March and in Vienna during 29 March-1 April. In these discussions participated, or let me rather say, they were attended by a large number of Roma from Kosovo and by the representatives of the European Roma and Travellers Forum, although they were not ultimately very productive. Compared to the gravity and the urgency of the Kosovo issue, we are still quite slow and low profile, so I have to say that most Roma are more concerned with their immediate needs and with their own families and are not in solidarity with the most vulnerable Roma groups.

**ERRC:** *Five years ago, you said that Romani politics was in crisis, as "the bright ones are drawn into work in NGOs", and you called for a re-launching of Romani politics. Has the situation changed, are there more Roma involved*



*in politics? Are there more professional Romani administrators – officers and experts – in ministries and governmental offices?*

**N.G.:** Yes. There is a slow but constant increase in the number of the Roma elected in the local and national parliaments of some countries, such as Bulgaria, Hungary, Former Yugoslav Republic of Macedonia, Slovakia and Romania. But Roma continue to be underrepresented on the voters' lists and in the elected offices, compared to their number and visibility in the public debates of many states throughout Europe. In what concerns the governmental and administrative offices, yes, I see also some modest developments. See Klara Orgovanova as the Plenipotentiary of the Commission for Roma Affairs in Slovakia, where there are already 30 staff members hired, not only in Bratislava but in the regional offices as well. In Romania, there is the National Agency for Roma, where 40-60 people will be hired by Maria Ionescu, State Secretary, who came from the NGO world. Currently, many young people work in the administration of Roma policies, like Gábor Daróczi in Hungary, who is the Ministerial Commissioner for Roma and Disadvantaged Children in the Ministry of Education and Culture, or Andor Ürmös, who leads a Roma Integration Department in the Hungarian Ministry of Social and Labor Affairs and I could mention other examples. But I don't see enough similar development in other countries, for instance in Bulgaria or in some "old member countries" of the EU (Finland is an exception), although there is a large number of educated Roma, probably because they are still more interested in the NGO work. So, I see some positive changes, although of course I would be happier to see thousands of Roma in governments and involved in politics, but this could sound like a Maoist revolution's slogan. My hope is that the Decade of Roma Inclusion will manage to generate awareness among the Roma NGOs so that they can move into key and influential positions in the public administration in the field of education, housing, health care, employment, etc.

**ERRC:** *When we talk about Romani politics, can you see political philosophies and ideologies behind Romani parties and political groups?*

**N.G.:** I think we are still in a premature phase as regards the political philosophies and ideologies elaborated by Roma for Roma. What I see is that some main leading political parties opened their doors to Romani politicians. See for example the Alliance of Young Democrats (FIDESZ) or the Alliance of Free Democrats (SZDSZ) parties in Hungary, which provided seats for two Romani women – Lívia Járóka and Viktória Mohácsi – in the European Parliament. So Romani people join mainstream parties more frequently instead of creating one on their own. Romania is another example, where the Romani party decided to join the Social Democratic Party in the 2000 and in the 2004 elections, without elaborating a coherent social democratic platform, so it was rather a personal coalition by political arrangement. These are stages in a process of political confrontations and clarifications. Roma are still taking a rather comfortable approach to politics, and this is a criticism not only to my generation but also to the next generation as well. International organizations, like the Council of Europe, European Parliament, the Organization for Security and Cooperation in Europe, invite Roma participants to their meetings usually to draft texts – or rather to comment/revise already-drafted texts – where we frequently behave in a "take-it-easy" way and do not use these occasions for political debates and confrontation. We still tend to believe that rights are granted somehow mechanically by laws and policy documents. After 15-20 years of such "resolution-driven" Romani activism, we could learn that the adoption of such documents, while useful, is far from being enough; neither is the "small-projects driven" approach successful enough. In this context, I have to acknowledge my whole responsibility for keeping myself and others in the "trap" of these approaches, in the limbo of the gap between the illusions of the activists and the realities of the every day life of the grass-roots people (by the way

of “illusions and realities”, this was also the title of an international Roma meeting in Snagov-Bucuresti, May 1993, organized by the Project on Ethnic Relations).

The lack of confrontation is also due to the fact that we who are educated and took the responsibility to portray ourselves as leaders – in the sense of influencing perceptions of Roma and about Roma – are clients or employees of foundations and international organizations, sometimes beneficiaries of affirmative action policies, so we are not political fighters. I see a clear need for confrontation among ourselves and I think we are not urging such possibilities enough.

**ERRC:** *There are a lot of expectations of the Decade of Roma Inclusion, 2005-2015. Do you think that there is real inclusion of Roma in the decade activities and decision-making? What can be the indicators of success of the Decade?*

**N.G.:** We are still at the very beginning of the Decade and I hope that this political initiative will be what it was announced to be: putting rights into practice in given countries. An indicator of success is to have more Roma involved in governments and in the administration or in policy-making bodies which are supposed to implement the provisions of the Decade and make policies in housing, education, employment and health care. But there is very little progress in that direction yet, except the launch of the Roma Education Fund, which I find great. I think that there was a misperception of the Decade: people in the governments, including some of those prime ministers or deputies who signed the declaration, took the Decade as a philanthropic initiative. They think that the World Bank and the Open Society Institute give money to the governments to implement projects at the national level, but this is a distorted interpretation. The message in my understanding was different: the government of each country has to find financial resources for the aims of the Decade, and then derive support from the outside world. That is why another indicator to assess the success of the Decade is the amount of funding for

Roma programs allocated from the budgets of relevant line ministries (Housing, Education, etc.) and the municipalities with Roma populations, as approved (voted) by the national parliaments and by the regional/local authorities of the countries involved in the Decade’s action plans. And I have to say that neither the governmental officers nor the experts and Roma activists associated with the Decade have done enough to implement this spirit and this indicator of Roma inclusion. Otherwise, I do not see yet a difference being made by the Decade *per se*.

**ERRC:** *Whereas Roma-related topics seem to appear regularly in the political discussion in the Decade countries, many Western countries, the Russian Federation and other countries in the former Soviet Union ignore Roma rights issues. Why is this so?*

**N.G.:** In international politics, you always have fashionable items that occupy the attention of politicians and appear regularly in the international and national media. If you want to maintain the Roma issue, you have to fight for that. There was a little bit of awareness in the Western-European countries before the accession of the new European Union countries, which were ringing the issues of Roma. But then, interest vanished after the accession took place. It is true that, for some real or maybe artificial reasons, the issue of Muslims in Western countries is much more in focus. But we have to clarify that it is not about Muslims as such, as religious and cultural groups in the respective countries, but about violent militancy and about the political ideologies behind those destructive actions. It is not comparable with the Roma issues, which involve discrimination, racism or poverty.

After the riots in Paris suburban neighbourhoods, last autumn, I heard opinions that the situation of Roma in Europe (in particular in some central and southern countries) is similar to the situation of young Muslims in EU countries. Indeed, both Roma and Muslims of Europe are confronted with similar challenges generated by racism, discrimination, social

exclusion and in some cases, poverty. There are commonalities which deserve to be better analyzed, and there is room for more intense coalition building among groups and associations fighting the same or/and similar effects rooted in racism and exclusion.

There are also differences among these very same groups, and one basic one, in my opinion, is that Roma of Europe have been settled in many countries as sedentary populations for centuries, being a *de facto* constituent population of the respective states. While the groups of Muslims – that we talk about in the present day’s media – are issued from more recent, post – Second World War migration. (There are differences among Muslim groups themselves in this respect, but we can not enter in details here). I recall here, for example, the position of the Zentralrat Deutscher Sinti und Roma which insists that the Sinti and Roma are a “Deutschevolksgruppe”, a German population, in the historic, legal and political meanings of the concepts related to “nationality” in German society. Also, the Sinti and Roma have been explicitly targeted for persecution on racist grounds by the German Nazis and the nationalist regimes of many of the European states during the Second World War. By the way, this is one of the reasons why we speak in the OSCE documents, institutions and events about the Roma *and Sinti*.

These historic and political differences generate lessons for the type of policies recommended to the states to adopt when dealing with the particularized tools of action aiming to curb racism and to eradicate discrimination faced by various particular groups within the common racism and anti-discrimination legal and institutional framework of given states.

In this respect, I may say that the state policies addressing the racism against the Roma are not as clear and as strong as the ones which address other types of racism against groups of the population experiencing both cultural distinctiveness and social exclusion, including the Muslims of Europe. Take the case of France: while the French state accepts some forms

of “positive discrimination” for the French Muslims (for example, there is a member of French government in charge of the issues of this population), there is not yet a clear and public recognition by the French authorities of a political status for the Roma of France – there is only the administrative category of the *gens du voyage*, which is a rough equivalent of the English Travellers – although France is a sponsor, together with Finland, of the initiative for the European Roma and Travellers Forum within the Council of Europe.

I thank you for this question giving me the chance to speak about Muslim populations, religion and cultures. I would like to point out here that a large segment of the Roma population in the world is Muslim, mainly in the Balkans and in the Middle East, but also among the Roma Diaspora in EU countries and in the Americas. We can hardly discuss the prospects of the Roma in post-crises situations without taking into account the church affiliation and the religious beliefs of particular Roma groups; this is the case, for example, of the Muslim Roma groups and persons who live among Christian populations (the Christians as various denominations) as majority or minority populations in various countries, regions, cantons or enclaves of the current Balkans.

**ERRC:** *Concerning the Romani movement, you said once that “this is not a movement, it is a sect”. What did you mean by that?*

**N.G.:** It is a way of inciting a debate with my fellow activists using meanings borrowed from the sociological analysis of the “sects” and “churches”. An established church is a mass organization which has hundreds of thousands or millions of followers. The sect is a small group which goes after the fundamental beliefs of a religion in a sort of break-away from an established church. Do not forget that Christianity first appeared as a sect among the Jewish ideas and beliefs too. All sects start with a few people only, organized usually around a charismatic leader, and grow bigger through supporters who make such initiatives become a church. In the case of the established churches, you have

enduring beliefs, passed through generations, large meetings and pilgrimages; there are also codified rules and church courts to enforce such rules. There is an institutional structure where you have church boards, administrators and a hierarchical leadership, just like in the context of Catholics: priests, bishops and the pope. In a sect, there is a strong and exclusive control over the people who join, as it is a small group. In a church (like in a business or in a public corporation of the present day), you have to cope with diverse personalities: there are idealists, opportunists, good and bad guys, genuine believers and hypocrites, and the leaders have to find solutions for all these characters and overcome the endless challenges of keeping them together. Think about how the pope deals with homosexual priests for example. The church cannot just expel them, but it has to accommodate what is controversial. A church is an institution which has to attract, include and keep a large constituency of believers; and this is the very reason they incite the breakaway of charismatic leaders who establish their sects in order to recall the original, “incorrupt”, “true credo” of the founding beliefs. If successful, a sect is an early stage of a church; alternatively, its challenge could be accepted and “absorbed” by the establishment of the mainstream church which may react by implementing the change brought to the front stage by the sectarian dissidence.

*Mutatis mutandis* this is the way I understand the breakaway of Rudko Kawczynski with his followers from the International Romani Union (IRU)’s establishment, in the mid-1980s. Rudko openly confronted the IRU leadership during the IV<sup>th</sup> International Roma Congress in Serock-Warsaw in May 1990; and he initiated the Roma National Congress (RNC) in autumn, the same year. It was, somehow, like a “sectarian” departure of the RNC group from an ailing IRU of those times. The RNC “radical” discourse and actions (street protests and sit-ins, like those organized with the Roma asylum-seekers in Germany) served, during the 1990s, as reminders of the original rights-oriented, militant agenda of the Romani self-organization, as illustrated by the spirit and the “manifesto” of the First World Romani

Congress in London, in April 1971. The provocation launched by the RNC (whose merit, among others, was to remain a rather small-scale but well-articulated body of committed activists, devoted to their leader) has been a catalyser for political in-fighting, for partisan realignments of various national organizations and for their renewed activism in the 1990s and into the new millennium, including the efforts to politically reform and revitalize the IRU. See, for example, the complex, even complicated, re-organisation of the IRU leadership during the Congress in Prague, June 2000; or the *Declaration of a Nation*; or the renewed political symbolism of the Roma flag, anthem and of the Romani language launched by that Prague meeting and by the IRU Congress in Lanciano (Italy) in October 2004. All these reforms aimed to reach the souls of millions of Roma world-wide. The dissidence of the RNC (as well as the less vocal but effective criticism expressed by the Scandinavian Roma, in particular by the late Aleka Stobin and by Miranda Voulasranta, following the IRU Prague meeting) has been also productive in stimulating the successive series of compromises among various factions of the Roma structures, such as the above mentioned ODIHR CPRSI-brokered International Roma Contact Group, which led to the recent establishment of the European Roma and Travellers Forum (ERTF) as a more inclusive organizational framework for both the IRU and RNC, as well as for other international networks (International Roma Women Network, Forum of European Roma Young People, Gypsies and Travellers International Evangelical Fellowship), for national Roma political parties and NGOs, etc. It remains to be seen if the ERTF is able to promote organisational growth and change by its own dynamic within the established institutional frameworks (including those provided by the Council of Europe) or, alternatively, if the need for political creativity and effectiveness will require a new challenger, or “dissenting”, break away political grouping.

Coming back to your questions pointing to the current Roma politics of self-organization, I may say that Romani organisations

are (*mutatis mutandis*, I repeat) rather like “sects”, not “churches”, not yet part of a social, mass movement. We don’t have enough followers because the discussion about Roma issues takes place among ourselves, Roma activists, and to tell you frankly, I see a serious, even widening disconnection between us, the “clubs” of Romani (national and international) political elite and the Romani communities in each country and in the world Romani Diaspora. It is a reminder that we may generate a movement only if we manage to find ideological tools and messages to capture the feelings, the interests and the social imagination of the population in the grass-roots Roma communities or/and in the general public (as, for example, various groups of mainstream human rights activists).

Said another way, I don’t think we are at the stage to call the current course a “Romani movement”. We are not there yet, because we are still capsulated in our small NGOs (sometimes rather exclusivist, rigid and intolerant among ourselves); in our families; in clan-based political parties (with modest electoral success); in Roma-labelled governmental offices (with minuscule budgets); or in our email-groups (frequently jammed by real or alleged technical inconveniences). We have to focus and upgrade the effectiveness of fighting the racism and discrimination against Roma Europe-wide; but we also have to discuss several sensitive issues like the inequality of women with men in Roma affairs, early marriages in some traditional groups, use and misuse of child labor by some families, freedom of sexual orientation in contemporary societies, etc. Talking about how to keep the Roma identity: what are the enduring “markers” of our ethnicity and what should be changed if we wish to achieve wider political mobilisation? Or, what is the impact of the religious/spiritual leaders on particular Roma groups; why and how are they more “successful” than the Roma political leaders or civil rights activists? Some people have to take the responsibility to discuss such issues “*for Roma, with Roma, by Roma*” so that we can have a debate (including controversies), but also common points and agreed steps on how to move

the Romani self-organization to a next, more inclusive, more mature stage of the process – and how to reach and mobilize the Romani people, not only and not mainly the self-appointed representatives. And one more point, please: both “churches” and “sects” (or the “clubs”) can function properly only thanks to the financial contributions and donations from their own followers, especially from the rich ones!

**ERRC:** *You talked about representation of Roma in various bodies. How can you explain that international, intergovernmental organizations still lack Roma staff members? Who is responsible for that?*

**N.G.:** Well, this is a sensitive and painful issue. In our OSCE Office of Democratic Institutions and Human Rights, after I had been hired – through an open competition and have not just been appointed as many believe – I recruited twice Romani colleagues. This generated complaints from some other competitors who perceived that they were disadvantaged by this decision. The difference at the Council of Europe or the European Commission is that they always recruit in open competition, as opposed to governmental bodies, where people are many times appointed based on their ethnic origin and/or political affiliation. So affirmative actions have to combine the main criteria for the job and the elements of policies related to sex, gender, ethnic origin, etc. If we talk about legitimacy of people in positions, I see sometimes contradictions between two dimensions: political legitimacy and competence. They both are needed for successful and legitimate work. The Council of Europe is currently recruiting officers for the secretariat of the ERTF; and the OSCE recruits staff on a continuing basis for the ODIHR CPRSI, for the Focal Points in the OSCE Field Missions and for the OSCE mainstream vacancies, many of them being relevant for the Roma and Sinti policies. From my modest experience in staff recruiting, I may say that the Roma and Sinti themselves, those individuals, women and men, with the required skills have to take the time to complete the application forms and the trouble of entering in competitions for given job vacancies. The success is not 100% assured, but

it is worth trying, and there is always someone who wins. Like in the Olympic Games: it is as important to participate in a sport competition as in dreaming to win it.

**ERRC:** *What are your plans for the future? Will you remain affiliated with the ODIHR office?*

**N.G.:** In the very near future, by the end of 2006, I have the task to assist the ODIHR in recruiting a new Senior Adviser on Roma and Sinti Issues and to “hand over” the work done in the ODIHR Contact Point for Roma and Sinti Issues (CPRSI). I hope that some of the projects started over the last years in the framework of the OSCE Action Plan for Roma and Sinti – such as the CPRSI projects on Police and

Roma; or on Roma in Kosovo and in other crises situations; or the participation of Roma in the elections in various countries; or upgrading Roma housing and settlements programs – will continue in the coming years. If my contribution will be considered valuable in some of these or other OSCE actions, I would be glad to volunteer it. On a more personal side, I and my family will return soon to Romania, where we hope to rejoin the NGO world. I dream to have the time and the curiosity to read some of the basic books in philosophy and sociology which I was supposed to study during my college years.

**ERRC:** Thank you for this interview, we wish you all the best.



## Thoughts about Achievements, Challenges, the Past and the Future

*The European Roma Rights Centre conducted short interviews with six prominent Roma rights activists to learn their opinions about the development of Roma rights and the role of ERRC in this development. We are grateful to the following people for their precious comments:*

**Mr Costel Bercus:** Chair of the Board of the Roma Education Fund. He was previously the Executive Director of Romani CRISS, a Romani NGO in Romania.

**Mr Karel Holomek:** Member of ERRC Board; Chairman of the Society of Roma in Moravia; Honorary Chairman of the Society of Professionals and Friends of the Museum of Romani Culture; Director of the International Roma Center attached to the Helsinki Citizen's Assembly; Member of the Czech government's Commission for Human Rights; and Editor-in-Chief of the magazine Romano Hangos.

**Mr Cristi Mihalache:** Roma rights defender.

**Ms Isabela Mihalache:** Program Coordinator of the Roma Programs at the Open Society Institute, Budapest.

**Ms Beata Olahova:** Project Coordinator of the League of Human Rights Advocates, a Slovak Human Rights NGO defending the rights of the Roma. She has recently been appointed Program Officer of the Roma Education Fund, a Budapest-based international NGO.

**Mr Iulius Rostas:** Deputy Director of the Roma Initiatives Office at the Open Society Institute, Budapest.

**ERRC:** *What were the three best and the three worst things that happened to Roma in the last decade?*

**Costel Bercus:** I think that one of the best things is that Roma issues finally get attention not only on the national but on the international level as well. So there is a growing political will, followed by various policy papers and strategies, which can lead to an improvement of Roma people's lives. I would also highlight the positive judgments of the European Court of Human Rights, which provided just satisfaction for Roma victims. The third best thing is that the Council of Europe and its Member States agreed upon the establishment of the European Roma and Travellers Forum, which brings new hope for effective advocacy for Roma rights on a pan-European level.

It is more difficult to list three negative things as there were too many bad things that happened to Roma. For example, all those talks, policy papers, action plans failed so far to bring real changes into the daily life of the Roma communities. Education and housing should be treated as absolute priorities. Housing conditions of Roma are worsening, and this has a direct impact not only on the children's education but also on the family's health condition.

**Karel Holomek:** There was only one good thing that happened to Roma: the democracy which followed the revolutions in communist countries. This had an absolutely good influence on other Romani communities in Western European countries too. The three major achievements of the transition were the following:

- acknowledgement of Roma nationality in most constitutions;
- freedom with self responsibility;
- the relationship between Romani and non-Romani people became an important marker for the quality of democracy.

The most important bad thing that happened to Roma is the same: the transition. Romani communities were not prepared for democracy and as a consequence, they had to face unemployment, inferior or lack of access to education, lack of participation in politics and in social processes and a bunch of other unpleasant matters.

**Cristi Mihalache:** It is hard to grade the importance of events related to Roma in the last decade, as we are talking about probably the most discriminated and excluded group in Europe. To keep an optimistic approach, I will, as asked, name three positive developments: the most important one I believe is the fact that the Roma “issue” went on almost every agenda of intergovernmental actors as well as relevant governments as a distinct, in almost every case important item. Another relevant development would be that Roma are now starting, let us say, not to be ignored by policy-makers and their voice – in a number of instances – is being heard. A third positive aspect is that, theoretically, Roma have the possibility in most of the countries, to get represented in elected and/or appointed bodies and positions in central, and most importantly, local administration. My three worst things are somehow related with the positive ones. The most important failure is, to my perception, the situation of Kosovo Roma after the war, and the way it is dealt with by intergovernmental actors and agencies, as well as by governments. The second problem is the societal racism leading to Roma not being effective partners in decision-making processes concerning their situation. Last but not least, the third problem is the failure to transpose the governmental strategies across the Central Eastern European region, where most of the Roma live, into practice, in fact taking visible steps towards improving the Roma situation.

**Isabela Mihalache:** One great achievement is that there are many Roma involved in the

work of governments, non-governmental or inter-governmental organizations both on national and international level. In Romania, for example, we have Romani school and health mediators on the local level, Roma advisors at the county level, the Roma Agency at the central level. And we also have Roma experts in international organizations, such as Nicolae Gheorghe in the Organization for Security and Co-operation in Europe (OSCE), who was one of the first Roma hired in such a high position, Andrej Mirga, expert of the High Level group on promoting social inclusion of ethnic minorities in the EU, Miranda Vuolasranta in the CoE and the young generation of Rumyan Russinov, Iulius Rostas, Dan Doghi, etc. The second significant achievement is closely linked to the previous one: due to the involvement of Romani people in various organisations, the Roma issue became high on the policy level and started to appear in almost every international strategy, country report, various recommendations and policy papers of the Council of Europe, European Union, United Nations or OSCE. Another positive thing is the establishment of a common consciousness about being Roma, the shaping of the Roma identity. My generation started collecting memories of our parents and grandparents, about their history, culture, lifestyle and traditions. It is good to see that, based on this reanimation of Romani heritage, we have an increasing number of university departments on Romani studies, books and academics who teach and write about Roma.

One negative thing is that, although we have Roma-related policies and special provisions for Roma on the political and human rights agenda, Roma issues are not mainstreamed but pushed to the periphery. This is due to the lack of a strong political will and commitment of the states and other relevant decisionmakers. As regards cooperation among Roma, we seem to be too busy with our everyday work and we lose the big picture of what exactly we are working for and what we finally want to achieve. As a result, we forget to work in a team or we are not keen to co-operate with others who have a similar purpose under various constraints – of the institutions we work for, special or personal. The last negative thing I



would like to highlight is the increasing poverty that Roma face, which has gradually deepened in the last decade. And the irony is that, although Roma rights advocates improved their skills and managed to set up NGOs, ordinary Roma people lack basic facilities and social services. The truth is that we have still a long way to go, and we cannot effectively help Roma without a real and constant government commitment and investment in Roma communities. Unfortunately, the social context is much stronger than our efforts alone could ever be. This is one challenge we continue to struggle with.

**Beata Olahova:** The three best things that happened for Roma in the last decade are: the emergence of international, governmental and non-governmental organizations and local NGOs that focus their activities on the rights of Roma; greater awareness of the situation of Roma in Europe; and the reaction and support of donor institutions and governments towards the cause of Roma.

The three worst things in my opinion were: the continued deprivation of the rights of Roma people in Europe by states and other non-state actors; the unwillingness by European governments to respect and implement legislation in a coordinated manner regarding non-discrimination and social inclusion of Roma; the continued increase of anti-Romani sentiment all around Europe.

**Iulius Rostas:** Freedom that followed the revolutions and benefited everybody was one of the best and worst things at the same time that happened to Roma. Although it provided freedom to everyone, and secured democracy and the rule of law, it also served as a basis for the gradually worsening living standard of Roma and a turning point for their overt exclusion in terms of education, housing, etc. A second good thing was the European Union enlargement. This process provided a great opportunity to influence public agenda, government policies and the public at large. In Central and Eastern Europe the EU enlargement was the leading vector for Roma policies. The governments acted not because of their commitment to human rights and care for Roma but because the EU demanded that.

A third good thing happening to Roma is that a thicker strata of Roma got involved in activism, went into universities and became professionals, working for Roma and non-Roma alike. They set up NGOs and put pressure on governments to improve the situation of Roma.

**ERRC:** *How do these relate to the rights of the Roma?*

**Costel Bercus:** Many of the disadvantaged housing, health or educational conditions arise from the violation of fundamental rights of Roma. And let me say here that the capacity of monitoring and highlighting human rights abuses is still very low in Roma communities. Although such violations happen on a daily basis, when they appear in the media, the majority believes that they are unique cases, which is wrong. Violations of fundamental rights of Roma are not isolated cases but are systematic, and this is what should be made clear for the majority population.

**Karel Holomek:** I would like to emphasize here that it is important to become a strong fighter for the human rights of Roma, which is very simple and at the same time very difficult. Everybody needs to work very hard to improve herself or himself: to be educated, conscious of her or his own values, honest and hard-working. Nothing more, nothing less. Only people with such qualities have the ability to fight successfully for human rights, and we all have to take efforts to gain and improve those qualities.

**Cristi Mihalache:** All the above mentioned positive and negative achievements have to do with the rights of Roma. More concretely, they have to do with the extent to which the struggle – to persuade policy making actors at governmental and intergovernmental level and to influence their agenda – is successful towards the improvement of living conditions of each Roma at community level and, most importantly, the way they are treated and perceived by mainstream societies.

**Isabela Mihalache:** Well, nobody decides to be poor. Which means that poverty is a result of

something, namely the lack of enjoyment of certain rights. All the above mentioned issues are linked to rights: political participation, social and cultural rights, or to the right to identity.

**Beata Olahova:** All these things are related to rights of Roma in that they express the improvements and shortcomings of efforts to help the Roma populace in Europe.

**Iulius Rostas:** I talked about transition: it brought the right to freedom of speech through which Roma activists could advance their course. However, on the other hand, it served as a tool for stressing anti-Romani feelings. EU enlargement was the engine of change for Roma in Central and Eastern Europe. With Agenda 2000, protection of Roma became a political criterion for EU candidate countries. Roma NGOs are the principal channel of Roma participation in public life. They are defending the human rights of Roma together with other NGOs interested in human rights.

**ERRC:** *Are we heading the right way? What gives you hope and strength to keep on fighting for the Roma and their rights?*

**Costel Bercus:** Well, you never know that until you arrive to the end of the road. But based on the last years' experience, I think that we should be on the right way. There is an attention towards Roma, there are still resources and energy being spent to improve the situation. I can not estimate how much more time we need for the full integration of Roma, but I believe that we will be able to see some real changes by 2010-2015. And however difficult it might look, we should never give up the fight, although this might be easier for us, observers, compared to people on the settlements who are struggling for basic things like food or running water, and can not see the developments as we do.

**Karel Holomek:** Yes, despite some negative issues that I mentioned earlier, we are on the right way, considering what I can see in Europe and based on the developments in my country, in the Czech Republic. Belonging to

the EU is a hope for all Romani people as the Union presses countries to fulfill their duties towards minorities, including Romani communities. But we are far from reaching our full integration and our final aims.

Roma youth is my second hope besides the EU: there are more and more educated and professional Roma who, unlike old Romani people, know various tools and solutions for problems and have other strengths than the previous generations' solely ethnic principles.

**Cristi Mihalache:** It is difficult to assess whether we are on the right track. I do not see the possibility for sustainable, long-term progress without the effective mobilisation and involvement of local communities themselves. I can definitely state that we fool ourselves believing that a top-down approach will suffice.

**Isabela Mihalache:** We definitely are on the right way. And I could not say that we were at any point in a wrong way. That's my philosophy about life in general: there is only one way, no more ways and you have to keep on walking on that one. I feel strong because I know I am doing the right thing and I work hard to achieve what hopefully helps people. I can not bear inequalities and I am a fighter, so the more difficulties I face, the more stubborn I become to get things done.

**Beata Olahova:** The Roma movement is heading the right way based on the successes we experienced to date compared to the last two decades. Significant success has been achieved in the fields of education, social inclusion, political awareness and development. I feel strong because I have a hope that one day the problems facing Roma in Europe will become a thing of the past, the struggle for equality of all will be realised.

**Iulius Rostas:** I do not think there is a right way. You just do it and then you will see if you did well or you do not do it and you will never know. In order to remain able to keep on fighting, you need to be very committed. And this can also be a difference between Roma and

non-Roma who work for Roma rights. As a Roma, whatever you do, wherever you work, you will remain the “Gypsy” for your colleagues, whereas non-Roma can freely choose and change workplaces and for them, working for Roma can also be just an “exotic experience”. For us Roma, being and advocating for Roma is something we can not live without, we can not chose to forget about the difficult plight of our families and communities. It is part of our identity and a way to express it. I get my strength through small satisfactions: when I see new and young people who come to meetings with fresh ideas; or when I see that more and more Roma parents raise their voice in schools against the intolerable attitude of non-Roma teachers and pupils towards their children; or when you do something that makes even a few people happy for a moment, I think it is worth it to continue what I do.

**ERRC:** *How do you evaluate ERRC’s contribution to the cause of Roma rights? What would you recommend to ERRC?*

**Costel Bercus:** I think ERRC played from the very beginning an important role. It became a reference organization in the discussions of Roma rights. But the situation has changed, and the challenges today are more diverse and complex, and the capacity of Roma NGOs and activists is stronger than it was 10 years ago. I wish ERRC had the maturity to conduct a self-evaluation and be ready to re-draft and re-orient its focus areas. 1994-1997 was a dramatic period where there was a need for leading organizations to advocate for Roma, but a new generation grew up in the meantime who can take the lead. In my opinion, ERRC should trust and co-operate with grassroots organizations better, especially when these organizations clearly wish to strenghten their relationship with ERRC. The European Roma Rights Centre is a brand: regardless of whether they do bad or good, it still remains a reference. But this should not mean that ERRC is free from taking continued efforts to improve itself. If I could advise, there should be a critical discussion among ERRC staff members with a will to define what kind of different contribution

ERRC should make, through drawing the lessons of the 10 years long existence and experience. Changes are necessary, even if organizations are sometimes afraid of it. States change their leadership almost every four years: new prime ministers come and go, and they might bring better or might bring worse but the evaluation is at least regularly made.

**Karel Holomek:** ERRC is a great organisation. It has lots of qualities and has achieved many significant results during its existence. Governments listen to ERRC’s suggestions in the field of protection of human rights of Roma. I do not know any other NGO which has the same kind of influence. I think that ERRC works absolutely professionally and has strategic programmes in countries, where the situation of Roma is totally ignored, not only by European institutions but by their own governments too (Russia, Ukraine, Balkan countries).

**Cristi Mihalache:** ERRC has been a major actor in constructing important chapters of the theoretical background behind the success of getting Roma to the attention of governments and other stakeholders over the last 10 years. The challenge for the ERRC in the years to come will be to gain its legitimate place on a map where the major role has to be played by national and, most importantly, local community-based actors, in a struggle to see implemented at least some of the commitments or obligations already on paper. It is partly due to the work of the ERRC, that we are in the position to aim for this natural course.

**Isabela Mihalache:** ERRC did have a huge contribution to the cause of Roma right. At the beginning, there was nothing else: all the advocacy papers, press releases and international litigation were done by ERRC. And although ERRC is not a Roma NGO, it is widely recognized as such. It became a reference point and it is known as the main information source about Roma rights. I think ERRC is now in a transition period and has to decide what to do from now on. I believe that litigation is one key to success. Equally, I wish ERRC could start training and empowering local NGOs so that

they themselves can take cases to the international level. Local organizations are closer to potential and actual victims and to the problems, and Roma could effectively get involved in litigation activities if they had adequate information and expertise.

**Beata Olahova:** The ERRC contribution to the Roma rights cause has been a huge success.

**Iulius Rostas:** The ERRC did a great job, especially until about 2001-2002. During this time, ERRC managed to put Roma rights issues on the international human rights agenda. But after 2001, ERRC failed to adapt to the new conditions. It became a competitor for other Roma NGOs that emerged and became more and more visible, including in competition for available funds. This competition was not fair, since ERRC received professional and financial support that was not available to Roma NGOs. ERRC has also a problem with legitimacy.

One dilemma remained undecided: is it an organization which represents Roma or does it only work for Roma? It speaks about the Roma without being a part of the Roma movement. And in my opinion, it is morally wrong and it is not fair to shape the public discourse on Roma and not have a Roma constituency.

I am also concerned about ERRC's litigation strategy: the Legal Department should strengthen the relationship with its clients. The Hadareni case proved that the relation with the clients was a major deficit in the success of the case.

However, with all the criticism, I believe that ERRC did a great job. ERRC should continue to exist and it will be good if it would adapt to the new conditions and serve as some kind of laboratory for Roma activists, engage in capacity building and strengthen grassroots organisations in mobilizing Roma communities.

# Ten Years' Efforts to Change the Image of Roma in the Media

Gábor Bernáth<sup>1</sup>

*One non-governmental organisation founded around the same time as the ERRC is the Hungarian Roma Press Center (Roma Sajtóközpont – RSK). Although undertaking a different mission, in many ways the two organisations have participated in similar developments over 10 years. Below, Gábor Bernáth, the head of the Roma Press Center reflects on their achievements and recent challenges.*

**ERRC:** *When was the Roma Press Center founded and what for?*

**Gábor Bernáth:** RSK was founded in 1995. We published our first article in December 1995. Our main goal was to have Romani journalists writing about Roma, in addition to the Gadje [non-Roma – the editor] journalists. At that time, there were no Romani journalists who worked for daily newspapers, a few worked for magazines. Our first step was to find talented and interested Romani journalists, and we were fully aware of the risk that our articles might be weaker at the beginning because the people we have selected did not have experience. However, we never allowed this to drive us away from our main goal. In the beginning, we found our colleagues through personal contacts. The recruitment became institutionalised by the media internship program which we started in our first year. We selected the most talented and promising young Romani journalists out of 20 applicants. We not only aimed to train them to work at RSK, but for the mainstream media as well.

**ERRC:** *How many young Roma had media education or media background in 1995? What were your selection criteria for your internship programme?*

**G.B.:** The only condition we set out in the application was a high school diploma, because at that time there were very few Roma who attended or had finished higher education. Those who stud-

ied in universities came from families in which the price for quality education in most cases was assimilation. Many highly educated young people who came from a stigmatised, marginalised minority group had to give up their identity in order to become successful and accepted by the majority. This of course is not true of everybody, but out of 20 Roma people who graduated from university, there would be about five who would not hide their identity. Moreover, it was very difficult to find people who were particularly interested in Romani journalism. At that time, however, high media education was not a prerequisite to be a professional journalist and a number of Roma university graduates in other subjects were able to gain experience in mainstream media through the media internship program. Today, it is much more fashionable to be in the media, and the competition has become extremely tough.

**ERRC:** *What was the main objective of RSK?*

**G.B.:** The main goal was to change the image of Roma in the mainstream media by seeking to publish our articles in the mainstream media. Although we had good opportunities to obtain financial support to set up our own newspaper, I have always resisted such options and will continue to do so for as long as I am responsible for such decisions. I believe that the quality of our journalism is improved through competition with staff journalists of the mainstream media. When we succeed in placing an article in a mainstream newspaper, edging out a piece by an insider, we have demonstrated that we can com-

<sup>1</sup> Gábor Bernáth is the Director of the Hungarian Roma Press Center.

pete with the best journalists in Hungary. This is what you have to fight for; this can measure your quality; this is how you can keep things under control. If you have your own newspaper, you can afford to write weaker articles, since the weaker articles would be published anyway. And this has been proven to be a good approach – 80% of our articles have been published in mainstream media in recent years.

**ERRC:** *Why this mandate? What did the image of Roma look like 10 years ago?*

**G.B.:** We first conducted research in 1996 about the image of Roma in the Hungarian media.<sup>2</sup> Roma were associated with three main topics: poverty, crime and culture. Crime and culture each constituted about 25% of the articles, poverty covered 25-30% of the Roma-related news and the rest were various other topics. There were only a few discrimination cases covered by the media, although racial discrimination against Roma was as common as it is nowadays. Today, this ratio has radically changed; the most prevalent topic related to Roma in the media is discrimination. I believe that the RSK played a role in this. Mainstream media is much more sensitive to discrimination cases than ever before. Unfortunately, this is only true for national newspapers, since local ones are still more interested in poverty and cultural issues. The association between Roma and crime has almost disappeared. It is an interesting phenomenon that a discrimination case which occurs in a small village gets onto the national television and radio programmes, but local media often fail to report on such cases. This happens because local power interests have more direct influence on local media, but also because victims of discrimination are easily identifiable at the local level.

**ERRC:** *Do you consider yourselves minority media or mainstream media?*

**G.B.:** We are not a minority media outlet, but we are on the periphery of the mainstream media.

I would also like to believe that we are a type of Roma advocacy group which works in the field of media. Roma media can serve a lot of functions for the community, but it is not very likely that a discussion recorded, for example, by the Rádió C<sup>3</sup> will be aired by a national radio station. Otherwise, I find it very important that Roma have their own popular, good and strong magazines, radio and television channels, because they can secure the internal political publicity of the movement, and minority media will be surely stronger in cultural issues than majority media could ever be. Hungary and many other countries in the region are not intercultural or multicultural but monocultural, meaning that minorities' cultures remain on the periphery, and news about minority cultures tend to fall into the "exotic" or "easily forgettable" categories. We have not particularly emphasised cultural issues, as our focus is investigation of discrimination cases. Although the RSK works on matters related to one minority – the Roma – discrimination is not a minority issue because the presence of discrimination describes the quality of the state, and the quality of life, in a given country. Discrimination is perpetrated by Gadje so of course it is their business as well.

**ERRC:** *What are the discrimination cases that occur most frequently?*

**G.B.:** A major part of the discrimination Roma face in Hungary arises from the dysfunction of public offices. Hungarian Roma are disadvantaged mainly because of the generally poor quality and poor functioning of public services and because of local power decisions which have discriminatory purpose or effect. The RSK did not want to accept that if a Romani man cannot rent a flat in Budapest it was solely his problem. Or if an advertisement says that an employer is looking for a white-skinned bricklayer, it would not be a problem of the Roma only that the state is ready to dispense with 5-8% of its workforce. I believe this situation is simply not acceptable. So our strength is that while a majority journalist sees

<sup>2</sup> Editor's note: See for further details Roma Rights 4/1999 at <http://www.errc.org/cikk.php?cikk=1168>.

<sup>3</sup> Editor's note: Radio C is the only Hungarian Romani radio.

such cases as isolated and unique, we can show how general and complex such an issue is. It may not be interesting for the mainstream media that Little Johnnie was automatically sent to a special school for mentally handicapped but it is interesting that his situation is typical for every fifth Romani child and that the state itself forces people to live on social benefit when it fails to provide quality education for 20% of its pupils.

**ERRC:** *As you mentioned before, there is a huge competition in the media. How did you manage to get RSK articles placed in mainstream newspapers?*

**G.B.:** The first eight or nine months were a real war. Mainstream editors raised the concern that a Romani media agency would not be objective in certain situations. We had to argue that non-Romani agencies might be biased too, but this does not seem to disturb anyone. We now provide regular short news for the public at large and offer longer and full articles to those newspapers which we know are willing to publish our stories. Unfortunately, we always provided our service free and were never able to make it pay-duty. The media is a huge business, and we have tried to earn money for our services, not only because we regularly provide articles to the public and to news agencies and media outlets, but also because we provide the mainstream media with our contacts, regardless of whether it is the victim of a given discrimination case or organisations in our network. So slowly, we gave out our full contact system and never received any financial compensation for it. Due to our financial crisis recently, we started consultations with mainstream radio stations, newspapers and magazines for middle-level honoraria for our services. We have calculated that, if the 10 or 12 media which regularly work with us were paying us adequately, this would cover approximately 80% of RSK's costs.

**ERRC:** *Your organisation has never been afraid to bring up controversial cases. How many lawsuits have been initiated against the RSK?*

**G.B.:** We had only one media lawsuit and we partially won that one: the hospital in Eger in

north-western Hungary filed a suit alleging that the RSK harmed their reputation when its journalists wrote three articles about the existence of segregated maternity wards for Romani women. In our articles we made only two mistakes: we erroneously called the “young mother room” the maternity ward and we could not prove that there was a time when a “C” for cigány – Gypsy in Hungarian – was scratched into the entrance door of the room. In this case, we experienced how important loyalty is when the local county newspaper openly turned against the RSK questioning its credibility and humbly tried to serve the municipality's interest. This is because local papers are closer to local interests and power groups. In this regard, national media are much more independent.

**ERRC:** *We have talked so far about media that cover political and public life issues. What about entertainment media? How would you define the role of tabloids?*

**G.B.:** Tabloids have only recently begun covering Romani issues. The danger is that these magazines and also some television shows are more popular than regular news. Whereas we managed to find our tools to change the presentation of Roma in mainstream media, we realize the difficulty to do the same in tabloid television shows and print media. I believe that NGOs which defend the rights of Roma should be much more sensitive to the image of Roma in the media and should organise more actions. Tabloids have a tendency to show the “stupid Gypsy” character – which has been there since the time of the silent films – as this is one of the oldest and most common stereotypes and it sells well. I have to mention here that the question of the media image is a very delicate issue, which you have to balance wisely. If you introduce an image that people are not used to, the audience is willing to interpret it as an exception or propaganda. Take as an example the Bill Cosby Show in the US: This was a show about a very successful African American family, where the mum was a lawyer, the dad a doctor and they had two children studying at university. The show was very popular among white people too. A survey seeking to find out whether stereotypes about

black people had changed as a result of the show revealed that a significant part of the interviewed people said that it just proved that the problems of blacks are created by the blacks themselves, and that if they worked hard like the Cosby family, they would not have any problems.

**ERRC:** *So how can you find the balance in this?*

**G.B.:** We have to see that this is an organisational and sociological question. Nobody is able to become a friend of every decision-maker in the media world or to depend upon their good will. So you have to combine services with pressure, for example by organising protests against anti-Romani shows. The ideal situation would be if there were enough Romani professionals in the media who could influence decisions about the selection and broadcasting of programs. I do not believe that mainstream media will learn any time soon to judge what is degrading and to start applying self-censorship. Another solution would be if the media could present many different Romani characters, so that it would be impossible to see only stereotypical images.

**ERRC:** *What do you define as a major challenge in your work?*

**G.B.:** One lesson we have had to learn is that there is no war won forever. This means that, without permanent and regular pressure, the media would follow its old routine. In 1996-1997, in three out of four Roma-related articles, journalists failed to interview the affected Roma. Although this ratio has gradually improved, Roma are still not interviewed in local newspapers, when, for example, municipalities or local labour offices make statements about how many and what kind of programmes they have started for the benefit of Roma. And so, readers will hardly find out when such a programme involves only 10 people in a Romani settlement where 390 others have no job. We can not expect that a press conference could be organised in a Romani settlement to show the 390 unemployed people, so we have to find other ways to provide people with the general picture. This is an area where you have to be very loud to be heard. And in the course of such efforts, you have to use both legal action and other public pressure mechanisms. You also need to work in

cooperation with other Roma rights organisations to achieve the highest possible effectiveness. You need to know about the legal background and you have to educate Romani youth so that the mainstream media cannot use the excuse of not having enough talented and educated Romani journalists. We have tried to improve the trust of Romani organisations in the mainstream media, and to foster the view that media also belong to them. We have tried to promote the notion that a Romani NGO might invite journalists not only for cultural events but also for field visits to Romani settlements. We have tried to encourage the view that one can influence the media. This means that these organisations should be prepared to come into conflict with local interest groups. They also have to be aware of the fact that politicians are still afraid of negative articles.

**ERRC:** *How does the public atmosphere influence your work?*

**G.B.:** I believe that the 2,500 news items that we have published so far are not enough to secure permanent changes. In order to achieve that, the civil rights movement has to grow stronger as well. We could publish hundreds of articles aiming to change the false image of Roma as criminals, but if organisations like the Roma Civil Rights Foundation or the Minority Ombudsman's office would not have been able to achieve prohibition of the identification of Roma suspects or criminal offenders by their ethnic background, our articles would not have been successful. If the public atmosphere would tolerate open anti-gypsyism, we would not be able to change the image of Roma through our articles only. Someone has to order this to stop. Due to the RSK pressure, there are more and more journalists on the editorial staff of the mainstream media who deal with Romani issues, conduct necessary background research, follow Roma related-news and build contacts with Roma. We wish that one day it will be embarrassing to publish Roma-related articles without Roma, to not have a Romani colleague on the staff, or to miss important news related to Roma just because the journalist has no Romani contact.

**ERRC:** The RSK celebrated its 10<sup>th</sup> Anniversary this year, so we congratulate you and wish you much strength and success for the future.



The image features a large, stylized logo for the European Roma Rights Centre (ERRC) in the background. The logo consists of the letters 'ERRC' in a bold, blocky font, with 'EUROPEAN ROMA RIGHTS CENTRE' written in smaller letters below it. The logo is overlaid on a map of Europe. The title 'Czech Romaphobia: Notes from the Last Decade' is prominently displayed in a dark, sans-serif font across the middle of the page.

# Czech Romaphobia: Notes from the Last Decade

Gwendolyn Albert<sup>1</sup>

ONE DAY IN 1995 I picked up a local paper in the small South Bohemian town where I was living to see that President Havel would be unveiling a memorial to a WWII-era concentration camp for Roma in a place called Lety by Pisek. The random news item and my subsequent visit to the site (which, to this day, remains desecrated by an industrial pig farm) opened my eyes to an aspect of life in the Czech Republic which is, to many not from here, a paradox.

As readers of *Roma Rights* are all too aware, this country of the “Velvet Divorce” – the separation from Slovakia which took place peacefully in marked contrast to the Yugoslav wars in the 1990s – is home to some of the most violent and virulent racism in Europe, focused largely (but not exclusively) on the Roma minority. While the last decade has brought a great deal of international attention to this issue, and most Czech officials have mastered the politically correct rhetoric required of them by the EU, the attitude of the average person in the street has not changed much. Most Czechs still do not want a Romani neighbor, son-in-law, or grandchild, and they are not shy about saying so.

Human rights groups such as the ERRC have documented skinhead and other violence committed against the Roma since right-wing extremism resurged here in the 1990s. The violence committed in the Czech Republic has been extremely brutal, often resulting in death, with off-duty police officers sometimes alleged to have been perpetrators. Brutality by on-duty police has also occurred and been prosecuted, with varying results; successful prosecutions have required a great deal of tenacity on the part of attorneys, and, even so, sentences have been light (often suspended or probationary only) when

victims are Roma. Legislation against propagating intolerance has yet to be properly exploited by the courts; observers have long noted that, somehow, those demonstrating against neo-Nazis are arrested with greater frequency (and greater fanfare) than the neo-Nazis themselves. It is not clear that the police understand that laws against propagating racial hatred are meant to serve as a disincentive to extremism; rather, in the name of freedom of speech, public gatherings and other events here over the last decade have included rhetoric that would never be tolerated elsewhere on the continent, as recent convictions in Austria and Germany of Holocaust deniers have shown.

In tandem with the developing democratic pendulum swing of government from left to right, extremist political parties have also appeared cyclically on the Czech political scene. There has been progress on this front, and it is fair to say the Czech electorate, in contrast to either Poland or Slovakia, is becoming more sophisticated and less susceptible to either extreme nationalism or populism. The defeat of the ultraright National Party this year is a marked improvement over the situation 10 years back, when ultraright Republican Party parliamentarians poisoned Czech political debate with ugly racism aimed specifically at the Roma. However, the inventiveness of the National Party’s pre-election campaign reached new heights this year and deserves a closer look, as it involved its own brand of Holocaust denial.

The facts about the Lety concentration camp are not disputed. In addition to those murdered directly there, two transports of Roma were made to Auschwitz from the camp, so its role as part of the Nazi conveyor belt that shipped millions to their death is clear. Last year an historic EP resolution addressing

<sup>1</sup> Gwendolyn Albert is the Director of the League of Human Rights in the Czech Republic and a voting member of the Czech Government Human Rights Council.

the situation of the Roma EU-wide mentioned the pig farm desecrating this Holocaust site. Survivors have been attempting to move it for more than 10 years now. In response to the EP pressure, Communist MEP Ransdorf told the Czech press in April 2005 that "...there have been rampant lies told about Lety. No real concentration camp was ever there." Two weeks later, Czech President Klaus said "...the victims of this camp were primarily connected to an epidemic of spotted typhus, not with what we traditionally conceive of as concentration camp victims." These comments demonstrate the sheer failure of the elder statesmen of the Czech Republic to acknowledge that it is immaterial whether the murder method was that of imprisoning people in inhumane conditions or shutting them up in the gas chambers: both methods achieved the perpetrators' aim. Moreover, it is hard to imagine similar comments being made by a Czech president about those who succumbed to disease at, for example, Theresienstadt without prompting an international outcry.

In January 2006, the National Party erected a Lety "counter-monument" in the public parking lot at the former concentration camp site. The boulder bearing the inscription "To the Victims" – meaning the "real" victims of WWII, the Czechs – was accompanied by a media flurry and statements about Lety even more horrendous than Ransdorf's. NS spokespeople blamed the Lety prisoners for having caused the typhus to which they succumbed through their own "hygienic practices", a statement clearly intended to resonate with deeply rooted European stereotypes of the Roma as "dirty". Such statements would be laughable if not for the fact that tacit agreement with them is the norm, not the exception, in most of the Czech Republic, with the exception of a small circle of civil society organizations.

Imprisonment of the Roma at the Lety camp may have happened when this country was a Nazi protectorate, but it is an historical fact that the immediate perpetrators of murder there were Czechoslovaks in charge of the camp management; the camp was ultimately closed by the Nazi command because of the typhus outbreak. It was communist-era Czechoslovakia that decided to build a pig farm on the site. When the farm finally became an issue in the early 1990s, the Czech

authorities took half-measures, which ultimately satisfied no one: While President Havel worked to erect a well-intended (albeit criticized) monument, the Czech cabinet moved to speedily privatize the state-owned farm at a suspiciously low price, instead of removing it as per international agreements requiring Holocaust site preservation. This year, right-wing extremists attempted to leverage the rumored cost of moving the farm into votes.

Over the past 10 years, the record shows that, if anyone has been victimized in this country since 1989, it is indeed the Roma minority, and the perpetrator, sadly, has been the Czech majority. According to the World Bank, 50 % of the Roma men who were employed in the Czechoslovakia of 1988 were no longer employed a mere five years later. During the "Velvet Divorce" from Slovakia, the Czech state drafted tricky legislation attempting to deprive Roma of citizenship, leaving many in legal limbo. Czech educators oversaw the segregation of 70 % of Roma children into "special schools" for the mentally inferior. Czech Airlines marked Roma passengers on their flight lists, and when the Roma began emigrating, UK consular officials went them one better by pre-screening passengers flying from Prague and informing those who looked Roma that they would not be admitted into the UK. Czechs built a wall to block out the sight of their Romani neighbors in Ustí and Labem. They have been turning impoverished Roma onto the streets in increasing numbers, institutionalizing their children for parental infractions as insignificant as failing to buy a pram, and scrawling "Gypsies to the Gas" in letters large and small across this country.

The case of a Roma man who died under suspicious circumstances in Czech police custody in 2002 still waits before the European Court for Human Rights after the Czech courts failed to find any wrongdoing in the incident. Racially motivated crime rose from 17 reported incidents in 1990 to 402 in 2001; the perpetrators were overwhelmingly Czech. Czech skinheads have murdered and maimed, and when the victims were Roma, courts gave the perpetrators either suspended sentences or no sentences at all. And that skinhead violence has had deadly results not only for the Roma minority, but for foreigners and others who don't fit in here.

After a brief burst of hope at the start of the 1990s, Roma political participation today remains low. Unlike Hungary, which boasts not one but two Romani MEPs (both women), participation by Roma in the political process is all but nonexistent. There is a great deal of Roma organization in the nonprofit sector, where many young, educated Roma are quite influential, both men and women, but this involvement has yet to translate into influence in any significant sense. Few parties court the Roma vote or sense that including a Romani candidate in order to promote racial integration would be consonant with the lofty sentiments of the Czech Constitution or various EU documents. At local level, it is fair to say that politicians have a keen understanding of anti-Roma sentiment as a vote-getter, and they rely on this tactic with numbing predictability.

Many observers feel the “special schools” dilemma in the Czech Republic lies at the heart of the de facto segregation of the Roma from the rest of society in almost every area of life here. For years, educational psychologists employed by the public schools system, when examining Romani pupils, have come to the conclusion that as many as 75 % of them belonged in schools for the mentally disabled; these analyses largely argued that the children’s difficulties with the Czech language were proof of reduced intellectual capacity. The “special schools” became de facto Romani schools, and Czech education became de facto segregated. This process largely promoted stereotypes of the Roma as inferior, and became a self-fulfilling prophecy: graduates from such schools could never attend academic high school and university, or even attain management level in some manual labor profession. Thus was created the Romani underclass, which today remains largely unemployed.

The European Court for Human Rights issued a disappointing verdict this February in the case of 18 Romani children from the Czech Republic who claimed their right to education had been violated by this discriminatory practice; the case is currently being appealed to the Grand Chamber. The public discussion prompted by the litigation, as well as EU accession requirements, led to the adoption of a new School Act, which came into force in 2005 and to which the government’s defense attorneys repeatedly referred in Strasbourg. While the School Act

did abolish the term “special schools”, due to other legislative initiatives involving devolution of various matters to regional and local level, implementation of the legislation is now in the hands of school principals, who have been given very little guidance in how they could actually desegregate should that (randomly) happen to be their agenda.

The new law does not make it obligatory to reclassify the children according to their capabilities, nor does it specify exactly how such reclassification should take place. Implementation of the new law is taking place throughout the country sporadically – while in some places the integration process is showing results, in other places only the name of the school has been changed (from “zvláštní” to “speciální”, which for all intents and purposes have the same meaning; the connotation of “zvláštní” is more like “strange” or “odd”, while “speciální” is more obviously a foreign term and has a more “technical” feel) and no other changes have been made.

For a pupil from the former “special” schools to be reclassified into a more appropriate school, a parent or guardian must consent to the reclassification. However, most parents or guardians are not only unaware of this option, they are unaware that they themselves could instigate the reclassification, and therefore do not request it. The majority of Romani parents attended “special” schools themselves and therefore are of the opinion that this type of school is appropriate for their children as well, especially since when a Romani child does find him or herself in a mostly white class, the (almost all white) teachers are not able to make sure genuine integration occurs. It is not uncommon for white parents to take their children out of a school when the Romani enrollment increases, or for Romani parents to return their children to a school which will not challenge their child intellectually but which will be safer and more familiar because the child will not feel so socially isolated.

The defensiveness of the Czech Education Ministry surrounding this issue cannot be emphasised enough. The ministry recently objected to the proposed appointment of David Strupek, the attorney who represented the Romani children in Strasbourg, to the Government Human

Rights Council, specifically because of that representation, a practice equivalent to treason in their eyes, to judge from the terms in which they expressed themselves. In the end, the Council voted to express its deep concern over the fact that Mr Strupek was ultimately not appointed to sit on the Council directly, but, in an embarrassing bit of horsetrading, was appointed merely as an alternate for another candidate.

The issue of Romani women being sterilised without their informed consent, both during the communist era and as recently as in 2001, is another in which ministry responses are defensive to the point of hysteria. Again, at a recent meeting of the Government Human Rights Council, the Health Ministry argued lengthily (and incorrectly) that the current Czech Government bears no responsibility either for sterilisations committed since the Czech Republic came into existence in 1993, or for those committed under communism. This is in direct contravention to the conclusion reached not only by the Regional Court in Ostrava in the case of Helena Ferencíková last year, but also by the Czech Ombudsman, who said in his Final Statement on this issue last year that “the problem of sexual sterilisation carried out in the Czech Republic, either with improper motivation or illegally, exists, and ... Czech society stands before the task of coming to terms with this fact.” (Final Statement, pg. 3.)

The Czech Republic is more fortunate than, for example, Slovakia (where human rights defenders raising the issue of sterilizations without informed consent were subject to criminal charges) in that the Czech Ombudsman decided to pass along the more than 80 complaints of such sterilizations he received to the Health Ministry and then review its response. The Ombudsman’s Final Statement is worth reading, not only for the care it devotes to analysing the ministry’s findings, but for its background research into the history of eugenics in Czechoslovakia and the impact these theories have had on the development of Czech medical practice. The report describes the actions of pre-1989 Czechoslovak human rights defenders, who were convinced that the “sterilization with benefit” policy under communism (in which financial or other incentives, some of them negative, were offered to Romani women in exchange for their

being sterilized) was “a tool of inadmissible eugenic policy” (Final Statement, pg. 25). The Final Statement goes on to say (pg.68):

It is a major debt of Czech historiography that very little literature has been dedicated to the Czechoslovak eugenic movement so far and that treatment of this chapter of Czech history is not consciously worked with in society. Yet, specifically in connection with the theme of this report, it is entirely relevant to ask to what extent the unprocessed and non-reflected Czech or Czechoslovak eugenics may to this day influence ... the approach of the public to the issue of reproductive freedom of the individual, and in particular, to what extent it influenced practical social policy towards Roma before 1989.

Romani victims of this practice in the Czech Republic remain uncompensated and the issue remains undiscussed outside of the small circles of NGOs concerned. Hopefully the testimony of one of the victims, Elena Gorolova, before the UN’s Committee for the Elimination of Discrimination against Women in New York on 17 August, helped raise the profile of this important issue.

In observing these developments and working to change them, it has often occurred to me that the “problem” that needs solving is not “the Roma”, but the deeply rooted xenophobia and racism of the Czech majority. In this respect I must say that hope is beginning to dawn. Despite low pay and dubious social prestige, the ranks of civil society are being joined by more and more Czechs who have decided to put their time and energy into combating discrimination and are joining forces with the small but dedicated group of Roma men and women who made it to higher education against the odds and are pursuing the same aims.

Recently, at a panel discussion following a documentary about the Roma in the town of Pardubice, a town official told those assembled: “Today people on the town council from the older generation vote for integration measures grudgingly, because they know it is ‘politically correct’, but the next generation will make such decisions wholeheartedly.” I for one can’t wait to see it happen.

# MG-S-ROM – Council of Europe Group of Specialists on Roma, Gypsies and Travellers<sup>1</sup>: 10 years Experience Behind and New Challenges Ahead

Michaël Guet<sup>2</sup>

**T**HE DECISION to set up a Specialist Group on Roma and Gypsies was taken by the Committee of Ministers in September 1995. This Group was the first Council of Europe (CoE) body responsible for reviewing the situation of Roma in Europe on a regular basis. It is still the only inter-governmental body dealing exclusively with issues related to Roma and Travellers in Europe.

Made up of Roma and non-Roma, appointed by permanent<sup>3</sup> and non-permanent<sup>4</sup> member states, it advises the Committee of Ministers, through its steering committee, the European Committee on Migration (CDMG), on issues relating to Roma and Travellers. In 2002, the MG-S-ROM expanded its areas of responsibility to include Travellers and was given a new name, the Group of Specialists on Roma, Gypsies and Travellers.

The Group also plays the role of “catalyst” for other sectors of the Council of Europe, by encouraging and stimulating activities already under way and promoting new initiatives if the need arises. It can also carry out specific studies or other activities in accordance with decisions of the Committee of Ministers, the Parliamentary Assembly or the CDMG.

The Group owes its origin to the enthusiasm and dedication of a Dutch parliamentarian,

Josephine Verspaget, who in 1993 proposed, in CoE Parliamentary Assembly Resolution 1203, “the creation of a group to study issues concerning the Roma and propose solutions for the improvement of their living conditions”. Thanks to her, to Andrzej Mirga who succeeded Mrs. Verspaget as Chair, and to the other members of the Group, a long distance has been covered; a long road made up of 10 years of efforts, persistency and results.

Mrs. Verspaget summed up these 10 years of activity as follows: “*In these 10 years we succeeded to put the Roma cause high on the international agenda, not only on the agenda of Governments and European bodies, especially the CoE as a whole, the EU bodies and the OSCE, but also on the agenda of global organisations such as UNHCR, World Bank, ILO and UNDP.*”

The year 2006 is full of significant anniversaries. The Project on Ethnic Relations (PER) has just celebrated its 15 anniversary. The European Roma Rights Centre (ERRC), like MG-S-ROM, is 10 years old. These anniversaries all point to the upsurge of activity in the 1990s putting Romani issues on the national and international agenda.

*“The MG-S-ROM has played a significant part in sustaining that activity. It has provided a focus for Roma and Traveller issues at the*

<sup>1</sup> New name of the MG-S-ROM as of 13 July 2006.

<sup>2</sup> Michaël Guet is Secretary of the MG-S-ROM.

<sup>3</sup> Permanent members are: Bulgaria, Croatia, Czech Republic, Finland, Hungary, Italy, Netherlands, Poland, Romania, Russian Federation, Slovak Republic, Slovenia, Spain and Ukraine.

<sup>4</sup> The following member states send experts on a regular basis: France, Germany, Greece, Ireland, Norway, Sweden and the United Kingdom.

*heart of the Council of Europe, for example by providing expert advice and opinions<sup>5</sup> to the Committee of Ministers. Its recommendations<sup>6</sup> have assisted governments and public bodies to develop legislation, policies and strategies to address Roma and Traveller issues – often for the first time. And its fact-finding missions, such as those to Bosnia and Kosovo, have helped to highlight the interests of Roma minorities in these areas and ensure that they are not ignored”,* said the current Chair, Mr. Ian Naysmith (United Kingdom) on the occasion of the 10<sup>th</sup> anniversary of the MG-S-ROM celebrated in Bucharest, Romania, from 2-3 May 2006.

The MG-S-ROM meets twice a year: usually once in Strasbourg and once in another member state.<sup>7</sup> In the latter case it has the opportunity to conduct a public hearing with relevant local and state actors, as well as conducting field visits, thus providing grassroot contacts and information, which are essential for its normative work.

As for the future, cooperation with the European Roma and Travellers Forum (ERTF), an independent non-governmental organisation that represents Roma and Travellers from all over Europe and that signed a partnership agreement with the Council of Europe in December 2004, will become increasingly important now that the ERTF internal structures are progressively being put in place. However, the MG-S-ROM will continue consulting independent Roma and non-Roma experts, as well as inviting other international organisations playing a key role in defending and promoting the rights of Roma in Europe, such as the European Roma Information

Office (ERIO), the European Roma Rights Centre (ERRC), the Open Society Institute (OSI) or the Project on Ethnic Relations (PER).

Looking at the immediate future, the MG-S-ROM is currently discussing a new Recommendation on policies for Roma and Travellers in Europe. The idea is to determine standards for national policies on Roma and Travellers, to improve the implementation of adopted strategies and to provide clear guidelines on monitoring and evaluation.

This instrument will be extremely important for countries where a national strategy is absent or where, for example, Roma and Travellers are not recognised as a national minority. At the same time, the proposed standards in monitoring and evaluation will be useful in order to improve the impact of national strategies that already exist in about 20 countries.

One of the main challenges of the MG-S-ROM in the years to come is to ensure that the policies and recommendations adopted are effectively implemented, in partnership with Roma and Travellers. Its new mandate, adopted on 13 July 2006, is therefore turned towards the implementation, rather than elaboration, of standards in this field.

The MG-S-ROM aims to become a committee where all governments, having adopted national strategies for Roma and Travellers, can meet to exchange examples of good practice and learn lessons from each other's experiences, but also to hear from the ERTF and other organisations what still needs to be improved. Albania, Bosnia and Herzegovina, Greece,

<sup>5</sup> *The MG-S-ROM prepared opinions inter alia on the creation of a European Roma and Travellers Forum (2003), on the forced returns of Roma to Serbia and Montenegro, including Kosovo (2004) and on the situation of Roma in Kosovo (2006).*

<sup>6</sup> *Until now, the MG-S-ROM has prepared five Recommendations, later approved by the Committee of Ministers:*

*Education – Recommendation (2000)4;*

*Economic conditions and employment – Recommendation (2001)17;*

*Movement and encampment of Travellers – Recommendation (2004)14;*

*Housing conditions – Recommendation (2005)4;*

*Access to health care – Recommendation (2006)10.*

<sup>7</sup> *Hosting countries to date have been: Romania (1997), Czech Republic (1998), Bulgaria (1999), Hungary (2000), Finland (2001), Ireland (2002), Slovakia (2004), and Romania (2006).*

Ireland, Moldova, Norway and Sweden have indicated an interest in becoming permanent members of the MG-S-ROM. Other countries, especially those that already have a national strategy, like Lithuania or “The former Yugoslav Republic of Macedonia”, or those about to adopt one, like Montenegro and Serbia, will be invited to join the Committee.

The MG-S-ROM will keep itself informed about progress made in regional initiatives, such as the Decade for Roma Inclusion (2005-2015), and seek to avoid duplication of work.

The MG-S-ROM will also address more directly anti-Gypsyism in CoE member states. The

“DOSTA awareness-raising campaign: there is nothing scary about Roma but your prejudices<sup>8</sup>” already carried out in the Balkans in the framework of a joint European Commission/Council of Europe programme, might be extended to other countries, and a CoE recommendation specifically addressing anti-Gypsyism may be promoted.

A lot has been achieved over the last decade and good co-operation has been established with a large number of governments and with a growing number of Roma and Traveller NGOs, but there is a need to pursue common efforts to overcome the systemic exclusion of numerous Roma and Travellers in today’s Europe, and the MG-S-ROM is ready to contribute – at its level – to these efforts.

<sup>8</sup> For more information on the DOSTA campaign, visit [www.dosta.org](http://www.dosta.org).





# Gadjo Nation – Roma Nation?

Aladár Horváth<sup>1</sup>

**T**HE HISTORIOGRAPHY of nation building, based on 19<sup>th</sup> century experiences, conventionally portrays the struggle of particular communities for geographically defined economic and cultural unity. The paradigm explains how these communities achieved self-determination and established control over their (nation) state, including control over other communities living in the same state. In most cases, this meant control over a defined territory. However, in cases such as that of the Jewish Diaspora, a virtual homeland was constructed first, and was only realised physically later on.

A key component of the paradigm is the desire of the nation to achieve political autonomy. However, with respect to Roma/Gypsies, it is clear that there has never been the aspiration to possess a territory of our own. Our sense of togetherness does not conform to the traditional nation building paradigm. Though we clearly constitute a distinct human community with the common identity of Roma/Gypsy, compared to other nations, we appear to be extra-terrestrial beings in the Romantic narrative of the nation.

But what if we try and avoid the constraints of this conventional paradigm? If the histories of (national) communities were written not by historians, but by anthropologists, our experiences as Roma would not appear so different. There would be no pressure to homogenise our communities into a nation. We would be spared the criticism of the Romantics for our lack of ambition to create a nation and could forget our identity as a non-territorial anomaly.

An anthropological approach focuses on communal cultural and spiritual processes, as well as

on a community's history. Those characteristics make it possible to understand why we should be regarded as a community rather than disparate, heterogeneous groups; a community with a dual identity comprising the identities of members of our own Roma/Gypsy groups as well members of the communities with whom we live together.

All Roma/Gypsies are similar in two ways. According to our inner identity, we exist as a cultural and economic community based on the clan system. Yet, we have another identity derived from the surrounding nations, perceived as an entity distinct from those amongst whom we live. This latter identity does not exist in the identity of other nations! Moreover, this second identity also means that we consider ourselves part of those (majority) nations and we see ourselves with their own eyes, although the latter do not believe that *we* are also *they*.

Ladies and Gentlemen! Before you assume that it would be better to be an extra-terrestrial being (according to the historians' paradigm) than it is to be a schizophrenic community (according to the anthropological paradigm), I must tell you that we do not suffer from either. We are children of Europe. We are also children in the sense that a child can comprehend himself both as part of the world and as a distinct entity within it – we can live with both parts of this dual identity simultaneously. The fact that most adults cannot do this any more is their deficiency and not the child's fault.

If we have given anything to Europe, in terms of the anthropological paradigm, it is this dual identity. Along with our majority nations, we were part of the continent's bloody, romantic history, even if others do not acknowledge our role.

<sup>1</sup> Aladár Horváth is Chairman of the Budapest based Romani non-governmental organisation Roma Civil Rights Foundation.

But with our unarmed inner identity we could remain innocent – until now.

The problem is that the outer part of our dual identity contains many negative components. We identify ourselves according to the image projected by the communities around us, which is full of negative judgements and attempts at our homogenisation. We either accept it and create within ourselves – both communally and individually, a self-image laden with low self-esteem, or we may rebel against it and face a life-long fight with half of our identity. As individuals, we confront these prejudices within our closer communities and overcome them, but in the wider community all we can do is try and protect ourselves against slander. This conflict of identity is common to all nations living in Diaspora, but we are the only European community that is regarded as a nation (in addition to other things) because of the dual identity described above.

If we can overcome this undesired aspect of our identity (and we can overcome it!) – the low self-esteem projected on us by the prejudice of others, and the anxiety of rebellion – if the negativity can be removed from our self-identity, then we can experience ourselves, our creativity, our power of communal adaptability. We can be able to show the whole of Europe that *We are Romani Hungarians, Hungarian Roma*. In this way, **nobody can force us upon the blood-drenched path of historical nationalism because we will have nothing to catch up with.**

Right Honourable History! We have been here all the time. When we made sacrifices in the struggles of the majority nation we were not considered Roma. When it was the majority's turn to help us, we became strangers in the eyes of our own mother nation. Our communities that have the modern Romani identity have to resist the European bureaucrats, the nationalists, governmental and non-governmental organisations that aim to re-colonise, and the various dangerous interest groups of Roma nationalists, with the idea of Roma nation-making.

The Roma/Gypsies also constitute a heterogeneous social group simultaneously within and

outside of mainstream society. Romani society is stratified similarly to majority society, i.e. status depends on one's education, employment, income, access to information, etc. The often quoted cultural, language and lifestyle differences are the least objective criteria for analysing Romani people and Romani identity today.

Social scientists, just like any ordinary person, cannot give a proper answer as to who is a Romani person. Some say a Rom is s/he who claims such an identity. Others say that a Rom is s/he whom the wider social environment considers to be such. There are social or ethnic approaches, the former emphasising cultural differences, the latter lifestyle characteristics. However, these two approaches overlap and neither is able to represent all Roma/Gypsies. Both approaches include or exclude a large number of individuals meaning that the assumptions upon which they are based are unreliable. *In fact, it is the awareness of our dual identity that allows us to understand the essence of Romani identity.*

Most people consider the Roma to be a single and distinct group, although Roma differ a lot in terms of language, behaviour and social status. Romani people themselves use a variety of names for themselves: *cigány, lovári, argyelán, lakatar* etc. Thus, according to the historical paradigm, Romani identity is complex. The inner, archaic Romani community identity, being versatile itself, is supplemented by the non-Roma's stereotypical and standardizing view. Romani people may accept or refuse aspects of their external identity, but they are compelled to live with them (for example, the term "Roma" is not popular among Gypsies, but it is mainly used by Romani intellectuals.)

There are very few people who have a Roma-only identity, mostly those who cannot or do not want to also identify themselves as Hungarian: people living in isolated colonies or slums, Romani musicians and politicians, and those individuals and communities who are seeking a new and positive identity after the change of regime in 1989.

We do not think that the Roma are so very different and possess unique and distinctive

characteristics that would justify them constituting their own, separate political entity – their separate community, institutional and financial structures. The differences between Romani individuals are just as great as they are between Romani and non-Romani people, and between non-Romani people.

At the same time, a common feature of the Roma is the fact that, in the eyes of the majority, Roma belong to the lower layers of society. Of course, this perception is coloured by a new, fake Roma cliché about the wealthy, showy, but at the same time unintelligent and probably criminal, Romani man. At the same time, any non-Romani individual living in the slums of Hungary may be regarded as a Rom. The political, economic and social powers of Romani people, together with their educational and employment opportunities, as well as their ability to force change, are extremely limited and, as always, are connected with and dependent upon their relationships with and the expectations of the social groups next to/above them. Many conflicts arise from the inferior role in which Romani people find themselves.

From the perspective of political and social representation, we consider the following factors to be important: The inferior ethnic group can and does generate an elite, which can resist its low social status. While the Roma, due to the reasons discussed above, can be united only in their inferior role, the elite itself is divided and is obliged to accommodate to the needs of various socially/politically powerful interests. As a result, there will always be servile individuals who are eager to appear as the representative of all Romani people. These “leaders” are not only characterised by ethno-careerism, but by their unquestionable loyalty to their master from whom they derive their position. Their loyalty is only shattered by the outcome of general elections every four years. No wonder, there have been extremely few Romani people in the top political positions until recent times. Now, complying with the latest political fashion, a few uneducated no-brain-men, making fun of responsible community activists, promote the dawn of social equality on the political arena.

Initiatives intended to **create a Romani nation** or, as it is sometimes described, “creating a conceptually and institutionally separate political entity”, only *resemble* programmes for social integration and equality of opportunity because, in articulating their target group, they ethnicise all social and political issues. Ultimately, such initiatives are anachronistic, violent and futile.

The idea of a separate Romani political entity was not developed by Romani people. In the context of a unifying Europe, which was brought into existence due to the failure of the nation-state concept, it appears a noble aspiration to put the motherless-fatherless Romani people in the spotlight and to make a nation of them. The problem is that it will do us no good, but can only do us harm. As long as it is not the Roma who initiate a separate Romani political representation (and they seem to have a problem even with electing and purging their own leaders), the subservient role defined for these so-called Romani organisations is clear.

Nobody should overemphasise the significance of exclusively ethnically-based Romani politics, because it would result in the further isolation of Romani people in an ethno-genetic political ghetto.

Right Honourable Ladies and Gentlemen!  
Right Honourable European History and History-makers!

There is no need for our political and national redemption! We can live and even write our history. With our fathers’ and mothers’ nations we made it to the 21<sup>st</sup> century innocently and we do not want anybody to impose on us a 19<sup>th</sup> century Romantic idea of creating a nation. There is nothing to catch up with in history. We have been part of history from the beginning. The only emancipation we want is to have the right to our versatile, communal inner self-identity and, at the same time, to have the right to live with our external identity as members of our home nation, to be equal citizens of the Republic.

### **Gadjo and Roma Republic?**

We do not know the answers valid for everybody and every time, even for the most basic questions.

The republic is a historical institution, which should presuppose that we, eager to recognize ourselves as members of the republic, have a common concept of what we are, not only in the sense of public law but also of state theory. What is more, the republic should presuppose that we have similar experiences of the communities and the associations of the communities within the republic.

Yet, a man of wealth has a different experience of the republic than a man in need. A republic is different for somebody restricted by its boundaries than for another one enjoying the opportunities of it. It is different to be a member of the republic as an admitted one than as a discriminated one. It is very different to be a part of it if you belong there – even belonging there theoretically – than it is for someone whose presence and existence is not appreciated. Furthermore, it is different if the existence of an individual is justified by their mere birth than if someone has to prove he was born into it, too. Our existence should be respected from the moment of our conception, but the outer world admits us only when it can put its hand on us at our birth. Our mothers' wombs, love, or even the lack of love, are not enough to obtain the rights of the republic membership. The world wants to see, touch us and protect its interests. Just like we want to when crying loudly.

From that point on, the process commences: how does our community recognize us and put us into the right place? Will we become white or black sheep? Or maybe mottled? Everybody is mottled... sometimes, somewhere. As for the Romani identity, we clearly know that how the Gadjo, the non-Romani people, imagine the Romani identity is a lot more unambiguous, coherent and descriptive than how the Roma see themselves. Since, depending on language, customs and social status it may vary quite a bit, the Romani self-identity can hardly be regarded as coherent. We may even say that the non-differentiated image of the Roma among the Gadjo population of Hungary determines the status of the Roma in the republic more than the Romani self-identity, though it should be just the other way round, somehow similar to how it is in the case of the members and communities of the Gadjo majority.

Consequently, membership of the republic is an in-born privilege for the Gadjo, a state of law deriving from their identity; what is more, this membership right contributes to their identity. Whereas in the case of the Roma, both the community and individual identity are determined from outside by the coherent and premeditated judgement of the Gadjo majority society, and let us not deny: by the conditions of the majority.

All this has been like that for a long time, yet must not remain like this forever. The self-identifying capability of the Romani identity, and within that, the in-born right of the sense of the republican membership must be experienced by the Roma themselves as part of the Hungarian identity. The Roma ought to be supported so that they can experience possibilities to self-governance, when it is they who are in charge of their own fate, similarly to the rest of the society. Formal equality of chance is not sufficient, since it presumes that the conditions of the reachable equality of chance experiences are available for everyone. Yet, we have just stated that, even belonging to the republic is not necessarily an obvious, in-born status for the Roma, as the sense of belonging to community of the republic is pretty much determined by the standardizing Roma image of the Gadjo and does not derive from the self-identifying experience and power of the Roma.

The Roma can either identify themselves with these outside images or not. Deriving not from a self-identification process, their appearance as part of the Roma identity is spiritually, socially, socio-psychologically anachronistic. How could an experience that does not come from self-identification and self-identity, be part of a Roma identity? As a result, it is ambiguous even for the Roma, the attitude towards the place of these outside; mostly prejudicial identity fragments in their self-image is either eager to accept or, on the other extreme, refuse.

The republic is territorial, national and can be pinpointed politically, emotionally and legally: Republic of Hungary. Members: individuals with Hungarian national identity, or individuals identifying themselves as members of other nations, yet, possessing some sort of identification

belonging to the Hungarian community. Today Roma policy can be determined along the following concepts: identity, republic and democracy, human and civil rights.

We must create our community and individual identity, distinguishing it from the citizen one, and, if you like, making the majority accept our Hungarian identity. Our human and civil rights, on the other hand, being in-born rights, we must secure impatiently.

What sort of republic is this, if we can find our self-identity only being so exploitable, dividable and judgeable? What sort of citizenship is this, where discrimination and segregation based on such an anachronistic Roma identity are daily matters? There can be only one answer: such a republic lacks the completeness we shall be working for. We must create our community autonomies, the autonomy of our common republic, which is based on equal community identities enjoying the same rights within the framework of basic democratic and human rights. Conducting our acts, we must make a distinction between Romani and non-Romani matters. Anything to do with our self-identification capabilities is a Romani matter. Apart from that, everything is a non-Romani matter: citizen-, human right-, mankind-matter, where no ethnic-based discrimination must be tolerated, as it would do

nothing but discriminate and segregate. In that sense, the republican identity and the citizen's identity confront the national identity. In case positive discrimination is necessary, as we have not touched upon this theme yet, it must be according to the social status, because somebody is poor, or according to pedagogical considerations, because somebody has different learning needs, etc. Our behaviour and intentions are also driven by interests. It would be harmful and insufficient if our duties were determined by the generosity of the Gadjó, in addition to the encounter of the ambitious, thriving and politically already active Roma intellectuals.

We may define the most characterizing feature of the republic's autonomy as follows: the best social investment is one that is made into the life-conditions and integration of the least focused social groups. The social cohesion of the republic depends on how much, compared to the most focused groups of the society, social groups with the weakest interest reinforcement abilities can act and behave as an equal identity member in the republic.

We do not know the answers even for basic questions. What we know, is that we have to do our utmost in accordance with our human-, national-, or even identity-honesty, to foster the autonomy of our self-identity and citizenship.





**SNAPSHOTS FROM AROUND EUROPE**





## News Roundup: Snapshots From Around Europe

The pages that follow include Roma rights news and recent developments in the following areas:

- Abusive treatment by police in **France, Romania, and Ukraine**; including the suspicious death of a Romani youth following police chase in **Macedonia**;
- Racist attacks and harassment by skinheads and others in **Belarus, Croatia, Czech Republic, Russia, Serbia and Montenegro, and Turkey**; including those resulting in death in **Bulgaria**;
- Forced evictions, threats of forced evictions and other right to adequate housing issues in **Albania, Bulgaria, Czech Republic, Hungary, Kosovo, Russia, Slovakia, Turkey, and United Kingdom**; and European Committee of Social Rights Finds Italy in violation of the right to housing;
- Discrimination against Roma in access to fundamental economic and social rights in **Croatia and Macedonia**;
- Segregation and other right to adequate education issues in **Macedonia and Spain**;
- CEDAW Committee finds violation in sterilisation case against **Hungary**; Successful employment discrimination legal action in **Latvia**; EU Action against 11 Member States for Non-Compliance with Race Equality Directive; updates on the European Court of Human Rights decision in **Romania**; legal action against hate speech in **Russia**;
- Forcible expulsion of Romani asylum seekers from **Germany**;
- Reports from international human rights monitoring bodies on the situation of Roma in **Bulgaria, Czech Republic, Greece, Romania and Slovenia**; and
- Holocaust memorial planned for **Germany**.

**ALBANIA****✧ Threats to Roma Housing Rights in Albania**

According to information provided to the ERRC on 28 July 2006 by the Albanian Romani Union Amaro Drom, local authorities forcibly evicted 109 Romani individuals from the homes they had occupied, on 5 Maji Street in the central Albanian town of Elbasan, since 1991. Amaro Drom informed the ERRC that the community was in the process of legalising their homes at the time of the forced eviction, which ended in the destruction of their homes.

On 15 July, the local building authority reportedly sent a notice to the residents that their buildings would be destroyed, beginning on 21 July. On the named date, local authorities arrived at 5 Maji Street and proceeded to destroy the homes of the 109 Romani individuals, including pregnant women and infants. Personal property, including furniture and other belongings, were destroyed during the action, Amaro Drom reported, because the affected individuals were not permitted to remove their belongings before bulldozers destroyed the buildings. Since 21 July, the 21 Romani families have been homeless as local authorities did not provide any form of alternative accommodation for the unemployed group.

Amaro Drom reported that, according to information provided by representatives of the Elbasan Municipality, the municipality intends to build municipal social housing for poor families on the site, which is intended to benefit the same evicted families. However, any evictions from initial homes should not have been conducted until such housing was made available and should not have resulted in homelessness. Local activists are also concerned that there has been no prior consultation nor information provided to the affected Romani community, which leads them to believe there is no serious commitment from the local authorities to solve the housing problems of the Roma. On 7 August 2006, the ERRC sent a letter to Mr Z. Ardian Turku, mayor of Elbasan, expressing concern about the forced eviction and resulting homelessness of 109 Romani individuals. The ERRC urged Mayor Turku to ensure that the urgent housing needs of these evicted families are addressed immediately.

On 25 September, Mayor Turku responded to the ERRC, stating that only four shacks belonging to Romani families were destroyed. The houses had been in an area slated for the construction of social housing. He alleged that the relevant urban plan had been in

force since 1991 and that several Romani families had been told that the area is municipal property and part of municipal real estate development plans. Mayor Turku confirmed that the construction police were ordered to destroy illegal properties without mentioning any legal procedural safeguard with regard to evictions in questions. Nor did Mayor Turku state whether the families were served with notices from the court or Construction Police. Mayor Turku also informed the ERRC that the Romani families whose houses were destroyed were informed that they should immediately enrol in the municipal lists for social housing and were promised that their situation will be dealt with priority. However, Mayor Turku did not indicate how long the waiting time for social housing in Elbasan is. Indeed, this confirms that the Romani families were evicted without the simultaneous provision of alternative accommodation, which resulted in their homelessness. A need assessment on the housing situation in Elbasan was reportedly prepared and forwarded to the State Housing Authority. Mayor Turku stated that, together with Romani community, the municipality would soon commence work to improve the road infrastructure in the area where the Romani community lives. (Amaro Drom, ERRC )

## **BELARUS**

### **✧ Roma Rights Defender Attacked in Belarus**

At around 9:30 PM on 3 April 2006, six young men reportedly attacked Mr Mikola Kalinin, a Roma rights activist, on the street in Minsk, according to a 6 April report by the Belarusian non-

governmental organisation Charter 97. Charter 97 quoted Mr Kalinin, who stated that the six men and one woman approached him when the woman said Mr Kalinin had insulted her. At this point, one of the men punched Mr Kalinin in the face and he fell unconscious. The attackers also reportedly hit

and insulted Mr Kalinin's father who was with him before leaving the scene. Mr Kalinin was quoted as having stated that he had never seen the woman before the attack and that he believed the incident had been planned in advance because of his activism on Romani issues. (Charter 97)

## **BULGARIA**

### **✧ Romani Communities Under Threat of Forced Eviction in Bulgaria**

On 16 May 2006, the vice-mayor of the Sofia City Council, Tsvetan Tsvetanov, announced that all 'illegal' Roma settlements would be 'liquidated' and gave the mayors of Sofia municipalities 20 days to draw up a list of such settlements, according to ERRC research. The announcement indicated that mayors should investigate ways to limit the 'setting up and enlargement of the Roma ghettos' within Sofia and that a Consultative Council, which had not yet been formed, would prepare a strategy for the development of the Roma community. However, no details were provided as to the content of the strategy and the announcement contained no guarantee that the human rights of Roma to protection from forced eviction would be upheld. Non-governmental organisations that are part of the Sofia Roma Public Council, such as Romani Baht Foundation, were reportedly not consulted about the announcement and no consultation had reportedly been carried out with Roma communities.

A similar announcement was made by the Sofia City Council in August 2005 and led to devastating consequences for some Roma communities. On 31 August 2005, at least 24 Romani homes in the Hristo Botev neighbourhood of Sofia were demolished and some 150 Roma lost their homes and were not provided with any resettlement. Forced evictions of Roma, including the destruction of housing, were threatened in the Sofia districts of Lyulin, Krasno selo, Vazrazhdane and Suhodol-3, Ilinden.

Two eviction threats in the district of Vazrazhdane in Sofia are of particular concern. First, numerous Roma families, comprising up to 1600 persons, living in the Serdika 2 neighbourhood were threatened with imminent forced eviction, to take place on 30 June 2006. Some of this community, known as Batalova vodenitza or NPZ Sredetz, were threatened with eviction in 2005 and took legal action to stop the eviction. However, on 21 June 2006, the Mayor of the Sub-Municipality of Varazhdane and a Deputy Mayor of Sofia declared that the eviction and demolition would proceed due to the ruling

of the Supreme Administrative Court, which confirmed that the Mayor could proceed with the eviction. Notices were issued on 23 June 2006, giving the residents only seven days to leave. The community had reportedly lived on the land for almost a century. Although the Bulgarian media have reported that some socially vulnerable families are entitled to one-time support in the amount of BGN 275 (approximately 130 EUR), this compensation is extremely inadequate to cover even the most urgent needs of the families who will be rendered homeless after the evictions, and might not even be provided to all of the affected families.

Second, on 26 June 2006, the Municipality issued eviction notices to the 16 families of another community also called Batalova vodenitza, which is in the district of Vazrazhdane. Although the community had resided on the land since 1926, the families were informed that Administrative acts were issued against them and they had 14 days to object. The acts and the objections were to be sent to the Regional Directorate on Control of Illegal Constructions who

has the power to forbid the use of the buildings and cut off electricity and water supplies.

On 29 June, the ERRC and the Centre on Housing Rights and Evictions (COHRE) appealed to Bulgarian President Mr Georgi Parvanov to undertake urgent action to stop the forced eviction of Roma families from Batalova vodenitsa or NPZ Sredetz neighbourhood in the Vazrazhdane district of Sofia, planned for execution on 30 June 2006. On that day, the Government of Bulgaria, in a welcome intervention, suspended the demolition of Romani homes from Batalova vodenitsa.

Later, on 12 July, the district government sent letters to sixteen Roma families living on Dobri Jelyazkov street, Sofia, requiring them to leave their homes within 10 days or the municipality would issue an order for their summary eviction, despite the fact that the communities had lived on the land for several generations. On reasonable justification or adequate notice was given, the affected families were not consulted or offered compensation and any alternative housing or social support.

On 19 July, the ERRC and COHRE sent another letter of concern to President Parvanov and Prime Minister Mr Serguei Stanishev, urging the Bulgarian government to intervene in the case of Dobri Jelyazkov. The ERRC and COHRE also requested that the Government call for an immediate moratorium on all evictions of Roma communities until the

laws and procedures governing forced eviction in Bulgaria are made consistent with the Constitution and international human rights treaties ratified by Bulgaria, and in depth consultations are made by the Government and the Sofia Municipality with affected Roma communities and civil society organisations in order to explore all feasible alternatives to the planned evictions. As of 9 October, no evictions had taken place.

On August 16, 2006, Bulgarian Ministry of Labour and Social Policy responded to the ERRC/COHRE letter of concern describing the measures to be taken with regard to the housing rights crisis in Batalova vodenitsa. According to the letter, Sofia Municipality will construct 60 temporary housing units for Roma who were registered in Sofia before 1996. The people who do not have registration will be returned to the areas from which they have originally come. The Ministry of Labour will ensure additional employment opportunities in these areas.

As of October 10, 2006, no temporary housing was provided for the Roma from Batalova vodenitsa. No evictions were carried out either. An eviction order for 16 Romani families was suspended by the Sofia District Court in July 2006. An appeal against the suspension by Sofia Municipality is pending before the Sofia City Court as of October 10, 2006. Earlier, in June 2006, the Supreme Administrative Court upheld the legality of an eviction order affecting 180 Rom-

ani individuals from Batalova vodenitsa. The eviction of these families can take place any moment. A complaint by the affected families claiming violation of Article 8 (respect for private and family life) and Article 1, Protocol 1 (peaceful enjoyment of one's possessions) of the European Convention of Human Rights is also pending before the European Court of Human Rights. (ERRC, COHRE)

### ✧ **Another Romani Man Shot and Killed in Bulgaria**

According to a report by the Bulgarian Romani organisation Romani Baht Foundation (RBF) of 4 May 2006, at around 3:30 PM on 3 May 2006 an approximately 60-year-old Bulgarian man shot and killed Mr Radoslav Assenov Marinov, a 20-year-old Romani, in the Fakulteta Romani neighbourhood in Sofia. RBF reported that Mr Marinov was gathering rubbish with his horse and cart on the day in question with two 16-year-old Romani boys. The three men were passing 652 Street in the Ovcha Kupel neighbourhood near Fakulteta when the elderly Bulgarian man appeared. Without reason, the Bulgarian man shot Mr Marinov in the back, killing him, according to RBF.

RBF, which is providing legal representation in the case, reported that a police investigation was underway in the case. RBF believed that the Bulgarian man was a former employee of the Ministry of Interior Affairs or Ministry of the National Defence. (Romani Baht Foundation)

### ✧ Roma Community Protests Treatment of a Hit-and-Run Case Involving a Romani Youth

According to a report by the on-line publication Focus News Agency, on 3 April 2006, 100 Roma protested against the lax reaction of officials following the killing of Traycho Cherkezov, a 15-year-old Romani boy, in a 2 April hit-and-run incident in Sofia. Traycho's brother, who was not named, reportedly witnessed the incident. He was quoted as having stated that the driver of the vehicle that hit his brother, whom he believed to be drunk, was driving at more than 100 kilometres per hour in the opposite lane. Focus News Agency reported that medical services did not show up until more than 40 minutes had passed. Traycho Cherkezov died that night in hospital. Traycho's brother was also quoted as stating that the driver of the vehicle was not tested for alcohol. Members of the Romani community alleged that the driver was a police officer and was being protected by his colleagues. The protesters demanded that the truth be revealed and that the police take appropriate action. As of 18 September, no further information was available. (Focus News Agency)

### ✧ Council of Europe Commissioner for Human Rights Presents Report on Bulgaria

On 29 March 2006, the then Council of Europe's Commissioner for Human Rights, Mr Alvaro Gil-Robles, presented a report on the human rights

situation in Bulgaria. The report paid special attention to the situation of the Roma community in Bulgaria, examining progress made and challenges remaining. The report highlighted the following concerns:

“19. The Roma community, which is estimated at 800,000 persons, continues to encounter significant problems in integrating into Bulgarian society. The main problem lies in the “ghettoisation” of some Roma districts, where the inhabitants frequently lack even basic essentials. Essential services like drinking water, electricity or sewage are not provided. Owing to electricity cuts, there was disorder in towns such as Sofia, Vidin, Plovdiv, Shoumen, Silven, Montana, Lom and Peroushtitsa in 2004.

20. The members of the Office of the Commissioner visited the Roma district of Samokov – 100 km east of Sofia – and were struck by the extremely difficult conditions facing the inhabitants. [...] According to the Bulgarian authorities, living conditions have improved in this settlement since the delegation visit of the Office of the Commissioner; several new brick houses have been built and access to electricity has been facilitated.

21. The Roma continue to suffer discrimination in areas such as employment, health, education, housing and justice. Thus, persons of Roma origin are

frequently refused entry to certain public places such as bars or shops. This was also emphasised during the visit to Samokov, where Roma representatives described a *de facto* curfew which prevents them from going about in the town after nightfall.

22. The question of education remains of particular concern owing to a *de facto* segregation in the education system. According to some estimates, approximately 70% of Roma children are educated in schools in which they are the only pupils. The Bulgarian authorities have indicated that this is a consequence of the administrative allocation of schools to particular neighbourhoods. As already pointed out in the Commissioner's visit report, the education provided to Roma children is generally of a lower quality owing to a lack of financial and human investment in these schools. Most of these schools are overcrowded and do not have the essential equipment. Young Romas find it much more difficult to be accepted for university entry competitions owing to the level of education which they have previously received. This situation favours the creation of real educational ghettos and leads to unacceptable discrimination.

23. The Ministry of Education and Science has begun to redress the situation. Thus, in April 2002, a Council on the education of children and

pupils belonging to minorities was set up. A strategy on this issue was also adopted by the Bulgarian Government. Furthermore, a Centre on the integration of children and pupils belonging to minorities was established in September 2005. Finally, the Ministry set up a strategy for the integration of those children which should achieve its objectives in 2009. The Ministry of Finance has also allocated funds to provide transport, books and canteen facilities for children in need. In 2005, that allocation to the municipalities represents approximately 25 million euros.

24. As early as 1999, Bulgaria adopted a Framework programme for the integration of the Roma into Bulgarian society. It was followed

by the setting up of a national action plan in 2003-2004. Bulgaria has adopted a new 10-year action plan (2005-2010), drawing lessons from previous actions. [...] A ten year programme for the improvement of Roma housing conditions was launched in order to enhance the coordination among central and local authorities and stimulate private initiatives. With the same aim, local housing construction programmes have been implemented for the benefit of the Roma community, some of which were financed by the Council of Europe Development Bank.

25. Taking stock of the National Action Plan 2003-2004, many Roma and NGOs have the feeling that to a large extent the Plan remained a dead letter and

that the measures taken are for the most part the result of isolated initiatives taken by the NGOs. In addition, the budgetary allocations were quite inadequate.”

The report concluded that, while some efforts to improve the living conditions of Roma had been made, Bulgaria should “increase the resources allocated to programmes for the Roma community, to provide good-quality education to Roma children by ensuring social mixing in schools and greater investment in underachieving schools, and actively to combat prejudice and discrimination.” The full report can be found on the Internet at: [https://wcd.coe.int/ViewDoc.jsp?id=983989&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679#P109\\_13459](https://wcd.coe.int/ViewDoc.jsp?id=983989&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679#P109_13459). (ERRC)

## **CROATIA**

### ✧ **Racially Motivated Attack against Croatian Roma**

According to ERRC research, conducted in partnership with the Zagreb-based Croatian Law Centre (CLC), at around 10:00 PM on 25 May 2006, a group of approximately 20 young men attacked Mr Nebojsa Petrovic, a Romani man, in the eastern Croatian town of Darda. Mr Petrovic testified to the ERRC/CLC that his attackers cursed his Gypsy mother as they beat him. As a result, Mr Petrovic’s two front teeth were knocked out, two were cracked and four were loosened. He also sustained numerous haematomas all over his body. Mr Petro-

vic eventually escaped and called the police at around 10:30 PM. The police reportedly arrived at 11:47 and Mr Petrovic proceeded to make an incident report. The police assured Mr Petrovic that they would investigate the case. Mr Petrovic then sought medical treatment for his injuries and attained medical records. In September 2006, the ERRC, together with a local lawyer, assumed legal representation of Mr Petrovic. (CLC, ERRC)

### ✧ **Croatian Café Refuses to Serve Roma**

Documentation undertaken by the ERRC in May 2006 revealed dis-

crimination against Roma in access to public places in the northern Croatian town of Čakovec. On the basis of information of discriminatory practices provided by Mr Zelko Balog, the Roma rights monitor contracted by the ERRC and the Zagreb-based Croatian Law Centre, ERRC representatives and Mr Balog conducted a situational test in the Café Omega owned by Mr Kristijan Lesjak.

Two groups of testers arrived at the café in separate cars. First a group of Romani testers – Mr Dzavit Berisa, Mr B.H. and Ms V. – arrived and sat on the café’s terrace. Shortly thereafter, the non-Romani testers arrived and sat at the next table. Soon after both

groups were seated, the waitress approached the table of the Romani tester and said, "I am very sorry but I have an order from the owner that Roma cannot get a drink here." Mr B.H. questioned the statements and the waitress again apologised stating it was an order from her employer. The waitress then went inside the building for a moment. When she came back outside, she took a drink order from the non-Romani testers and went inside to prepare the drinks. At this point Mr Berisa entered the café and asked the waitress why Roma are not served in the café. Again the waitress reiterated her employer's order. The three Romani men then left the café. After the non-Romani testers had finished their drinks, they also left.

ERRC monitor Mr Balog stated that, in the past, a sign was posted outside the café stating that Roma were not allowed. The sign was reportedly removed after negative articles in the press, however, the discriminatory practice continues. Following the incident, Mr Berisa, financially supported by the ERRC and Croatian Law Centre within an EU CARDS project and represented by a local attorney, filed a complaint with the Čakovec Municipal Court. (ERRC)

### ✧ **Roma Refused Access to Pensions in Croatia**

According to information provided to the ERRC by Croatian attorney Alenka Vlahinic, the Croatian Institute for Pension Insurance has refused to grant a family pension to Ms Sadija Husic, a Romani woman, following the death of Ms Husic's husband Derwis in November 2000. According to Croatian Pension Insurance Act, Ms Husic and her daughter both have a right to receive a family pension because Mr Husic worked for more than five years.

Ms Vlahinic reported that Mr Husic worked as a registered employee of his own business from 1 January 1994 until 9 November 2000, when he died, and paid all the necessary insurance contributions. However, following Ms Husic's request for the family pension, on 2 June the Croatian Institute for Pension Insurance issued a decision stating that Mr Husic had worked only from 1 January 1994 through 30 November 1998 – four years and 11 months in total, just short of the required five years – and therefore, Ms Husic is not entitled to receive the family pension.

According to Ms Vlahinic, she has evidence from the Fi-

nancial Agency that Mr Husic's firm was active until at least April 1999 and paid all the required contributions and that Mr Husic himself was registered and paid all contributions in the same period. Mr Husic worked long enough that his family is entitled to a family pension. Ms Vlahinic is of the opinion that the decision of the Croatian Institute for Pension Insurance is a result of discrimination against Ms Husic because all of the proper and necessary documentation was submitted for a positive decision. In Ms Vlahinic's opinion, the Croatian Institute for Pension Insurance decided against Ms Husic because she is illiterate, and therefore they assumed that she did not know her rights or understand her late husband's firm and its business.

On 29 June, Ms Vlahinic appealed the decision of the Croatian Institute for Pension Insurance, with financial support from the ERRC and the Croatian Law Centre (CLC) within a project funded by the European Union's CARDS programme. With ERRC/CLC support, Ms Vlahinic will also apply for the family pension on behalf of Ms Husic's mentally disabled daughter Amira Husic as she also has the right to this pension. (ERRC)

## **CZECH REPUBLIC**

### ✧ **CEDAW Committee Reviews Czech Republic**

On 25 August 2006, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) issued its Concluding Comments on Czech

Republic's compliance with international law in the area of banning discrimination against women. In its Comments, the Committee commended the Czech government for several aspects of its work to combat discrimination against women.

However, it expressed serious concerns in a number of areas, including on the problem of coercive sterilisation of Romani women by Czech doctors.

On these matters, the Committee stated: "The Committee

is particularly concerned about the report, of December 2005, by the Ombudsman (Public Defender) regarding uninformed and involuntary sterilization of Roma women and the lack of urgent Government action to implement the recommendations contained in the Ombudsman's report and to adopt legislative changes on informed consent to sterilization as well as to provide justice for victims of such acts undertaken without consent."

The Committee urged the Czech government to "take urgent action to implement the recommendations of the Ombudsman/Public Defender with regard to involuntary or coercive sterilization, and adopt without delay legislative changes with regard to sterilization."

The Committee further told the government that it should "provide ongoing and mandatory training of medical professionals and social workers on patients' rights" and "elaborate measures of compensation to victims of involuntary or coercive sterilization and prevent further involuntary or coercive sterilizations."

Finally, the Committee requested that the Czech government "report on the situation of Roma women pertaining to issue of coercive or involuntary sterilization, in its next periodic report, including a detailed assessment of the impact of measures taken and results achieved." The Committee also commented at length on the problems of multiple discrimination against Romani

women in various sectoral fields, as well as on the inadequacy of Czech law banning discrimination. The Committee also issued a number of recommendations in these and other areas.

In the run-up to the CEDAW review, the ERRC, the League of Human Rights, and Gender Studies submitted a parallel report addressing a number of categories of serious human rights abuses of women, including extreme forms of abuse such as domestic violence and coercive sterilization, as well as very problematic law, policy, and practice in a number of areas of relevance to the UN Convention on the Elimination of All Forms of Discrimination Against Women. The Report is available at: <http://www.errc.org/cikk.php?cikk=2136>. The full text of the CEDAW Committee's Concluding Comments is available at: [http://www.llp.cz/subdomains/en/images/stories/files/czech\\_republic.recommendations\\_by\\_cedaw.doc](http://www.llp.cz/subdomains/en/images/stories/files/czech_republic.recommendations_by_cedaw.doc). (ERRC)

#### ✧ **Neo-Nazis Attack Roma in Czech Republic**

On 18 May 2006, the online newspaper *Prague Daily Monitor* reported that three neo-Nazis broke into an apartment building in the central Czech town of Neratovice and, while banging on the doors to their flats, threatened to kill the Romani inhabitants. The neo-Nazis, aged 16-20, broke windows with rocks and shouted threats and racist slogans. *The Prague Daily Monitor* reported that the police, who arrived at the scene within 10 minutes, immediately detained the attackers. As of 14

September, no further information was available in the case. (Prague Daily Monitor)

#### ✧ **Czech Roma Unable to Return to Reconstructed Homes**

According to the 18 May 2006 newsletter of the Romani Information Service, the Romani residents of a former hostel who were forcibly evicted in 2005 to facilitate reconstruction of the building are unable to return to the recently finished apartment house in the Czech town of Kostelec nad Orlici. The Romani Information Service reported that, while town officials stated that the evicted Roma are eligible to apply for housing in the new building, the affected individuals can not afford to pay the rental rates charged by local authorities for the housing, and some have housing debts, which render them ineligible. Some of the affected Roma have applied for housing in the new building, but do not expect to receive housing. The head of Kostelec nad Orlici department for social issues was reported to have stated that this is not a problem because the Roma who were evicted already have a place to live: "Some of them live in Kostelec, others outside the town. They live in hostels, private objects, or with their relatives."

The practice in the Czech Republic of evicting Romani residents from dilapidated housing for the purposes of reconstruction is becoming widespread. The practice is of concern because it has the effect of forcing Romani individuals out of central areas in towns and



cities and into different, segregated, substandard housing, as they are frequently unable to return to their original residence due to high rental prices. Information on a similar case in the Czech Republic is available on the ERRC's Internet website at: <http://www.errc.org/cikk.php?cikk=2478&archiv=1>. (ERRC, Romani Information Service)

### ✧ **Police Officer Beats Czech Human Rights Official During Demonstration**

During a demonstration against a neo-Nazi gathering in Prague on 1 May 2006, a police officer physically attacked Ms Katarina Jaques, a senior official in the Czech government's Office for Roma Affairs, according to

a May 2 report by Radio Prague. According to Ms Jaques' statement, the officer pushed her to the ground, kicked her and beat her with a truncheon. The officer then handcuffed her and took her for away questioning. Radio Prague reported that the police officer was suspended from duty pending an investigation into the incident. (Radio Prague)

## **EUROPEAN UNION**

### ✧ **EU Sends Formal Notice to 11 Member States Regarding Non-Compliance with the Race Equality Directive**

On 4 April 2006, the European Commission notified 11 member states of their non-compliance with the Council Directive 2000/43/EC on "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin" (Race Equality Directive), which

has been in effect since 2000. The countries notified included Denmark, Belgium, France, Spain, Italy, Greece, Ireland, Portugal, the Netherlands, Sweden and the United Kingdom. The European Commission noted infringements by the mentioned states in six different areas: incomplete transposition of the directive; poor definition of the burden of proof that needs to be met; poor definitions of direct and indirect discrimination, as well as of harassment;

too many exemptions to the a ban on discrimination; limits on victim compensation; and limits on the right of interested parties to take action in the defence of victims of discrimination.

The European Commission has also initiated further proceedings against Germany, Austria and Luxembourg, notified earlier of non-compliance with the Directive, a situation that may eventually lead to the imposition of penalties. (ERRC)

## **FRANCE**

### ✧ **Gendarmes Conduct Illegal Raid in Romani Community in France**

According to a 20 May 2006 press release by the French Romani organisation Cimade, at 6:00 AM on 17 May, French gendarmes illegally raided a Romani settlement in the southern French town of Béziers. Cimade reported that all members of the 15 Romani families from former Yugoslavia, including pregnant women and children, were forced out of their homes and into the parking lot without

explanation. Some were reportedly pulled violently from their beds as they slept and were not given the chance to dress.

The gendarmes failed to present a search warrant to the residents prior to searching the houses, which were reportedly legally owned. According to Cimade, the residents stood in the parking lot and watched the gendarmes search their homes, throwing all of their possessions on the ground and destroying property. Personal valuables, such as money, jewelry, cell phones, documents and

cars, were reportedly seized during the raid, which lasted several hours. Cimade reported that the gendarmes handcuffed and threatened several residents with guns. During the raid, the residents were not allowed to use the toilet or get warm clothes. Others were reportedly beaten with truncheons, kicked and hit. The gendarmes did not differentiate between women, children and men in their violent action, Cimade reported.

At around noon, most of the men and some of the women and children were taken to the

Béziers gendarmerie for investigation. After some time, some of the detained individuals were reportedly released with deportation orders, while approximately 25 people spent the night in custody. Of these, about 20 people were reportedly ordered to remain in custody for four months following court appearances on 18 and 19 May. As of 14 September, no further information was available. (Cimade)

### ✧ **French Romani Representatives Lobby the Pope for Better Co-operation with French Church-Based Organisations**

On 15 June 2006, representatives of the French Romani and Traveller community sent a letter to Pope Benedict XVI expressing unhappiness with the difficulties experienced in communicating with the Catholic Committee against Hunger and Development (the CCHD), a church-based non-governmental organisation working on Roma and Traveller issues in France. The signatories of the letter

highlighted the indifference they had encountered when attempting to establish a partnership with the CCHD to improve the situation of Roma and Travellers in France. They also emphasized the need to convey a more positive image of Romani values, as well as the need to actively involve representatives of the Romani communities in organisations working on Roma issues in France. Excerpts from the letter follow:

“In our opinion this is what the Pontifical Council means, and we are infinitely grateful to them for their clear understanding of our paradoxical situation, when pointing out the need of presenting to ‘the general public the positive values of the Romani culture’. It is true that donors are more attracted (because they are moved) by a downcast depiction [of Roma], but when combating that situation, in what measure can we rely on ‘negative imagery that contributes to the deterioration [of] the image [of the Romani community] and which is so widespread?’ (Pontifical Council)

Unfortunately for the Romani people, we are sometimes confronted with marginalisation not only within the dominant society, but worse still, in the same institutions that preach the eradication of prejudices against us. This is all the more harmful as these institutions serve as models for society. We note with great disappointment the (at times total) lack of representatives from our community in large French NGOs, the lack of communication and the lack of support, while at the same time said NGOs collect donations and funds for campaigns that highlight the poverty, the exclusion and other afflictions of the Romani community.”

The sentiment expressed by the authors of the letter was voiced by many Romani and Traveller representatives during ERRC field research conducted in the run-up to the publication of the ERRC country report “Always Somewhere Else: Anti-Gypsyism in France”. For further information on this issue, the report can be found in English and French on the Internet at: <http://www.errc.org/cikk.php?cikk=115>. (ERRC)

## **GERMANY**

### ✧ **Germany Forcibly Expels Suicidal Romani Woman to Serbia and Montenegro**

Ignoring a direct appeal to stay expulsion as well as compelling evidence concerning her extreme psychological state, Berlin authorities forcibly expelled a Muslim Romani woman and her four children to Ser-

bia on 16 August 2006. The ERRC received information on 14 August from the Berlin-based non-governmental organization Initiative Against Expulsion Detention (Initiative gegen Abschiebehaf) concerning the planned forced expulsion from Germany of Ms K.T. and her five children, aged 7-16 years. The family are Muslim Romani, a particularly threat-

ened group in predominantly Christian Serbia. Ms K.T.’s husband, the father of her five children, committed suicide by hanging in 2002 out of fear of expulsion from Germany. Ms. K.T. has raised her children alone since then.

Ms K.T. reportedly suffered from severe psychological problems for which she

underwent psychological treatment for years in Berlin. According to her psychologist, she is extremely unstable. In situations of stress, Ms K.T. develops attacks of hyperventilation and experiences convulsions of her hands, arms, feet and legs. Moreover, Ms K.T. reported that she has a mental image her dead husband hanging in front of her eyes and that she thinks constantly of how to commit suicide herself. In addition, Ms K.T.'s 16-year-old daughter L.T. has told her mother's therapist that she herself thought continuously of her dead father, and that her main fear was that her mother would also commit suicide. Ms K.T. has been hospitalised in Berlin on several occasions due to her psychological illness, most recently from 22 to 28 June 2006.

The Berlin court reviewing Ms K.T.'s appeals to be allowed to remain in Germany with her children refused to recognize her psychological illness, despite the testimony of medical professionals to the effect that her condition is very serious. On 15 August, the ERRC faxed a letter to Berlin Interior Minister Dr

Ehrhart Körting, urging Senator Körting to: (1) Intervene to stop the forced expulsion of Ms. K.T. and her children from Germany; and (2) Ensure that, without delay, they are provided with a residence permit securing durable and long-term stay in Germany, such that she may seek and receive treatment for her condition without the further arbitrary application of undue pressure. The following day, German authorities forcibly expelled Ms K.T. and her children to Belgrade.

According to information from the Readmissions Office of the Service for Human and Minority Rights, service staff members met Ms K.T. and her family at the airport and provided advice and support. The family was reportedly together in Sremska Mitrovica, where accommodation was being sought for them. The Service was maintaining contact with both the family and the local Centre for Social Work as of 21 August. In a letter dated 18 September 2006, the Berlin Interior Ministry responded to the ERRC's letter, asserting that the expulsion had been fully legal. (ERRC, Initiative Against Expulsion Detention)

### ✧ **German Holocaust Memorial to Pay Tribute to Roma and Sinti**

On 9 May 2006, the German newspaper *Deutsche Welle* reported that the German government and the Central Council of Sinti and Roma agreed on a design for a memorial in remembrance of Romani victims of the Holocaust. The memorial was designed by artist Dani Karavan and will be shaped like a fountain. It will cost approximately 2,000,000 EUR, and will be funded by the German Government.

There will be no central inscription; instead, the names of the Nazi concentration camps Auschwitz, Treblinka and Buchenwald will be chiselled into the slabs leading up to the memorial. An additional tablet will display the sentence, "We commemorate all the Roma who were victims of the systematic genocide in Nazi-occupied Europe." Romani Rose, the chair of the Central Council of German Sinti and Roma, said the agreement is an "important step" toward officially recognising the genocide committed on Roma. (*Deutsche Welle*)

## **GREECE**

### ✧ **Council of Europe Commissioner for Human Rights Presents Report on Greece**

On 29 March 2006, Mr Alvaro Gil-Robles, then Commissioner for Human Rights of the Council of Europe, presented a report to the Council of Europe Committee of Ministers and the Parliamentary Assembly on his of-

ficial visit to Greece from 30 November to 2 December 2005. The report provided an analysis of actions undertaken by the Greek government following an initial report issued by the Commission for Human Rights in 2002. The following excerpts from the Commissioner's 2006 report highlight the continuing precariousness of the situation of Roma in Greece:

"47. During his visit in 2002, the Commissioner had paid close attention to the living conditions and the respect of the basic rights of the estimated 150 to 200,000 Roma dwelling in Greece, after having received alarming information. [...]"

49. In order to gain a personal impression of the situation,

the Commissioner visited a Roma settlement in Aspropyrgos in the outskirts of Athens. He found people living “under conditions very remote from what is demanded by respect for human dignity, in particular without running water supplies among other essential services”. [...]

50. Another concrete case which the Commissioner looked into himself in 2002, were the alleged forced evictions of Roma families from their dwellings in the vicinity of sites for the then forthcoming Olympic Games, as for example in Amaroussia. The Commissioner was assured by the Greek authorities that all families needing to be moved because of the Games would be relocated on state-owned land.

51. When the Commissioner presented the report on his visit to Greece to the Committee of Ministers in September 2002, he had already received precise details concerning the measures taken by the Greek authorities following his visit and decided to annex them to his report. These details given by to him by the Greek authorities, and of which the Commissioner took note with satisfaction, were the following:

- All necessary measures had been taken in order that the Roma settlement of Aspropyrgos be provided with all public facilities;
- 20 Roma families residing in a site near the Olympic stadium

belonging to others were asked to relocate [...]. The authorities had assured the families that special measures would be taken for their re-settlement. In fact, an agreement was signed between the Mayor of Amaroussia and a representative of a Roma association (Elpida) under which the local municipality undertook the following: provisional re-settlement in apartments belonging to the municipality, subsequent permanent settlement in houses to be built by the municipality, economic assistance between 440-1150 Euros (depending on the number of family members), special assistance in terms of food and clothing; a special plan was elaborated by the municipality of Amaroussia for their integration in the local society. [...]

55. Thanks to the assistance of a very dedicated Greek NGO, the Commissioner’s delegation was able to return to the Roma settlement in Aspropyrgos which the Commissioner had visited in 2002 and with respect to which precise commitments had been made by the Greek authorities to the Commissioner (see above). The delegation noted that absolutely none of the measures announced had been taken: There were still no basic public utilities, including water, electricity or a basic sewage system.

56. The mayor of Aspropyrgos organised a meeting in his office with the Commissioner’s delegation and the major parties involved (the mayor, representatives of the Roma

and a representative of owners of the land which the Roma occupy). Two factors would appear to continue to prevent the Roma from benefiting of any improvement of their intolerable situation, even though funding was available from the central authorities:

- many land owners tolerate the occupation of their land by Roma – including its pollution by activities linked to the recycling of garbage – but they are not ready to implicitly accept durable settlement of the Roma by water and electricity adduction or the construction of sewage systems; also, in order to avoid any rights to be granted to the Roma by virtue of a prolonged, unchallenged situation, they were now trying to obtain eviction orders from the courts;
  - local politicians and local authorities are not ready to use even State funds that are proposed to them for the benefit of the Roma, so as not to be seen by their voters as accepting the permanent settlement of Roma in the municipality or, “worse”, attracting additional Roma to come. [...]
58. As to the other specific file in which the Commissioner had taken interest in 2002 and where concrete assurances had been given to him (re-lodging of the Roma families evicted from the Olympic site of Amaroussia), the development has been the following: Six months or so

after their eviction and re-settlement in apartments for which the Ministry of the Interior and the municipality were to pay the rents until houses would be built for the Roma in question, the municipality invoked financial difficulties, ceased to pay its part of the rents and apparently gave up the construction plans for the benefit of the Roma. The Roma concerned had to leave the flats and trace has been lost of them.

59. A growing number of reports of evictions of Roma people from settlements, including on private properties, all over Greece, with no alternative solutions offered to them, has reached the Commissioner's Office over the last years."

In the report, the Commissioner expressed continuing concern regarding respect for the rights of Roma in Greece. Whilst noting the availability of significant amounts of money from European Union and national sources for the improvement of Romani living conditions, the Commissioner stated:

"62. The results on the ground, however, at least in respect of the two concrete cases previously highlighted by the Commissioner have not been very encouraging. In both cases precise promises were made but not kept, mainly, it would appear, because of resistance on the local level. It must be recalled, however, that the responsibility for the respect of international human rights standards throughout

the country lies with the Governments of member States. Under international law, resistance at local level is not a valid reason for exonerating a Government from responsibility for human rights breaches persistently occurring at local level. The Commissioner urges the new Greek Government to take all adequate action to ensure that the basic human rights of Roma citizens are now rapidly respected in places like Aspropyrgos, Amaroussia, Patras or elsewhere."

The full report on Greece can be found on the Internet at: [https://wcd.coe.int/ViewDoc.jsp?id=984125&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679#P200\\_28969](https://wcd.coe.int/ViewDoc.jsp?id=984125&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679#P200_28969).

## HUNGARY

### ✧ CEDAW Finds Hungary Violated Convention in Sterilisation Case

In a decision communicated during the week of 31 August 2006, the UN Committee on the Elimination of Discrimination against Women (CEDAW) condemned Hungary for violating the Convention on the Elimination of All Forms of Discrimination against Women in connection with the sterilisation of a Romani woman without her consent in January 2001.

On 2 January 2001, a Romani woman (Ms S.) was sterilised by doctors at the Fehergyarmat hospital. While being operated on in connection with a miscarriage,

she was asked to sign forms giving her consent to this and other operations, without a full explanation about the intervention, its nature, possible risks, or what the consequences of being sterilised would be. She was not told about other forms of birth control either. It was only after the operation that she learnt that she could not become pregnant again.

On 15 October 2001, Ms S. and her attorney filed a civil claim for damages against the hospital. They requested a finding that the hospital was in violation of the plaintiff's civil rights and that it had acted negligently in its professional duty of care with regard to the sterilisation of Ms S. in the absence of

her full and informed consent. The claim was turned down on 22 November 2002.

On appeal, the Szabolcs-Szatmar-Bereg County Court held that the hospital doctors had indeed acted negligently in failing to provide Ms S. with the relevant information about the sterilisation and stressed that "the information given to the plaintiff concerning her sterilisation was not detailed ... [and that she] ... was not informed of the exact method of the operation, of the risks of its performance, and of the possible alternative procedures and methods." Nevertheless, the same Court concluded that sterilisations as such are fully reversible operations and

that since Ms S. had provided no proof that she had suffered a lasting detriment, she was not entitled to compensation.

On 12 February 2004, the ERRC and the Legal Defence Bureau for National and Ethnic Minorities (NEKI) jointly filed a complaint against Hungary with CEDAW relating to the illegal sterilisation. The complaint asserted that Hungary, as a State Party to the Convention, is in violation of a number of provisions of the Convention, as a result of: (1) failures to provide adequate information on contraceptive measures and family planning; (2) the lack of informed consent on the part of Ms S. as a violation of her right to appropriate health care services; and (3) interference with Ms S.'s ability to have children in the future.

In its decision, the Committee stated that it was convinced by the ERRC/NEKI arguments that sterilisation is intended to be irreversible, that the success rate of surgery to reverse sterilisation is low and depends on many factors, and that reversal surgery is risky. With respect to the claim that Hungary violated the Convention by failing to provide information and advice on family planning the Committee stated that the applicant "has a right protected by Article 10(h) of the Convention to specific information on sterilization and alternative procedures for family planning in order to guard against such an intervention being carried out without her having made a fully informed choice."

In connection with the sterilisation surgery without an informed consent, the Committee

reiterated that according under Article 12 of the Convention, States parties shall "ensure to women appropriate services in connection with pregnancy, confinement, and the post-natal period." According to its General Recommendation 24, "Acceptable [health care] services are those that are delivered in a way that ensures that a woman gives her fully informed consent, respects her dignity, guarantees her needs and perspectives. States parties should not permit forms of coercion, such as non-consensual sterilisation."

The Committee also recalled its General Recommendation 19 in which it states, "Compulsory sterilization...adversely affects women's physical and mental health, and infringes the right of women to decide on the number and spacing of their children." The Committee found that the sterilisation surgery was performed on Ms S. without her full and informed consent and must be considered to have permanently deprived her of her natural reproductive capacity, therefore her right to decide freely and responsibly on the number and spacing of her children was also violated.

In conclusion, the Committee held that appropriate compensation should be paid to Ms S. commensurate with the gravity of the violation of her rights. The Hungarian government should also ensure that the relevant provisions of the Convention and the pertinent paragraphs of the Committee's general recommendations in relation to women's reproductive health and rights are known and adhered to by all relevant personnel in public and

private health centres, including hospitals and clinics.

The decision further states that the government should review domestic legislation on the principle of informed consent in cases of sterilisation and ensure its conformity with international human rights and medical standards. It should also repeal provisions allowing physicians "to deliver the sterilization without the information procedure generally specified when it seems to be appropriate in given circumstances." Public and private health centres that perform sterilization procedures, including hospitals and clinics, should be monitored so as to ensure that fully informed consent is being given by the patient before any sterilisation procedure is carried out, with appropriate sanctions in place in the event of a breach.

The decision is among important moves by domestic and international tribunals to provide redress to victims of coercive sterilisation in a number of countries of Central and Eastern Europe. These efforts have not yet been matched by governments: As yet there have been few if any acknowledgements of the systemic nature of race-based infringements of the right to informed consent in sterilisation matters, and the subsequent extreme human rights abuses inflicted on many Romani women. (ERRC)

#### ✧ Neighbours Petition to Prevent Roma from Purchasing a Nearby House in Hungary

On 4 May 2006, the Budapest-based Roma Press Center (RSK) reported that 18 residents of Szent

László Street in the southwestern Hungarian town of Nagyberény petitioned the town's mayor to prevent a Romani family from purchasing a home on their street. Mr Mihály Nagy, his wife and seven children had been living with his family in a small house on the same street in extremely cramped quarters when they decided to purchase the home on the other side of the street.

According to RSK, Mr Nagy had already made a purchase

agreement with the house's owner to buy when their neighbors sent their petition to the town council protesting against them moving into the neighborhood. One Szent László Street resident reportedly told the RSK that they are protesting against the Nagy family moving into the neighborhood because "there are too many of them", they are messy, and the signers of the petition did not want their street to "turn into a Gypsy settlement" – thus decreasing

the value of their houses. While the neighborhood already had a Roma family living there, the non-Roma residents reportedly stated that they were OK because there are fewer of them and they are "normal".

The mayor of the city reportedly informed the petitioners that the Hungarian Constitution guarantees freedom of movement and that there is no legal basis for preventing the family from buying the house. (RSK)

## ITALY

### ✧ **European Committee of Social Rights finds Italy in Violation of the Revised European Social Charter**

On 24 April 2006, the European Committee of Social Rights ruled that Italy is in breach of three sections of the Revised European Social Charter, following a collective complaint filed by the European Roma Rights Centre in 2004. The Committee, in its ruling, stated that housing arrangements for Roma in Italy are aimed at segregating Roma from the rest of society, and they block integration with the main-

stream community. Furthermore, the housing in several Romani settlements is inadequate and unsafe, sometimes threatening the health and the lives of their occupants. In addition, the Italian authorities often carry out forced evictions on the Roma community, destroying their property, using abusive language, and otherwise humiliating the evictees. A large portion of the Romani population in Italy is threatened with forced eviction, and many people are left homeless after eviction. The specific actions that breach the charter are the "insufficiency of camping

sites for nomadic Roma" as well as the lack of permanent dwellings and forced evictions.

The Court ruled that Italy is in breach of all three sections of Article 31 of the Charter, which states: "With a view to ensuring the effective access of the right to housing, the Parties undertake to take measures designed: (1) to promote access to housing of an adequate standard; (2) to prevent and reduce homelessness with a view to its gradual elimination; (3) to make the price of housing accessible to those without adequate resources." (ERRC)

## KOSOVO

### ✧ **17 Refugee Families Receive New Flats**

According to a 9 May 2006 report by KosovaLive News, 17 Roma, Ashkali and Egyptian (RAE) families from the Plementina

collective shelter received new flats in the village of Maura in Lipjan municipality. The local government allocated the flats, which were reportedly built with funds from the local government and UNMIK. In addition to the

17 RAE families, five Albanian families also received new flats. One hundred and twenty two families with 500 members live in the Plementina shelter in extremely difficult conditions. (Kosova Live News)

## LATVIA

### ✧ **Latvian Court Finds Employment Discrimination in Case Brought by Romani Woman**

According to information published on the website the Latvian National Human Rights Office (LNHRO), on 25 May 2006, the Jelgava City Court issued a finding of discrimination in access to employment in a civil case brought by the LNHRO on behalf of a Romani woman. At the end of 2005, the Romani woman, who was not named, approached the LNHRO after she applied for work at the

Palso company as a salesperson. The woman, who was sent for the interview by the Latvian employment bureau, claimed that her interviewer told her that she was not appropriate for the position, allegedly because of her accent when speaking Latvian, without even considering her qualifications. The Romani woman believed the interviewer's response to be the result of her ethnicity, so, failing to achieve a conciliatory agreement with Palso, the LNHRO filed the civil case, seeking compensation for moral damages. In its 25 May decision,

the Jelgava City Court ordered Palso to pay 1,000 Latvian lats (approximately 1,420 EUR) in damages to the Romani woman in question. Ms Liga Biksiniece, head of the LNHRO Discrimination Prevention Unit and representative of the Romani woman in court, was quoted as having expressed satisfaction with the court's finding and stating that the decision constituted the first time in Latvian jurisprudence when a person received compensation because of discrimination on the basis of ethnicity in access to employment. (LHNRO)

## MACEDONIA

### ✧ **Macedonian Police Abuse Young Romani Man; Romani Youth Found Dead After Being Chased by Police**

According to research conducted by the ERRC and the Kumanovo-based National Roma Centrum (NRC), members of Macedonia's special police unit "Alpha" physically abused Mr A. 20-year-old Romani man, at around 8:00 PM on 3 June 2006 in the northern Macedonian town of Bitola. According to Mr A. testimony, he was driving down Debarska street with four friends when a car entered the middle of the street. Mr A. reportedly stopped to let the car pass, but it did not. Suddenly, several unidentified people got out of the car, approached Mr A. car and began to hit him without warning. Mr A. stated that he and his friends got out of his car to defend themselves. At this point,

the attackers reportedly showed badges identifying themselves as members of the undercover Macedonian police force Alpha. The officers then took out their guns and ordered Mr A. and his friends to kneel down in the middle of the street. Shortly thereafter, Mr A. and his friends were taken to the police station, where officers hit and kicked Mr A. all over his body. Mr A. stated that the officers also stole a gold chain and earrings worth about 29,000 Macedonian denars (approximately 470 EUR). At this point, Mr A. was taken into the police station where the police commander allegedly listened to the officers' version of events followed by Mr A.. Mr A. was held in detention until 12:30 AM, when he was released. Mr A. informed the ERRC/NRC that, during his detention, the police commander requested that he not file any legal actions against the police. The police commander

also reportedly called Mr A. after several weeks again asking that he not take any action. Mr A. informed the ERRC/NRC that he did not want to pursue the case.

Earlier this year, on 11 May, Trajan Bekirov, a 17-year-old Romani youth, went missing after members of the Alpha police unit chased him and his friend, Orhan Isemi, in Skopje, according to ERRC/NRC research. His dead body was discovered on 28 May in the Vardar River near the village of Tubarevo. Trajan Bekirov's parents stated to the ERRC/NRC that they believed the initial police chase was influenced by racial considerations. They also allege an anti-Romani bias among Macedonian authorities. The Institute for Judicial Medicine carried out an autopsy, the result of which is still unknown. An autopsy was also performed by the Bulgarian expert Georgi Bankov



at the request of the Macedonian Helsinki Committee for Human Rights, which was providing legal advice to the Bekirov family. According to media reports, Mr Bankov found several of Trajan Bekirov's organs to be missing. Ezerdzan Bekirov, Trajan's father, went to the Institute for Judicial Medicine to find out how his son died. While the autopsy report was reported to be with the court, Mr Bekirov was informed that the cause of death was drowning and that Alpha police unit had not used force while chasing Trajan. A criminal investigation was opened in the case. On 16 June, the ERRC and NRC sent a letter to Dr Vlado Buckovski, Prime Minister of the Republic of Macedonia, expressing grave concern about the death of Trajan Bekirov and urging that Macedonian authorities carry out a prompt, thorough and effective investigation. Copies of the letter were also sent to Ms Meri Mladenovska Gjorgjievska, Minister of Justice, Mr Ljubomir Mihajlovski, Minister of Interior, and Mr Aleksandar Prcevski, Public Prosecutor of the Republic of Macedonia. On 26 July 2006, the Macedonia Public Prosecutor announced he would not pursue charges against members of Alpha. The Macedonian Helsinki Committee for Human Rights also announced it would help Mr Bekirov's parents file a private complaint in the case. (ERRC, NRC)

#### ✧ **Romani Pupils Segregated in Roma-Only Class in Macedonia**

Five Romani pupils have been attending segregated classes in the Goce Delchev elementa-

ry school in Gostivar, Macedonia, according to the Macedonian national newspaper *Vreme* of 26 April 2006. *Vreme* quoted Mr Reis Jonuzi, the pupils' teacher, as having stated that the classes were formed because the ethnic Macedonian and Albanian teachers in other classes will not accept the children in their classes. When classes started in September, the class reportedly had 15 children. However, the 10 ethnic Macedonian children in the class were quickly transferred to other classes.

According to *Vreme*, Mr Jonuzi believes that if the school was not discriminating against the Romani pupils, they would also have been transferred to other classes shortly after the school year began. The article stated that the same situation occurred during the 2004/2005 school year.

*Vreme* quoted School Director Mr Zoran Ruseki who denied that discrimination was a factor in the formation of the class. Instead, Mr Ruseki claimed that the council of teachers did not want to see Mr Jonuzi out of a job when the class was dissolved completely and pointed to the legal possibility to form such small classes with the agreement of the children's parents, which, according to Mr Ruseki, the school obtained. Mr Jonuzi stated that the parents never complained because they understood the school director supported the idea.

On April 27, *Vreme* quoted Ministry of Education Representative Mr Kiril Ricteski, who stated that five-pupil classes may only be formed with the consent of the Ministry of Education, not the parents. Mr Ricteski

also stated that cases of alleged discrimination in education should be reported to the Ministry's Municipal Educational Inspection Unit. On 26 July 2006, the Macedonia Public Prosecutor announced it would not pursue charges against members of Alpha. The Macedonian Helsinki Committee for Human Rights also announced it would help Mr Bekirov's parents file a private complaint in the case. (*Vreme*)

#### ✧ **Macedonian Employer Allegedly Discriminates against Romani Individuals**

According to documentation undertaken by the ERRC and the Kumanovo-based National Roma Centrum (NRC), the Romani job-seekers in the central Macedonian town of Prilep were discriminated against by the local tobacco factory Akcionersko Drustvo Tutunski Kombinat – Prilep in June 2006. Beginning on 16 June, the Prilep Tobacco Factory published job advertisements for low-skilled seasonal workers in local newspapers for seven days. Hiring was to be done through the local employment bureau.

According to their testimony, on 23 June, Mr Bilent Kazimoski and Mr Orhan Ademoski, Romani men aged 24 and 35 from Prilep, submitted applications for the positions through the local employment office. When handing in their applications, the clerk informed Mr Kazimoski and Mr Ademoski that approximately 80 Roma had applied for the positions. According to ERRC/NRC research, on 25 June, the list of employed individuals was posted; only one Romani individual was on the list. During a meeting

with the ERRC/NRC on 6 July, Mr Atanas Gagaleski, the person at the tobacco firm responsible for employment, stated that 400 people applied for the positions and 200 were hired. Therefore, while Romani applicants accounted for 20% of the total number of applicants, only one Romani individual was hired by the tobacco firm.

Mr Gagaleski informed the ERRC/NRC researcher that employee selection is done by the employer, who has the right and the freedom to employ people according to his own criteria, and that, according to the Labour Relations Law, the employer is not bound to ensure ethnic proportionality. Mr Gagaleski also stated, "The employer decides whether he will receive Nesime or Atanas" – Nesime being the name of the ERRC/NRC's Romani researcher. (ERRC, NRC)

#### ✧ **Roma and Persons Perceived to be Romani Denied Access to Public Places in Macedonia**

According to research conducted by the ERRC and the

Kumanovo-based National Roma Centrum (NRC), on 22 June 2006, three Romani men were denied entrance to a public swimming pool in the northern Macedonian town of Bitola. Twenty-year-old Mr Tefik Jasarovski testified to the ERRC/NRC that, on the date in question, he, his friend Mr Demir Ibrahimov and his father Mr Severdzan Jasarovski went to the "Olimpiski" swimming pool in Bitola. The men reportedly paid the entrance fee and the doorman allowed them to enter the pool area. However, once inside, Mr Jasarovski reported, a security guard told the three men that they had to leave. Mr Jasarovski told the ERRC/NRC that they asked the guard why they had to leave and he responded that the owner of the pool ordered him to do so. At that point, the three Romani men left the swimming pool.

In other news, according to the testimony of 27-year-old Mr V.P. to the ERRC/NRC, he and several friends perceived to be Romani were refused entrance to Hotel Biser in Skopje. Mr V.P. informed the ERRC/NRC that, the night

before, he and his friends, a racially mixed family visiting Macedonia from abroad, had dinner at the Hotel Biser. Because they had had such a good time, they decided to return the following evening for coffee, during which time the children would swim. However, when Mr V.P. and his friends arrived at the hotel, they were blocked by one of the employees, who reportedly stared at the dark skinned children. Mr V.P. told the ERRC/NRC that he asked why they could not enter and the employee stated, "No Gypsies or Shiptars (an offensive term for Albanians in Macedonia) will ever use this pool".

According to Mr V.P., he told the employee that they had been at the hotel the day before and no one had cared about their presence. The employee, however, replied that he did not care what had happened the day before and reiterated that no "Gypsies" or "Shiptars" would ever enter the hotel. Mr V.P.'s friends then attempted to reason with the employee, but he would not listen and ordered them to leave. The group then left the hotel and went somewhere else. (ERRC, NRC)

## **ROMANIA**

#### ✧ **New Developments in Hadareni Pogrom Case**

On 27 April 2006, the first instance court in Ludus, Romania announced its ruling in relation to a request, made by a number of ethnic Romanians from Hadareni, to stop the enforcement of a decision given by the Targu Mures Court of Appeals in February 2004. By that decision, the

Court of Appeals granted the victims of the Hadareni pogrom material and moral damages worth 188,000 RON (approximately 53,730 EUR). The ethnic Romanian sentenced in the Hadareni trial asked the court in Ludus to rule that payment of those damages must be foreclosed by effect of the European Court of Human Rights judgments in the matter of *Moldovan and Others v. Ro-*

*mania* concerning the 1993 pogrom in Hadareni.

During the 1993 pogrom in the village of Hadareni, three Romani men were killed and 18 Romani houses were destroyed. Ruling in relation to the pogrom and its consequences, the Strasbourg Court held that the Romanian Government was in breach of a number of articles of the Eu-

ropean Convention and ordered it to pay the victims damages totalling 500,000 Euro.

The Ludus court ruled in favour of the applicants, holding that the compensation awarded by virtue of the Strasburg Court judgments included the damages awarded by domestic courts. The Romani victims of the 1993 pogrom declared they would appeal against the decision of the Ludus court.

In another long – awaited development, on 20 April 2006, the Romanian Government adopted the *Government Decision for the Approval of the Hadareni Community Development Plan 2006-2008*. The Government is finally acting upon the commitments it had taken by entering a friendly settlement with some of the victims of the 1993 pogrom. According to that settlement, which was the subject of one of the two *Moldovan* judgments, the Government undertook, besides paying damages to the applicants, to institute a series of ameliorative measures, aimed in particular at fighting discrimination against Roma in the Hadareni area, as well as initiating community development projects aimed at improving the living conditions of the local Roma community. The projects included in the Plan will benefit all ethnic communities in the Hadareni area (Roma, Hungarians and Romanians), and cover five main areas: public information, civic education, the prevention and combating of discrimination; education, culture, inter-confessional dialogue; economic development; health and access to health services; housing and infrastructure. The Government allocated some 3.48 million RON (approximately 994,450

EUR) for funding these projects for the period 2006 to 2008, of which 1.5 million RON (approximately 428,625 EUR) to be spent this year. (ERRC)

### ✧ **Romanian Police Attack Roma**

According to a report issued by Fundatia Ruhama, an Oradea-based Romani organisation, on 9 May 2006, the police raided the Romani community of Gepiu, a village situated in eastern Romania, arrested approximately 25 persons and led them to the police station while continuously subjecting them to physical and verbal abuse.

The raid was allegedly justified by the suspicion that the members of the Romani community had used illegal connections to the electricity grid. Police officers, as well as members of the Police Detachment for Rapid Intervention, reportedly descended upon the Romani community in the early hours of 9 May, and without any warning, broke into the houses at a time when the people inside were still sleeping. It is not clear whether the police held a search warrant or some other authorization to forcibly enter the Romani houses. Upon entering, the police allegedly started hitting the men and women inside with truncheons, on their arms and feet.

The police cuffed 20 men and 5 women believed to have stolen electricity and led them to the police station, situated two kilometres away from the Romani community. The small convoy crossed the village of Gepiu

by foot, in full view of the other villagers. In some cases men were cuffed together with their teenage children, due to insufficient number of cuffs. On the way police agents reportedly continued to physically and verbally abuse them.

When they got to the police station, the Roma were assembled in the yard of the station, under the close watch of armed policemen and police dogs. The police allegedly continued to beat them; one young Roma was brutally beaten, and his tympanum was perforated as a result, allegedly because “he was holding his hands in his pockets”. The Roma were made to sign written statements, even if most of them were illiterate. Most of the victims obtained medical certificates attesting that they had been subjected to physical abuse. It appears that charges were eventually pressed only against 11 of the 25 persons apprehended.

In a brief press release, the police press aide stated that the purpose of the raid was to prevent and combat electricity theft. The police representative rejected the accusations that force was used or that the operation was racially motivated. (Fundatia Ruhama)

### ✧ **Council of Europe Commissioner for Human Rights Presents Report on Romania**

On 29 March 2006, Mr Alvaro Gil-Robles, then Commissioner for Human Rights of the Council of Europe, presented a report to the Council of Europe Com-

mittee of Ministers and the Parliamentary Assembly on his official visit to Romania between 13 and 17 September 2004. The report provided an analysis of actions undertaken by the Romanian government following an initial report issued by the Commissioner for Human Rights in 2002. In the 2002 report, the Commissioner “recommended allocating the necessary resources to develop the national strategy on behalf of the Roma, particularly by improving their circumstances, and their access to the labour market, and by facilitating access to identity documents.” The 2006 report offered the following assessment of progress made to date:

“55. According to the Romanian NGOs, the national strategy for improving the situation of the Roma, established in 2001, has thus far had only a limited impact. Apart from the creation of implementing bodies, like the National Roma Office, the strategy has brought few tangible changes, owing to the lack of funds allocated. Some progress was none the less noted, in particular in the form of the recruitment of social mediators within the Roma community by the municipal services. The visit by the members of the Office of the Commissioner to a Roma district in Bucharest revealed that these persons are establishing a link between the community and the municipality which allows both sides to deal better with any difficulties. They also facilitate access to the public services and approaches to the administration.

56. From a general point of view, the Roma situation continues to be a cause for concern. The NGOs and the representatives of the Roma community continue to report violence on the part of the police and discrimination and state that a negative image of the Roma is spread by the media and a part of the political class. As regards the living conditions of a large part of the Roma community, they have developed only slightly since 2002: rudimentary or improvised electrical services, housing which is unfit for habitation or unsuitable for a large family, no heating or water supply. Although access to the health services has improved, significant progress remains to be made. In order to respond, the national authorities decided to give priority to the implementation of specific projects at local level. Various forms of social assistance have also been introduced for Romanians in greatest need.

57. As regards access to employment, the Roma, who are often little qualified for work, suffer directly from unemployment and indeed discrimination. It is for that reason that the National Employment Agency has adopted a range of measures aimed at the Roma. In 2004, 9,079 Roma were thus employed through specific programmes and the Employment Agency hopes that 6,440 Roma will be hired before the end of 2005. Job fairs are also organised and in August 2005 a mobile job fair vis-

ited 200 areas in Romania in order to provide information on the programmes for the Roma developed by the authorities and also on the jobs available. While these initiatives must be welcomed, for the time being they affect only a limited number of Roma.

58. As regards access to identity documents, the Ministry of Administration and the Interior has adopted a certain number of measures with the competent local authorities to facilitate the issue of identity cards or civil status documents to the Roma. Thus, according to the information supplied by the Ministry, almost 2,500 unregistered Roma were entered in the civil status registry between December 2004 and March 2005. Nevertheless difficulties in registering the newly-born seem to persist.

59. The precarious material and social situation of Roma families has consequences for access to education by their children. Statistics indicate that the drop-out rate during the elementary stage is very high among Roma children, in spite of certain local initiatives. Primary education is free in Romania, but families are required to purchase the school materials. The cost of doing so, which may appear derisory, is a significant reason for dropping out.

60. Some municipalities have set up specific educational support programmes for

children and even provide free meals in order to encourage those least well off to attend school. Romania has also undertaken to provide classes and courses in the Roma language. [...] the Ministry of Education has developed a programme for needy children and offers bursaries and places reserved for Roma children in certain schools and universities. In September 2004, a programme concerning prior-

ity access to education by disadvantaged children was begun in 74 nursery and primary schools in ten regions. In June 2005 the programme was extended to 12 other regions.”

The Commissioner concluded by welcoming actions by the Romanian government to date, but stressed that “significant efforts remain to be made to allow members of the Roma community to have full access to medical services, civil status and a good-

quality education. These improvements, like better access to the job market, will come about through the full implementation of an ambitious action plan. Finally, programmes to allow everyone to have access to essential services such as water and electricity must be intensified.” The full text of the report is available on the Internet at: [https://wcd.coe.int/ViewDoc.jsp?id=984009&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679#P134\\_72062](https://wcd.coe.int/ViewDoc.jsp?id=984009&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679#P134_72062).

## RUSSIA

### ❖ **Hundreds of Roma Rendered Homeless in Russia's Kaliningrad Region**

According to information received by the ERRC, from 29 May to 2 June 2006, Russian authorities bulldozed 37 houses belonging to Roma families and set fire to the ruins in the village of Dorozhniy, in Russia's Kaliningrad region. The destruction reportedly followed flawed proceedings in the Russian courts that denied the Roma fundamental due process. Over 100 of the displaced Roma, who had lived legally for years in their homes, were, as of 5 July, living in tents and other temporary shelters, threatened with physical expulsion from their land. Others have fled elsewhere or been expelled from the area.

Regional authorities began their eviction campaign by initiating court proceedings to have the Roma families' ownership of their homes declared illegal. An attorney from the Open Society

Institute's Justice Initiative and local counsel appeared before the local high court to assist the families in securing legal title to their properties. But in proceedings that reportedly violated fundamental standards of due process, the court issued decisions on 3 May rejecting the families' claims and opening the door to the forced evictions that would follow. The Justice Initiative then filed a request for interim measures with the European Court of Human Rights, which was denied.

On 5 July, the ERRC and the Justice Initiative condemned the forced eviction and destruction of the homes. The ERRC and the Justice Initiative also alerted the Council of Europe's Human Rights Commissioner to the situation.

Earlier in the year, on 24 February, the ERRC sent a letter to the Governor of Kaliningrad region, Mr Georgiy Boos, urging him to intervene and stop the demolition of Romani houses in Dorozhniy after city author-

ities of Kaliningrad sent bulldozers to demolish houses of Romani families. The letter was copied to the Russian Ombudsman and the Regional Prosecutor. The forced evictions undertaken by the authorities exposed 4 Romani families, including children and women, to homelessness aggravated by severe weather conditions in the Kaliningrad region at that time of the year. The full text of the letter is available at: <http://www.errc.org/cikk.php?cikk=2576&archiv=1>. The Russian Ombudsman responded to the letter stating that, according to information from the Regional Prosecutor, no human rights violation had been found. (ERRC, Open Society Justice Initiative)

### ❖ **Racist Attacks on Roma in Russia Cause Death and Severe Injury**

According to Ms Elena Konstantinova, a local Romani activist, between 9:00 and 10:00 PM on 13 April 2006, Mr Grigoriy Marienkov, a Romani man

and a Russian woman named Galina Ponomareva were killed by youths identified by local Roma as skinheads near the town of Volzhskiy in the Volgograd region of Russia. At the time of the attack and killings, Mr Marienkov's family and their Russian guest were sitting by a fire just outside the tent they inhabited. ERRC sources reported that between 9:00 and 10:00 PM, a group of approximately 20 youths, armed with metal bars and spades, attacked the group and beat them until all the victims lost consciousness. The group then reportedly left the site. A young male member of the family reportedly regained consciousness and called the police shortly after 10:00 PM. It was established that two people, a Romani male and the visiting non-Romani woman, both in their 40s, had died of their wounds. Additionally, two of the Romani man's relatives were hospitalised: 80-year-old Ms Polina Marienkova's jaw was broken and 13-year-old Roza Marienkova suffered head injuries. The teenager spent several days in hospital in critical condition.

As of 4 May, the Volgograd Regional Prosecutor had opened a criminal investigation under Article 105 of the Russian Criminal Code for murder of two or more persons, committed by a group of persons, motivated by national, racial or religious hatred. According to the local lawyer dealing with the case, Ms T.P., police arrested nine perpetrators, both male and female, five of whom are students from Volgograd secondary school No 28. As of 5 May, the suspects were being held in

police custody. As of 16 August, the case was still under investigation by the Prosecutor's Office. The ERRC continues to monitor the case, to ensure adequate prosecution of all perpetrators and effective justice for the surviving victims.

ERRC monitoring of the human rights situation of Roma in Russia indicates that nationalist-extremist movements have been gaining popularity in Russia over the past decade, and racially motivated violence against Roma occurs with disturbing frequency. Roma are particularly exposed to attacks by nationalist-extremist vigilante groups because they live in compact settlements that are easy to identify. The 13 April attack has precedents in the same area of Russia. In August 2001, a Romani community settled along the Tsaritsa river near Volgograd was attacked by skinheads armed with metal bars, stones and wooden truncheons, and two Roma were killed.

The ERRC report "In Search of Happy Gypsies: Persecution of Pariah Minorities in Russia" published in May 2005 (the full text of the report is available at: <http://www.errc.org/db/01/4A/m0000014A.pdf>), details numerous attacks against Roma in various parts of the country, including arson and indiscriminate beatings, causing death and severe injuries to Romani individuals. Most often these actions are not investigated or police deny racial motivation. Many attacks are not even reported to the police due to reasonable fear of harassment and extortion by the police themselves. (ERRC, The Associated Press, The Guardian)

## ✧ Action against Hate Speech in Russia

On 1 June 2006, the Russian weekly newspaper "Nedelya Goroda" published an article entitled "Keep money away from children!", which repeatedly identified Romani women as thieves and swindlers and ended with the following statement: "Department of Internal Affairs asks local residents to provide information about where Romani individuals live without permission". On 10 August 2006, Russian non-governmental organisations Romani Juvlikano Congresso and Volgograd Human Rights Centre sent statements to the Volzhskiy Public Prosecutor in southern Russia, urging the prosecutor to hold authors of the article responsible under criminal law.

Earlier, on 23 May, the ERRC sent a letter of concern to Mr Alexey Dmitrenko, editor-in-chief of the Russian daily newspaper "Budni" (Samara), expressing concern at the prevalence of anti-Romani hate speech in the newspaper. The letter was copied to the Volga region Directorate within the Russian Federal Surveillance Service for Compliance with the Law in Mass Communications and Cultural Heritage Protection. ERRC media monitoring in Russia had earlier revealed that the newspaper's articles repeatedly identified Roma as drug dealers and criminals. In the letter, the ERRC urged Mr Dmitrenko to take a firm stand against the hate speech and to refrain from publishing of inflammatory anti-Romani language.

In a response dated 28 June, Ms Zhdanova, director of the above-mentioned state institution, informed the ERRC that the federal institution had sent a written warning to Mr Dmitrenko, strongly recommending that the newspaper be more cautious in preparation of materials, which may affect ethnic, racial and religious questions. Ms Zhdanova also informed the ERRC that the institute's expert for supervisory control of the observance of legislation in the sphere of mass communication was instructed to place the newspaper "Budni" under special control. The full text of the letter is available at: <http://www.errc.org/cikk.php?cikk=2599>.

Earlier, on 7 April, Ms Antonina Suhovskaya, a Romani woman from Saint Petersburg, filed a civil complaint with Moscow's Presnenskiy District Court seeking moral compensation from the newspaper "Moskovskiy Komsomolec" after the paper pub-

lished an offensive article on 1 August 2005. The article, entitled "I Do Not Want to Learn, Yet I Want to Propagate", about a Romani family from southern Russia, expressed insulting opinions about Romani customs and lifestyles. Excerpts from the article read:

*"Glory to God, we do not come across them often. These Gypsy encampments, Tajik gastarbeiter (guest workers) are the Marginals. They have their own laws. They inhabit some kind of near-ground stratum – closer to animals, rather than people, – and copulating in a disorderly manner, like little beasts that know nothing except the smell of heat. Let them copulate; let them even give birth in the first grade (of school); this is their personal affair. Indeed, but what if they would like to copulate with our eleven-year-old daughters? And marry them? This is where the horror is [...]. Gypsies are gypsies. They smoke, drink, give birth early [...]."*

In her complaint, supported by the ERRC and local lawyer Ms Marina Nosova, Ms Suhovskaya claimed that such statements humiliate her dignity and honour. The complaint was filed under Articles 151 and 152 of the Russian Civil Code, which state that if physical or ethical distress is inflicted on a citizen, the citizen is eligible for compensation of moral damages. On 7 August, the Moscow's Presnenskiy District Court rejected Ms Suhovskaya's claims for both an official apology from the newspaper and for compensation of moral damages. On behalf of Ms Suhovskaya, on 17 August the ERRC and Ms Nosova filed an appeal against the decision. Monitoring of the media in Russia conducted by the ERRC since 2002 shows that the climate of intolerance towards Roma is particularly reinforced by overwhelming hate-speech in the media. ERRC actions against hate speech in Russia are funded in part by the British Foreign and Commonwealth Office. (ERRC, Romani Juvlikano Congresso)

## SERBIA AND MONTENEGRO

### ✧ **Bus Driver Physically Assaults Romani Boys in Serbia and Montenegro**

According to a report by the Belgrade-based radio station B92 of 10 May 2006, earlier that day in Belgrade, a bus driver physically assaulted two 12-year-old Romani boys.

B92 reported that the bus driver, from the company Laste, stopped his bus in front of city bus 704 at the Hotel Yugoslavia, got out and entered bus 704. There, according to witness statements to B92, the bus driver proceeded to slap two Romani boys repeatedly while swearing at them. B92

reported that, at this point, the Romani boys began to cry.

After B92 reported the incident, the director of Laste, Mr Pavle Obradović, called the station denouncing the behaviour of the bus driver and promised to investigate the allegations. (B92)

## **SLOVAKIA**

### **✧ Slovak Towns in Dispute Over Where to House Roma**

According to information provided to the ERRC by the Bratislava-based Milan Simecka Foundation (MSF), local authorities in the northwestern Slovak town of Puchov decided to evict between 35 and 40 Romani individuals with rent and utility arrears from municipally owned flats in the centre of town and relocate them to the nearby village of Nimnica. MSF reported that Puchov municipality purchased a building in Nimnica as replacement housing for the affected Roma but local residents protested against the move in May 2006, forming a human chain to stop the Roma from moving in as they arrived

on trucks. The result of the protest was to stall the move and the mayor of Nimnica discovered an administrative error – the family house is reportedly missing a permit – which has stalled the situation even further.

During a radio discussion with the MSF, the mayor of Puchov defended the policy of the town to relocate the Romani individuals to another town, stating that the town could simply evict the affected Roma, leaving them in the street as opposed to providing them housing in the nearby village. The mayor also stated that the municipality may still do so if Nimnica authorities continue to block the move. According to MSF as of 19 September, no evictions had taken place and an administrative body was consid-

ering issues related to the building in Nimnica.

The actions of Puchov municipal authorities are reminiscent of segregatory practices in other parts of Slovakia, whereby Romani individuals with rental arrears are evicted and relocated to other towns. Protests against such movements of Roma are also widespread, as many Slovak citizens do not want (more) Roma living in their towns. While the efforts of the Puchov municipality to provide alternative accommodation for the affected Roma rather than simply leaving them on the street is a welcome move, the ERRC notes that this move will contribute to the already widespread segregation of Roma in Slovakia. (MSF)

## **SLOVENIA**

### **✧ Council of Europe Commissioner for Human Rights Presents Report on Slovenia**

On 29 March 2006, then Council of Europe Commissioner for Human Rights, Mr Alvaro Gil-Robles, presented a report to the Council of Europe Committee of Ministers and the Parliamentary Assembly on his official visit to Slovenia in May 2005. The report provided an analysis of actions undertaken by the Slovenian government following an initial report issued by the Commissioner for Human Rights in 2002 in which Slovenian authorities were urged to “take measures to ensure the effective implementation of the national programmes

for the improvement of the situation of Roma at a local level, and to ensure that all Roma children have access to education on a par with other children. In his report, the Commissioner noted the following developments:

“17. In June 2004, a new Strategy of Education of Roma in the Republic of Slovenia (‘the Strategy’) was adopted. [...]

18. Since the 2003/2004 school year, the creation of separate classes for Romani children has not been permitted. [...] However, during the time of the visit, segregation still continued in some form in at least two schools. The authorities themselves

acknowledged that full integration had not yet been achieved and cited the situation at the elementary school of Brsljin in Novo Mesto as an example of a failed attempt to integrate Roma children due to the lack of adequate preparation. [...]

26. Despite [...] efforts, the Roma in Slovenia continue to face discrimination and exclusion and serious problems remain in the field of employment and housing, in addition to the educational difficulties already examined.

27. The housing conditions of many of the Roma continue to be unsatisfactory with



many Roma living in isolated, often illegal settlements, far away from services and other communities, as the members of the Commissioner's Office were able to observe when visiting Novo Mesto. The unemployment rates in many Roma settlements are well above 90 %. This can be partially explained by the fact that many Roma lack sufficient level of education and skills required, but it is also due to discrimination of Roma in the society in general. The legal and practical obstacles resulting from lack of citizenship prevent some Roma from accessing employment or social services.

28. During the visit, the representatives of the Ministry of Labour, Family and Social Affairs provided information about measures taken to address some of the underlying problems causing unemployment. An Action Programme for employment of Roma 2003-2006 has been adopted [...]. A group of 25 young Roma, all of whom have completed their secondary education, has been trained and employed as Roma tutors/mentors. A new National Action Programme for Employment and Social

Inclusion of Roma will be drawn up during the course of 2006.

29. The authorities drew the attention of the Office of the Commissioner to the National Action Plan on Social Inclusion for 2004-2006 (NAP) [...]. In this framework, a National Action Programme for Employment and Social Inclusion of Roma is being drawn up."

In line with the noted developments, the Commissioner welcomed the adoption of the Strategy of Education of Roma in the Republic of Slovenia, but noted that "[i]t is regrettable, however, that the new measures have not yet been fully implemented in all the schools. The new Strategy, at present only a concept paper, should be developed into an operational Action Plan as soon as possible with sufficient resources to ensure its effective implementation. The Commissioner also concluded:

"24.Regarding the model implemented in Brsljin elementary school, the Commissioner's view is that the separation of Roma children from the others in important subjects does not fulfil the criteria of full integration. [...] It is of concern that the model currently implemented in Brsljin

represents a step back from the already achieved levels of integration and falls short of the impressive ambitions contained in the national strategy.

25. The Commissioner recommends that the authorities revise the implementation model adopted in Brsljin and ensure full integration of Roma children in the normal classroom for all the subjects. [...].
32. The Commissioner regrets that only piece-meal progress appears to have been made in addressing the housing difficulties faced by many Roma. Information on concrete projects, or results so far, do not seem to be available. [...] The Commissioner urges the Slovenian authorities to pay particular attention to the local level implementation of the strategy of the Housing Fund of the Republic of Slovenia and to ensure that housing improvement programmes are adequately resourced. [...]."

The full text of the report can be found on the internet at: [https://wcd.coe.int/ViewDoc.jsp?id=984025&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679#P104\\_10139](https://wcd.coe.int/ViewDoc.jsp?id=984025&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679#P104_10139).

## **SPAIN**

### ✧ **Eleven-Year-Old Romani Girl Attacked at School in Spain**

On 16 January 2006, Europa Press reported that Q.J.A, an 11-year-old Romani girl, had been repeatedly verbally attacked and abused at the San Francisco de Almendralejo elementary school in Badajoz, Spain. According to Europa Press, students repeatedly abused Q.J.A. throughout the current school year and, on 12 January, eight children locked the girl in the school's gymnasium.

Following the 12 January incident, the pupils' teacher reportedly punished all students involved, including Q.J.A. All nine students

were placed in a supervised classroom after school. At one point, the supervising teacher left the classroom and the eight students again attacked Q.J.A., kicking her and hitting her with chairs while shouting insults including "fat", "Gypsy", "poor" and "mentally retarded", Europa Press reported. The victim escaped but could not find assistance at the school, as everyone had already left for the day. The girl then left the school and her mother immediately took her to the Emergency Health Centre in Almendralejo. She was then taken to the Merida Hospital, where she received medical and psychological treatment. A medical report allegedly indicated that Q.J.A. suffered multiple concussions.

On 13 January, Q.J.A.'s family filed a complaint with the police, submitting the girl's medical reports as evidence. On 18 January, the Spanish national newspaper *El Pais* reported that the Consejeria de Educacion de Extremadura had also opened an investigation. However, the school's director, Ms T Serrano, and the eight students involved in the attacks denied the allegations. Additionally, *El Pais* also reported that the Association of Parents in Almendralejo announced its full support for the school.

The Consejeria de Educacion de Extremadura moved Q.J.A to another school as a result of the parents complaint. (European Press)

## **TURKEY**

### ✧ **Racist Pogrom in Turkey**

According to information provided to the ERRC by Romani activists from Turkey, on 29 April 2006 in the central eastern Turkish city of Afyon, hundreds of angry non-Roma attacked a Romani family and burned several Romani homes. The incident followed the arrest and subsequent release, following a court hearing, of two Romani youths for the alleged abuse of female pupils in a local school. Following the court hearing, according to the activists, the school director confronted the youths in a nearby bazaar. According to local activists, the confrontation quickly turned to fighting in which local vendors became involved and which resulted

in the burning of the Romani youths' car.

At this point, according to the information provided, the Romani youths fled from the bazaar and hurried home. The school director and the vendors followed the youths to their home and a crowd numbering in the hundreds reportedly gathered with them. The situation grew increasingly heated, with the gathered crowd threatening to burn the Romani youths and their family alive. At some point, the police arrived and tried to intervene but the crowd began to beat the Roma present. The family tried to hide in another house, but the crowd found them and set the house on fire. Again the police intervened and got the Roma away from

the crowd, but the angry mob began hurling stones at them. At this point, several local officials tried to calm the crowd and bring the events under control, but several people set several Romani houses on fire. Following the pogrom, the two youths were again taken into police custody. As of 26 May no one had been arrested for the violent attack against the Romani family in Afyon. As of 13 September, no further information was available. (ERRC)

### ✧ **Romani Residents Attacked in Istanbul's Dolapdere Neighbourhood**

According to information posted on the Internet by Mr Adrian Marsh, an activist working

on Romani issues in Turkey, on 2 April 2006, approximately 200 young supporters of the Kurdish Worker's Party (PKK – Partiya Karkerên Kurdistan) attacked Romani residents of Istanbul's Dolapdere neighbourhood. PKK is an Kurdish movement in Turkey that is often labelled internationally as a terrorist group. Mr Marsh reported that police had chased the PKK supporters from a protest gathering in Gazi Park in Istanbul's central Taksim Square, and they then ran towards the Dolapdere neighbourhood. Once in the neighbourhood, the attackers threw a Molotov cocktail at a parked truck, setting it on fire, and blocked roads leading into the neighbourhood with trashcans. Mr Marsh reported that residents of Dolapdere chased the mob away with axes and knives when it became clear that the group was representing PKK. (ERRC)

### ✧ **Turkish Authorities Destroy Romani Neighbourhoods for Urban Development**

According to ERRC documentation undertaken in July 2006, Roma families living in the Nesislah and Hatice Sultan Romani neighbourhoods of Istanbul's Fatih District face forced eviction in September 2006. In October 2005, the Fatih District authorities considered plans to renew the area known as Sulukule. Nearly 4,000 people, including many Roma, live in this area. According to ERRC documentation in the community, the decision to demolish the existing housing was made without consultation or input from community members. In addition, the affected Romani families were not told of the pos-

sible destruction and eviction. Instead, they learned what would happen from local news reports and television broadcasts. On 13 July 2006, the Türkiye Toplu Konut İdaresi (TOKİ) and Fatih District authorities signed an agreement for immediate demolition of the housing in this area. The Roma community members were not informed of this meeting, in which it was determined that 529 apartments would be demolished. To date, there has been no mention of any compensation or assistance for families who rent apartments and cannot afford to buy new houses.

According to information published on the Internet by the Turkish non-governmental organisation Accesible Life Organisation (ALO), the fate of the Romani residents of Istanbul's Sulukule neighbourhood is shared by many others. Information published by ALO points to the fact that Romani neighbourhoods in Turkey are systematically being destroyed to make way for urban development projects. The following is a list of neighbourhoods already destroyed or slated for destruction in the coming months published by ALO:

- In August 2006, Ankara's Aldındağ District authorities destroyed the homes of approximately 170 Romani families living the Gültepe (Çinçin) Romani neighbourhood and a further 400 homes are slated for demolition. The demolitions are part of a project by Ankara's Aldındağ Municipality to construct 776 flats within the scope of Çinçin Mass Housing Project. ALO reported that the municipality had finalized talks with Turkey's Mass Hous-

ing Administration (TOKİ), according to which 14 storey apartments will be built, and the protocol has been signed.

- In July 2006, municipal authorities destroyed two buildings housing 45 Romani individuals in Zonguldak Blacksea/Ereğli's Müftü neighbourhood following a decision of the Municipal Council. According to ALO, police were called in when residents of the buildings resisted the destruction of their homes by municipal authorities. Soon after the police arrived, the resistance stopped and the authorities proceeded to remove personal property then demolish the building.
- In July 2006, within the scope of the Bursa Province's Osmangazi Municipality's "History and Culture Park" project, 22 buildings were expropriated and destroyed in the Kamberler Romani neighbourhood, according to ALO. ALO reported that the project is intended to renew the neighbourhood through the expropriation and destruction of existing property. Rapid Force police officers reportedly attended the demolitions, in which 106 houses were destroyed. ALO reported that Osmangazi Municipality had expropriated more than 150 buildings. Under the Kamberler History and Culture Park Project, Osmangazi Municipality foresees, as a first step, 40,000 square metres of land will be converted to green space.
- ALO reported that, in July 2006, municipal authorities destroyed 120 houses owned by Roma in İstanbul's

Kadıköy Küçükbakkalköy District within an urban transformation project of the Istanbul Metropolitan Municipality, just two months after the residents were given notice. According to ALO, representatives of the Metropolitan Municipality and more than 100 police officers, from the Metropolitan Police Force, the Kadıköy Police Force and Turkey's Rapid Force Teams, were present during the action. Tensions reportedly broke out between Roma who refused to leave their homes and police officers, though no information was available as to any injuries sustained.

- In June 2006, representatives of Istanbul's Metropolitan Municipality demolished 20 shacks inhabited by Roma

in Gaziosmanpaşa District's Cebeci Romani neighbourhood, according to ALO. The residents, including women and children, reportedly protested as municipal authorities arrived to tear down their homes, and they were carried off by police forces. Once the Romani residents had been removed from the area, police officers from Rapid Force and Special Team Units searched the shacks as well as surrounding houses, then municipal authorities proceeded to destroy the shacks in which the Roma were living. ALO reported that approximately 30 people were detained for not having ID cards during the incident.

- In May 2006, municipal authorities from Istanbul's Kağıthane District destroyed

11 Romani homes in the Gültepe Yahya Kemal Romani neighbourhood, ALO reported. Romani residents of the neighbourhood reportedly protested against the destruction of their homes, setting them on fire to prevent the destruction. Residents were then removed by Rapid Force police officers, who were present.

According to ERRC research, residents of Istanbul's Kuştepe Romani neighbourhood face similar fates. On 21 September, the ERRC and partner organisations sent a letter to Turkish Prime Minister Erdogan to express concern at a wave of housing destructions and threatened housing destruction targeting Roma in Turkey. (Accessible Life Organisation, ERRC)

## UKRAINE

### ✧ **Police Ill-treatment of Romani Suspect**

Research conducted during an ERRC field mission to Ukraine in July 2006 revealed extreme abuse being perpetrated against Roma by state actors in the central Ukrainian town of Dniprodzerzhinsk. The Novomoskovsk-based Romani organisation Vatra and attorney Mr Vassily Pozdniakov told the ERRC that, at the end of April 2006, S.M., an 18-year-old Romani man, was arrested as a suspect in the rape and murder of a teenage girl, beaten repeatedly by police and forced to confess to a crime he did not commit. S.M. has been in detention ever since.

According to Vatra, on 30 April 2006, the dead body of the girl was found in a house near a construction site in Dniprodzerzhinsk. The girl had been raped and suffered fatal head injuries some time during the previous evening. On the afternoon of April 30, local police arrested 18-year-old S.M., a Romani man, for suspected involvement in the rape and killing. Several days later, the police produced a confession signed by S.M. declaring responsibility for both the rape and the murder. S.M. was then charged with rape and murder and placed in preliminary detention.

About a month after the girl was found dead, the Novomo-

skovsk-based Romani organisation Vatra learned of the case and hired a lawyer, Mr Pozdniakov. During an interview with the ERRC on 25 July 2006, Mr Pozdniakov stated that after meeting with S.M, he was certain that S.M. was innocent and that his basic human rights had been seriously violated during his time in police custody. According to Mr Pozdniakov, S.M. informed him during their meeting that he had known the victim personally and had introduced her to another person, an older man with a previous criminal record, who raped and murdered her later that evening. Shortly after introducing the two, the man reportedly told S.M. to leave so

that he could speak to the girl alone. A few moments after he left, S.M. heard the girl scream and rushed back to see the man raping her. S.M. informed Mr Pozdniakov that she tried to intervene but the older man beat her with a brick and threatened to kill his entire family if he ever told anybody what he had seen. S.M. stated that the man then grabbed the girl and threw her out of the building, where she fell five floors to her death, according to Mr Pozdniakov.

Mr Pozdniakov informed the ERRC that S.M., who is illiterate, claimed that the police arrested him the next day. During detention, S.M. reported that the police beat him severely, suffocated him with plastic bags, stabbed his hands repeatedly with a sharp metal pen and forced him to confess to the crimes. After being charged, S.M. told Mr Pozdniakov, his cell-mates also beat him. Mr Pozdniakov told the ERRC that during their first meeting, S.M. told him he had suffered a broken jaw, a broken hip, damaged eardrums, cracked ribs and approximately 35 stab wounds

on his hands caused by a sharp metal pen since the time of his arrest. Mr Pozdniakov immediately arranged to have S.M. transferred to an isolation cell for his own protection, where he had been held until the date of the ERRC meeting. Mr Pozdniakov informed the ERRC that S.M. believed the alleged perpetrator had paid the police approximately 5,000 USD to leave him alone, which resulted in S.M.'s arrest.

On 25 July, the ERRC visited the Dniprodzerzhinsk District Prosecutor, who is in charge of the case. The prosecutor told the ERRC that he believed S.M. to have committed both the rape and the murder and that he believed S.M. to be lying about the alleged police abuse and the forced confession, and to have inflicted his injuries upon himself. S.M.'s cell-mates had reportedly testified that S.M. injured himself in the hopes of being transferred to a hospital from which he might be able to later escape. The prosecutor stated that S.M.'s signed confession is genuine and that it is unbelievable that anybody "under any circumstances" would ever admit

to a major crime they had never committed. When asked about the older man as a second suspect, the prosecutor informed the ERRC that, according to the police, they were not searching for him because "he had disappeared and it would be impossible to find him". The prosecutor also stated that although it was possible that S.M.'s confession was not "from the heart", all of the evidence supplied by the police nevertheless suggested that the boy is guilty.

Later that week, Mr Pozdniakov informed the ERRC that the Dniprodzerzhinsk District Prosecutor's Office had dropped the rape charge after he successfully challenged the validity of some of the evidence against S.M., though the murder charge was still in effect. The ERRC was also informed that S.M.'s parents had been given permission to visit their son in prison for the first time since his arrest in April. In September, ERRC took over legal representation of S.M. together with Mr Pozdniakov. In mid-September, S.M.'s case was sent to court and a hearing date was forthcoming. (ERRC)

## **UNITED KINGDOM**

### **✧ Dale Farm, the Largest Traveller Settlement in Britain, Under Threat**

The Economist reported on 8 April 2006 that Dale Farm, the largest Traveller site in Britain, continues to be under threat of forced eviction. Around 1,000 Travellers reside at the Dale Farm. The residents have purchased the plots where they live; however, only 400 have of-

ficial permission to settle on the plots. The other 600 reportedly arrived later and are in breach of the Town and Planning Act. Basildon District Council, the administrative authority in the area, has been fighting to evict the illegal residents.

Mr Richie Sheridan, a spokesman for Dale Farm, was quoted as having stated that several of the residents are very old or very

ill and cannot move. The group is waiting for judicial review of the Council's decision. The Commission for Racial Equality is reportedly observing the case to make sure that racial equality is maintained. Others, such as Mr Nigel Smith, leader of the Basildon Labour Group, question the method of the Council: "to deal with a human rights issue under a planning law is crazy." (The Economist)



# Strasbourg Cases and Their Long Term Impact

Luke Clements<sup>1</sup>

What has been the lasting legacy of European Roma Rights Centre's litigation strategy?

In this paper I try and do two things: firstly, to relate, briefly, the development of Roma cases at the European Court of Human Rights, and secondly, to try and assess the extent to which litigation can have a positive and durable influence on Roma people's lives. The first task is the easier. It is a history that has almost everything to do with the formation of the European Roma Rights Centre (ERRC). Few non-governmental organisations – if any – can point to a decade of such impressive achievement.

Ten years ago, there were little or no effective legal challenges being made to the widespread abuse of the human rights of Roma.

Ten years ago, I remember visiting Târgu-Mureş with the wonderful Jim Goldston, ERRC's then legal director. We heard of the despair of Romanian Roma concerning atrocities committed in Hădăreni village and elsewhere, and their sense of powerlessness. We heard of widespread abuse by the police and of the endemic discrimination that Roma experienced in housing, education, health and so on. These terrible incidents had been largely ignored by the state authorities

Ten years ago, although there had been no European Commission or European Court of Human Rights decision concerning the treatment of Roma in Central and Eastern Europe, there had been many international reports condemning the appalling treatment of Roma. Expressions of concern however seldom change anything.

In 1997, the European Commission on Human Rights issued a largely negative report

in response to a complaint made by a Romani youth, Anton Assenov, and his parents. The complaint alleged that Anton had been ill-treated whilst in police custody in Shumen. The case was then referred to the European Court of Human Rights at which point the ERRC became involved, supporting the local lawyers, and then directly intervening at Strasbourg. As a consequence, in October 1998, the Court gave the landmark *Assenov v. Bulgaria* ruling. It found a violation of almost every complaint made. In particular, it held that, where credible evidence exists that a person has been ill treated in police custody, then there is an obligation under Article 3 of the Convention on the state to carry out a full and independent investigation. The *Assenov* judgment not only produced hard rights for Roma, it improved the situation of all people claiming that they had been ill treated at the hands of the state.

Subsequent to this decision, many cases taken or supported by the ERRC have been successful: international cases concerning (for instance) deaths in custody (*eg. Velikova v. Bulgaria* (2000)) and the illegal expulsion of Roma (*Conka v. Belgium* (2002)), as well as domestic proceedings, such as the UK House of Lords case finding unlawful discrimination against Roma (*ERRC v. Immigration Officer at Prague Airport and others* (2004)). These cases have not only developed principles of international law for the benefit of Roma, they have proved to be of central importance to the struggle of all socially excluded people. At a recent symposium in Strasbourg, I heard it said that Convention discrimination law is now synonymous with Roma case law. This is largely true and almost entirely due to the pioneering work of the ERRC and the inspirational local lawyers with whom it works.

<sup>1</sup> Solicitor, London, and Reader in Law at Cardiff University.

Last year, two more landmark rulings were made by the European Court of Human Rights in relation to ERRC supported complaints.

In *Nachova v. Bulgaria*, the Court ruled that a failure by a state to investigate allegations of severe discriminatory treatment could amount to a violation of Article 14 of the Convention. *Nachova* is a judgment of immense importance whose repercussions we will still be trying to gauge 10 years hence. It means that states must not only refrain from directly discriminating against minorities, such as Roma, but that they have a positive obligation to investigate situations where severe problems appear to exist. Such a responsibility can, and probably will, be developed into a general obligation to promote racial harmony – to take active measures to reduce inequality.

*Moldovan and others v. Romania* was the second 2005 judgment of immense importance. It is particularly satisfying that it directly ruled on the terrible events at Hădăreni village in Romania to which I have already referred. *Moldovan* is a judgment that challenges the perception that Roma are powerless to confront the indifference and hostility of the police and state officials to their plight. The Strasbourg Court found that the applicants had suffered gross racial discrimination at the hands of the state authorities (including the Târgu-Mureş Court of Appeal). Indeed, the state's indifference and stigmatisation of the victims was held to constitute "degrading treatment" within the meaning of Article 3 of the Convention. The Court in addition ordered compensation in excess of EUR 225,000. This compensation was in addition to financial compensation earlier negotiated in a friendly settlement between several of the applicants and Romanian government.

Not all the ERRC's legal challenges have been successful. Earlier this year, the European Court of Human Rights rejected a complaint concerning discriminatory treatment in relation to the education of Roma in the Czech Republic. Despite compelling evidence painstakingly acquired by the ERRC over many years, the Court took a negative and restrictive approach and found no violation. At the time of writing, we are awaiting the outcome

of an application to the Grand Chamber for a review. It would be to the Court's eternal shame if it failed to reverse this dreadful decision. The tide has however turned, and it is inevitable that, in the years to come, cases like this will succeed: Sooner or later the Strasbourg Court will see the light.

What though is likely to be the long-term influence of this litigation? Roma may no longer be burnt alive and subjected to pogroms of the type in Hădăreni village, but life is still brutal for very many – particularly in Eastern and Central Europe. The police still ill-treat Roma in detention and it would be naive to suggest that their social welfare conditions have changed materially: they are still at the bottom of the social pile and face discrimination in every aspect of their lives.

But this is not a unique experience. Black people in the United States still face *de facto* discrimination and segregation in their schooling and experience generally inferior services in housing, health and education, notwithstanding the Supreme Court ruling in *Brown v Board of Education* in 1954 and 60 years of radical civil rights campaigning.

Effecting change is not easy. Winning a court case brings a wonderful feel but there is no guarantee that it will deliver anything significant in terms of positive change. Challenging endemic discrimination and social exclusion is a long term process. Litigation is one strand of such a strategy – an important one – but it is only one strand.

This is not to understate the value of a statement of the law by the European Court of Human Rights, or indeed of any other equivalent international tribunal. Judgments protect and empower oppressed communities and give support to all those who wish to see an end to such injustice. They make Governments sit up and pay attention to the domestic constitutional minority rights guarantees that are all too often ignored in the daily political imperative of appeasing the majority. Carefully phrased judgments can promote local reconciliation and suggest pathways to the peaceful and orderly resolution of longstanding tensions.

All too often, however a successful case merely results in the institution "Strasbourg proofing"



its behaviour and then continuing to discriminate as before, but doing so in a way that avoids further court condemnation. People are not beaten up, but they do mysteriously fall down police cell steps. Children are not segregated on racial grounds, but they are then made to take an exam which only those from socially privileged backgrounds are likely to pass.

Of course judgments concerning gross violations tend to be effective even in the absence of other external forces. Cases concerning brutality against Roma in detention fall into this group, since the *Assenov* judgment now obliges states to investigate and establish precisely how the injuries were sustained. However, discrimination against Roma does not always take this form. All too often, it is pervasive and stems from long standing racial stigmatisation and community repression: all too often it manifests itself, not in acts of indiscriminate violence of the *Assenov* or *Hädäreni* village type, but in more diffuse ways. In an early Court judgment concerning English Gypsies, Judge Pettiti highlighted both the insidious nature of these discriminatory state practices and the difficulty courts had in dealing with them: They arose, he said, through “the deliberate superimposition and accumulation of administrative rules (each of which would be acceptable taken singly)” but which cumulatively made it “totally impossible for a Gypsy family to make suitable arrangements for its accommodation, social life and the integration of its children at school”.<sup>2</sup>

Pettiti’s lament concerning the impotence of courts faced with such endemic and “indirect” discrimination is a warning to all who pin too many of their hopes on litigation strategies. Courts are generally poor at peeling away layers of injustice: judges like simple targets with which to deploy their logic; they are uneasy when asked to roll up their sleeves and determine cases that spring from multifaceted community inequalities.

The awkwardness of the judiciary is not an acceptable excuse when faced by such manifest

injustice. They need to acquire new skills and strategies to improve the effectiveness of the justice system in dealing with problems of this nature. The law, however, has its limits, particularly when the origins of the discrimination are so diffuse – historic, economic, cultural, social and political.

All governments are restricted in their ability to make dramatic shifts in their country’s cultural and socio-economic structures. The righting of historic injustices will often take time and require both vision and support – domestic and international. Court judgments condemning such inequalities are not self-enforcing. Although state acknowledgment of the problem and a wish to make amends is a *sine qua non*, without more, this too is often insufficient. Fortunately, however, the ERRC’s Central and Eastern European strategy has come at a unique time – coinciding as it has with the enlargement of the European Union. With such a backdrop, many Governments have seen the benefits of partnership working with local Romani organisations, especially as it has frequently had the potential to open EU coffers as well as those of the European Bank for Reconstruction and Development and the World Bank. Such cooperation has produced real benefits, but almost certainly would not have occurred without the threat of litigation (and the consequent international condemnation).

It is to the enormous credit of the ERRC’s founding fathers/mothers that, from its inception, the organisation has been aware of the limitations of a “litigation only” strategy and has given equal weight to its international advocacy, its research and policy development and its training of Romani activists.

Reliable and accurate first-hand research is the foundation of all ERRC activities. It informs the litigation as well as the domestic and international responses to the human rights abuses that it exposes. In recent years, the reports concerning systematic discrimination in the fields of education, access to public accommodation and health services, as well

<sup>2</sup> See *European Court of Human Rights, Judgment on the case of Buckley v. UK, adopted on 26 August 1996, Dissenting Opinion of Judge Pettiti, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Buckley%20%7C%20v.%20%7C%20UK&sessionid=7871620&skin=hudoc-en>.*

as in documenting violence against Roma and Romani communities, have probably done as much (if not more) to change the European perception of the status of Roma as the very many successful cases before the European Court of Human Rights. And yet, without the litigation, most of these reports would probably have been filed unread in the library of good intentions.

A specific incident – one of hundreds challenged successfully by the ERRC over the last 10 years – gives some measure of the effectiveness and lasting impact of the litigation strategy. It took place on 13 October 1999, when the council for Usti nad Labem in the Czech Republic built a two-meter-high wall to isolate a Romani community. Forty days later it was dismantled. What was the reason for such a *volte-face*?

There can be no doubt that the ERRC played a central role in challenging this abomination. Using its excellent local and international links, it ensured that the story was widely published in Europe and beyond, including editorials in the *New York Times* and the *Herald Tribune*. It threatened immediate legal action and called upon the European Union to block the Czech state's accession to the Community.

The speed of the Czech Government's response was almost certainly due to the severe embarrassment that the incident caused it with the EU. One could therefore argue that the ghettoisation policy was successfully thwarted for reasons political rather than judicial. That, however, is to miss two important points: The first concerns the question, "Why did the construction of the wall get such enormous attention?" The answer is that it typified the discrimination that the ERRC had painstakingly researched, challenged and publicised since its formation. The ERRC had, with its track record of robust litigation and thorough

research, made Romani issues a key measure in assessing the EU accession suitability of states such as the Czech Republic. The reality was that, if the wall had not been removed, there would have been immediate litigation, leaving the EU no choice but to put on hold accession.

The second point raises another question, namely "What would happen if the wall was built today?" The answer is that it would probably take more than 40 days to get it removed, because the Czech Republic is now safely within the EU fold. However, the wall would certainly come down. This is not because the European Court of Human Rights would judge against it: The case would not get to Strasbourg. The wall would be removed because ERRC's litigation strategy has helped nurture the significant body of dedicated Czech lawyers who would today take action in the domestic courts. In their courts, they would refer to the established international law principles articulated in *Moldovan* and *Nachova*.

The litigation strategy has quite simply changed the socio-legal environment and the cultural context by which we judge the discrimination experienced by Roma. Court judgments, by restructuring the law, inevitably restructure the social and community relationship regulated by the law. Judgments, it has been said, bend and change "the legal and social landscape so that, after such cases are decided, people will be guided by assumptions and premises and patterns that differ from those that shaped their behaviour before those cases were decided".<sup>3</sup>

The litigation strategy has changed our very perceptions. It has given us a new language with which we can more clearly explain why certain actions are legally unacceptable, even if many of us have always sensed them to be so.

<sup>3</sup> Laurence Tribe. "The Curvature of Constitutional Space: What Lawyers Can Learn from Modern Physics". In *Harvard Law Review*: 103 November 1989; No.1.

# Nachova and the Syncretic Stage in Interpreting Discrimination in Strasbourg Jurisprudence

Dr Dimitrina Petrova, Executive Director, European Roma Rights Centre

**T**HE PURPOSE of this note is to formulate just one of the lessons to be drawn from the landmark case *Nachova and Others v. Bulgaria*, which the European Roma Rights Centre (ERRC) won in February 2004 in the Chamber and in July 2005 in the Grand Chamber of the European Court of Human Rights (ECtHR). The Chamber judgment was greeted as a giant step forward in the anti-discrimination struggle, as the Court, for the first time in its history, found a violation of the guarantee against racial discrimination contained in Article 14 of the European Convention on Human Rights (ECHR). The finding brought back from legal anabiosis the Convention's prohibition of discrimination on grounds of race and ethnicity and opened a new stage for anti-discrimination litigation. While this victory vindicated the small company of ERRC and associated enthusiasts pressing for resurrection of Article 14, I would suggest seeing *Nachova* in a somewhat longer-term perspective. At this stage, the ECtHR concept of discrimination has not yet extricated itself from its association with subjective aspects related to intent. *Nachova* is a crossroads case in that it reveals this syncretism starkly and thus creates the basis for overcoming it and moving toward an interpretation according to which proving discrimination would not depend on the examination of the perpetrator's state of mind.

On 7 July 2005, the Grand Chamber, which heard the case on request of the respondent government, while finding unanimously that Bulgaria had violated Article 2 and the procedural aspect of Article 14 taken in conjunction with Article 2, voted, with a majority of 11 to 6 votes, that there had been no violation of the substantive aspect of Article 14 in relation to Article 2. The crucial argument is contained in §157 of the judgment:

"[...]The Grand Chamber cannot exclude the possibility that in certain cases of alleged discrimination it may require the respondent government to disprove an arguable allegation of discrimination and – if they fail to do so – find a violation of Article 14 of the Convention on that basis. However, where it is alleged – as here – that a violent act was motivated by racial prejudice, such an approach would amount to requiring the respondent government to prove the absence of a particular subjective attitude on the part of the person concerned. While in the legal systems of many countries proof of the discriminatory effect of a policy or decision will dispense with the need to prove intent in respect of alleged discrimination in employment or the provision of services, that approach is difficult to transpose to a case where it is alleged that an act of violence was racially motivated."

By the end of 2005, three further ECtHR cases (including two litigated by the ERRC) found a violation of Article 14. In *Bekos v. Greece* (13 December 2005) the Court applied the above logic from *Nachova*, dividing the protection contained in Article 14 into a substantive and procedural aspect, finding a violation of the procedural aspect and no violation of the substantive aspect, as no reversal of the onus could be allowed when the issue was the presence or absence of racial animus. However, in *Moldovan and Others v. Romania* (12 July 2005) and then in *Timishev v. Russia* (13 December 2005) the Court found violation of Article 14 without differentiating between a substantive and a procedural aspect.

In all four cases decided in the second half of 2005, the Strasbourg Court apparently applied a notion of discrimination that is a mixture of two preceding interpretations: one that depends on the presence of a certain subjective

attitude motivating conduct and another one that is irrespective of any mental state. The two interpretations are mixed up in all four judgments, irrespective of whether the related issue was racist violence or not. Whereas in all four cases discrimination is defined, with reference to *Willis v. the United Kingdom*, as “treating differently, without an objective and reasonable justification, persons in relevantly similar situations” (i.e. in the spirit of the EU anti-discrimination Directives), this definition was not understood as making intent irrelevant. In each of the judgments, and despite the different Convention rights at stake in each case (Art. 2 in *Nachova*, Art. 6 and 8 in *Moldovan*, Art. 2 of Prot. 4 in *Timishev* and Art. 3 in *Bekos*), the motivation of the perpetrator was invoked in phrases such as “racial motivation”, “racially motivated act”, “attitude”, etc. There is also no clear differentiation between the concepts of racial discrimination and racism:

“[...] the Court’s task is to establish whether or not racism was a causal factor in the shooting that led to the deaths of Mr Angelov and Mr Petkov so as to give rise to a breach of Article 14 of the Convention taken in conjunction with Article 2.” (*Nachova* GC, §146).

In *Moldovan* and *Timishev*, where discrimination is not related to racist violence, the Court, despite the conceptual and/or verbal syncretism, was not deterred from shifting the burden of proof and in the end leaned toward the *Willis* definition when deciding that, as the respondent government had failed to provide an objective and reasonable justification of the different treatment, discrimination had occurred.

When we were building the arguments for *Nachova* in the late 1990s, we were not yet “prepared” (historically, as it were, and certainly while still litigating at the domestic level) to apply consistently the definition of discrimination (that became better established only at a later stage, through the adop-

tion of Directives 2000/43/EC and 2000/78/EC) that had shed off any reliance on intent, motivation, or any other subjective reality and relied entirely on the objective characteristics of unequal treatment. The main evidence we put forward to support our claim that Article 14 had been violated was that racial bias had played a part in the unlawful killing: for example, the perpetrator, Major G., had addressed a racist remark to a Romani bystander immediately after he had fatally shot the Romani fugitives Mr Angelov and Mr Petkov.

One lesson then for cases involving violence against disadvantaged groups is obvious. Since the general historic direction of interpreting discrimination is hopefully the one in which the intent is irrelevant, and since in any case the ECtHR is not a criminal court seeking to establish individual guilt, we should construe discrimination as an aspect of violent conduct solely by demonstrating that different treatment has occurred in relevantly similar situations and arguing that the different treatment was not objectively and reasonably justified. Thus, the strategy of substantiating a discrimination claim in *Nachova* for example would have been to argue that if the fugitives had not been Roma, the use of force would not have been as “excessive” as to result in a killing. Statistical and other objective evidence could be tabled to support this claim. The government, to which the responsibility to disprove this allegation would then be shifted, absent the barrier of non-falsifiability (as identified in §157 cited above), would have the realistic option to prove the opposite: for example, that Major G. had acted throughout his career in identical ways in similar cases no matter what the ethnicity of his shooting victims was; or, at the institutional level, that the use of fatal force had been endemic and indiscriminate and resulted in proportionate numbers of killings of Roma and non-Roma. This strategy moves us toward a more consistent concept of discrimination applied in the different contexts of violent crime, employment, and access to services, which in turn should result in stronger legal protection against discrimination.

# ERRC Submission to the United Nations Committee Against Torture concerning the situation of Roma in Russia

*On 26 April 2006, the European Roma Rights Centre submitted concerns to the United Nations Committee Against Torture concerning the situation of Roma in Russia, timed for ongoing review of Russia's compliance with international law banning torture and cruel and degrading treatment or punishment. The full text of the submission appears below.*

## Honourable Committee Member,

The European Roma Rights Centre (ERRC) is an international public interest law organisation which monitors the situation of Roma in Europe and provides legal defence in cases of human rights abuse. Since its establishment in 1996, the ERRC has undertaken first-hand field research in more than 20 countries in Europe and has disseminated numerous publications, from book-length studies to advocacy letters and public statements. The ERRC has been monitoring the situation of Roma and other pariah minorities in Russia since 2000, and since 2003 it has been involved, with partner organisations, in comprehensive human research extending to most of Russia's regions. ERRC publications about the Russian Federation and other countries, as well as additional information about the organisation, are available on the Internet at <http://www.errc.org>.

The ERRC respectfully submits herewith *In Search of Happy Gypsies: Persecution of Pariah Minorities in Russia* (Hereafter "ERRC Russia Country Report"), a comprehensive report on the human rights situation of Roma and others regarded as "Gypsies" in the Russian Federation, published by the ERRC in May 2005, for consideration by the United Nations Committee Against Torture (the Committee) at its 37th session, 6-24 November 2006. The ERRC Russia Country Report focuses on a range of issues, many of them central to the mandate of the Committee. The ERRC hopes that Committee members will review carefully the enclosed materials.

ERRC concerns in Russia with respect to the matters proscribed under the Convention include but are not necessarily limited to:

- (i) Individual cases in which extreme breaches of Convention rights have been documented; in most such cases of which we are aware, perpetrators remained immune in whole or in part from prosecution, and victims remain as a rule entirely precluded from just remedy;
- (ii) A climate and public culture of tolerance of or even promotion of Convention harms, as a result among other things of the generalised failure by Russian authorities to prosecute Convention harms; to condemn Convention harms publicly; or to indicate in any way to perpetrators, victims and/or the public at large, that they undertake to end Convention harms on the territory of the Russian Federation;
- (iii) A climate and culture of extreme racism, tolerated by media, public officials and others, giving rise to extreme instances of racially motivated crime, in many cases involving the death of the victim, and giving rise to the concern that acts banned under the Convention may occur for reasons of racial discrimination;
- (iv) Gender-based Convention harms, arising from the extreme subordination of Romani women in the Russian Federation, and perpetuated by the failure by Russian authorities to act adequately if at all to end extreme practices such as the abuse of women – including in particular

minority women – by public officials, as well as widespread practices of domestic violence, including domestic violence in the Romani community;

For convenience, as well as by way of update since the Report's May 2005 publication, the ERRC provides below a summary of some cases of relevance to the Committee's mandate that the ERRC is currently monitoring:

### **Romani woman died in unclear circumstances in the police station**

On 24 May 2002, Ms Fatima Aleksandrovich, a 23-year-old Romani woman, died in the hospital in Pskov, northwestern Russia, apparently after having been physically abused by police officers in the local police station. According to the police, Ms Aleksandrovich had been trying to steal a purse in the bus. She was therefore detained and taken to the local police station. On the same day, the police informed Ms Aleksandrovich's common-law husband, that his wife had attempted to commit suicide by jumping out of a third floor window at the police station and that she was in coma in the hospital. She died four days later. Ms Aleksandrovich's corpse had numerous bruises on her arms, inner thighs and neck. The family of the victim filed a criminal complaint urging the Pskov Prosecutor's Office to begin a criminal investigation into the death of Ms Aleksandrovich. However, no official investigation was initiated. The failure to launch criminal investigation was appealed twice, without success. Despite a number of complaints submitted by the ERRC, together with local counsel, to the Pskov City Court, the Prosecutor's Office refused to open a criminal investigation. In August 2005, the ERRC, together with local counsel, submitted an application in the European Court of Human Rights alleging violations of Articles 2, 3, 13 and 14 of the European Convention on Human Rights. Further information on the case is available at pp.66-67 of the ERRC Russia Country Report.

### **Police officers killed Romani man**

On 3 August 2001, 37-year-old Mr V.V. Yeryomenko was taken to the police station in Khimki, a town in the Moscow region, and beaten to

death after being stopped in the street for a routine identity check. Two police officers took Mr Yeryomenko and his neighbor to the police station in Khimki. There, the two officers reportedly started beating Mr Yeryomenko with truncheons and fists all over his body, while calling him "Gypsy". Approximately three hours after he had been brought to the police station, Mr Yeryomenko died in one of the detention cells. Mr Yeryomenko's wife was reportedly offered an implausible explanation of the circumstances surrounding her husband's death, and was allegedly told, that "police officers could not, in any case, be prosecuted for killing." In this case, the perpetrators were prosecuted and in April 2004 they were sentenced to seven years imprisonment. However, the sentences were suspended. Further information on the case is available at pp.67-68 of the ERRC Russia Country Report.

### **Degrading treatment during pre-trial investigation**

On 23 November 2000, police officers detained Mr S., suspected of being under the influence of drugs. Mr S. reportedly told the officers that he had purchased the drugs from one Ms Stepanova, a Romani woman. On the next day during a so called "test purchase" of drugs, special police force officers detained Ms Stepanova. During the arrest procedure, the officers beat Ms Stepanova on her head and face and kicked her. At the police station, the officers reportedly kept Ms Stepanova outdoors undressed and handcuffed, apparently in an attempt to force her to confess to crimes. Ms Stepanova was then body-searched by a male police officer without witnesses. Despite the fact that Ms Stepanova was illiterate, she was not provided with a defence attorney until 28 November 2000, when she was first identified as a suspect. The conclusions of the drug analysis were communicated to Ms Stepanova in the absence of her attorney despite her illiteracy. During pre-trial detention, Ms Stepanova and her attorney sent several appeals each to various courts requesting that she be allowed to be released from custody during the trial period, as she was the only adult who cared for her four underage children. All appeals were reportedly rejected. On 16 May

2002, the Taganskiy district court of Moscow found Ms Stepanova guilty and sentenced her to six-years-imprisonment and ordered that her property be confiscated. Denial of fair trial and other human rights violations, including inhuman and degrading treatment, were the basis for a complaint submitted to the European Court of Human Rights in 2003. Further details of the case are provided at pp.107-109 of the enclosed ERRC Russia Country Report.

### **Demolition of Romani houses in Kaliningrad Region**

In February 2006, authorities in the Kaliningrad region (Northwest Russia) sent bulldozers to demolish the houses of Romani families in the village of Dorozhny, Kaliningrad region. The forced evictions undertaken by the authorities have resulted in the homelessness of four Romani families, including children and women.<sup>1</sup> This situation was aggravated by the severe weather conditions in the Kaliningrad region at this time of the year. Reportedly, before and after demolition local TV program “Kaskad” repeatedly described Romani people living the Dorozhny village as “drug dealers” and “criminals”.<sup>2</sup> On 24 February 2006 the European Roma Rights Centre sent a letter to the Governor of Kaliningrad region urging him to intervene and stop inhuman treatment of Romani families in the Dorozhny village of Kaliningrad. The ERRC expressed concern that the demolition of Romani Houses in Kaliningrad had exposed Romani families to

forced homelessness in violation of international human rights law. As of April 25, 2006, there has been no response from the Governor. The ERRC is continuing to monitor the situation with Romani houses in the village of Dorozhny.

### **Arson attacks in Siberian town**

In Iskitim, Novosibirsk region, on 14 February 2005, approximately 20 individuals attacked and burned a number of Romani houses. According to reports, the assailants, who reportedly arrived in several jeeps and departed by the same means, managed to destroy entirely around 10 dwellings in the course of the attack. After the incident, almost all Romani inhabitants fled the town due to fear of further attacks. Victims stated that fire engines and ambulances tried to reach the village, but traffic police officers prevented them from doing so. During the whole incident, despite clear and evident awareness that the attacks were ongoing, law enforcement officials and municipal authorities reportedly did nothing to prevent them. Similar acts of violence against Romani houses in Iskitim had reportedly also taken place in December 2004, in January and in April 2005. During the course of criminal investigations in 2005 seven perpetrators have been detained. However, on 10 November 2005, another two Romani houses were burned in the outskirts of Iskitim. In result, Ms Zaikova, 32-year-old Romani woman sustained severe injuries and her 7-year-old child Zhanna died three days later due to the arson attack. Law enforcement bodies and the local

<sup>1</sup> *The ERRC notes that in November 2005, the UK House of Lords ruled, regarding the proper interpretation of the European Convention on Human Rights Article 3 ban on cruel and degrading treatment or punishment as incorporated into UK law via the 1998 Human Rights Act, that acts forcing persons into penury or impoverishment may rise to the level of degrading treatment in the sense of Article 3. The case involved refused asylum seekers being severed from social benefits. In the case, the Law Lords held that the test for whether the margin was crossed was whether the treatment to which the asylum seeker was being subjected by the entire package of restrictions and deprivations that surrounded him was so severe that it could properly be described as inhuman or degrading treatment within the meaning of Article 3, and that the threshold might be crossed if a late applicant for asylum with no means and no alternative source of support, unable to support himself was, by the deliberate action of the state, denied shelter, food or the most basic necessities of life. As soon as an asylum seeker made it clear that there was an imminent prospect of a breach of Article 3 because the conditions that he was having to endure were on the verge of reaching the necessary degree of severity, the secretary of state had the power and the duty under the Human Rights Act 1998 to act to avoid it. ([2005] UKHL 66)*

<sup>2</sup> *In the case Moldovan and others v. Romania (Applications nos. 41138/98 and 64320/01) the European Court of Human Rights reiterated that “discrimination based on race can of itself amount to degrading treatment within the meaning of Article 3 of the Convention”.*

municipality have done little or nothing to prevent further arson attacks on Romani houses and racial violence against Romani people. Remarkably, according to local human rights activists the district prosecutor stated on local TV that “arson attacks were done in interest of local people who suffer a lot from Romani drug dealers; perpetrators are already identified however they will not be persecuted.” At the same time, a local officer from the local branch of *Gosnarkokontrol* (State Drug Control Service) confirmed that the woman injured due to the arson attack in November 2005 was not engaged in drug dealing. In March 2006 the prosecutor’s office finished the investigation and submitted the cases in the court, however no racial motivation has been found during the investigation so far. The ERRC is providing legal representation in the case.<sup>3</sup> Further information on the case is provided on pp.122-124 of the ERRC Russia Country Report.

### **An abusive raid in Ural region**

On August 26, 2004, Russian police and Special Purpose Police Units (OMON) carried out a raid on the Romani community in the city of Revda, Sverdlovsk region. Armed men in civilian clothes stormed into all of the houses in the Romani neighborhood, breaking doors and windows and using foul language. The attackers did not identify themselves, nor did they present any search warrants. Roma who asked about the identity of the attackers who raided their homes were allegedly beaten and verbally abused in response. Without asking any questions, the attackers rushed around the houses and detained an unidentified number of Romani men. After the attackers left the Romani settlement, Romani women – the wives and sisters of the detained – went to the local police to look for their relatives. They were not provided with any information about the whereabouts of their relatives. Romani women interviewed by Roma Ural (a local Romani NGO) testified that while waiting in front of the police station, they could

hear people crying out from inside, apparently as a result of being abused physically. At around 4:00 AM, all detained Roma were released. When the raid on the Romani houses began on August 26, some Roma thought that the attackers were gangsters and called the police. The police allegedly refused their requests for help. After the raid, Roma claimed that valuables, including mobile telephones, as well as personal and other documents, were missing from their houses. On August 27, some Roma attempted to seek help from the local hospital. When doctors understood that the Roma had been beaten by the police and security forces, they allegedly refused to treat them. Further information on the case is provided on pp.80-81 of the ERRC Russia Country Report.

The ERRC notes that Romani women are particularly vulnerable to abuses banned under the Convention, and that Romani women are victims in a high number of the cases the ERRC is monitoring in Russia involving extreme forms of degrading treatment by public officials. The ERRC also notes that public officials are extensively implicated in Convention harms as a result of the complete failure to date by Russian law enforcement officials to challenge extreme forms of degrading treatment of Romani women taking place in the home and community, harms including but not necessarily limited to serial and systemic domestic violence and child marriage. The ERRC knows of no instances in which persons have been prosecuted for Convention harms as a result of these practices, and in all cases of which the ERRC is aware, all persons, including alleged perpetrators and implicated public officials, enjoyed full or partial impunity. Further information on cases is provided on pp.61-89 of the ERRC Russia Country Report.

The ERRC also notes that human rights defenders challenging Convention abuses are also exposed to extreme threats in Russia. A recent case involved Mr Boris Kreyndel, Director of

<sup>3</sup> *The ERRC recalls that in a case of similar profile, in a decision adopted on 21 November 2002, the Committee found Yugoslav authorities in violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requested that they provide the victims with comprehensive redress, including fair and adequate compensation (Hajrizi Dzemajl et al. v. Yugoslavia, CAT/C/29/D/161/2000).*



the Human Rights Commission, a Tomsk-based human rights non-governmental organisation, which has been providing the Romani victims of the pogroms in Iskitim, detailed above, with legal aid since the beginning of 2005. In 2006, unknown persons began to harass and intimidate Mr Kreyndel, among other things threatening to force his underage daughter to become addicted to drugs. These persons repeatedly glued leaflets in the centre of the city, falsely accusing him of drug dealing. They also defaced the wall of his house with a swastika. Mr Kreyndel submitted a statement to the local prosecutor's office, requesting investigation into the case, however the prosecutor of the Soviet District of Tomsk refused. In April 2006, Mr Kreyndel was forced to leave the region and relocate with his daughter elsewhere in Russia.

Since publication of the ERRC Russia Country report in May 2005, there have been no official responses from the authorities to the report and its contents, despite wide distribution of the report by mail to many governmental and non-governmental institutions. However, following publication of the report, several local Romani activists have been summoned by prosecutors to discuss matters related to cases included in the report. Also, reportedly, in some areas, for example, in Novokuybishevsk, Samara region, police have at least temporarily ceased abusively raiding Romani settlements.

In light of the above, and based on findings included in the Country report, the ERRC recommends that the Government of the Russian Federation undertake the following measures:

- Ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

allowing thereby visits to places of detention under the jurisdiction and control of the Russian Federation by an independent body;

- Implement in practice the prohibition of obtaining testimony by coercion under Article 302 of the Criminal Code and ensure that Article 9 of the Criminal Procedure Code, which prohibits anyone involved in criminal proceedings from being subjected to torture or other cruel, inhuman or degrading treatment, is respected, and any and all breaches punished;
- Ensure that evidence obtained by means of torture and ill-treatment is not admitted in any proceedings;
- Ensure that all detainees are guaranteed prompt access to a lawyer following arrest, as stipulated in the Russian Constitution;
- Investigate promptly and impartially incidents of violence and abuse of Roma by law enforcement officials, as well as any acts implicating the Convention in which law enforcement officials may have been directly or tangentially involved, or about which they may have had the possibility to know, and prosecute the perpetrators of such crimes, as well as all other implicated parties, to the fullest extent of the law;
- Ensure that Romani victims of Convention harms who lodge complaints are effectively protected against intimidation and reprisals.

Thank you in advance for your consideration of the ERRC concerns, as outlined here and detailed in the ERRC country report. Please do not hesitate to contact us in any connection.

*Sincerely,*  
Dimitrina Petrova  
Executive Director





# Protection of the Rights of Roma in the Participating States of the Organization for Security and Co-operation in Europe (OSCE Region)

Aaron Rhodes and Ann-Sofie Nyman<sup>1</sup>

A majority of the estimated 8-10 million Roma in the world reside in the Organisation for Security and Co-operation in Europe (OSCE) region, which includes the countries of Europe, Central Asia and North America. Throughout history, Roma have been the victims of persecution and injustice in the region, and currently they are its most vulnerable and disadvantaged minority. Across the region, Roma are subject to prejudice and hostility, discrimination and violence, as well as exclusion and marginalisation.

From the perspective of the International Helsinki Federation for Human Rights (IHF) and its National Committees and Cooperating Organisations, the main human rights issues relating to the situation of the Roma in the OSCE region fall into four principal areas:

**Tolerance:** Anti-Romani prejudices and resentments are deeply rooted in the OSCE countries and frequently reflected in public debate. In many OSCE countries, Roma are also often the targets of harassment and violence, while investigations into such crimes typically are ineffective. Likewise, abuse of Roma by law enforcement officials often persist unchallenged and unremedied.

**Non-discrimination:** In major parts of the OSCE region, discrimination against Roma is pervasive in different areas of society, and Roma routinely experience exclusion in political, economic and social life. From the perspective of the rights of Roma, it is therefore of particular

concern that many OSCE countries do not have in place comprehensive anti-discrimination legislation and that existing anti-discrimination provisions often are not adequately implemented.

**Minority rights:** Roma are not recognised as an ethnic or national minority in all OSCE countries and therefore do not enjoy protection on an equal basis with other groups that have been afforded minority status under national law. A particular challenge concerning the minority protection of Roma is posed by the fact that considerable cultural, linguistic and religious diversity often prevails inside of those communities that are labeled as Roma and that the members of these communities do not necessarily share a common identity. Any protection schemes need to adequately take this pluralism into account.

**Economic and social rights:** In all parts of the OSCE region, Roma experience serious economic and social problems. The situation of Roma is often characterised by widespread poverty and unemployment, substandard housing conditions, inferior health standards, patterns of school segregation and school drop out rates several times higher than the average population. The fall of communism in the former socialist countries, and the demise of welfare systems that satisfied the basic needs of everyone, hit Roma particularly hard and worsened their plight in these countries. Further exacerbating the situation, violations of their economic and social rights often go hand in hand with prejudice, hostility and discrimination.

<sup>1</sup> Aaron Rhodes is Executive Director of the International Helsinki Federation for Human Rights (IHF) and Ann-Sofie Nyman is IHF Researcher. The IHF is an international non-governmental organization constituted by 46 national Helsinki Committees and Cooperating Organisations in the participating States of the Organization for Security and Co-operation in Europe (OSCE). The IHF seeks to promote compliance with human rights commitments adopted within the OSCE as well as other international human rights standards, in particular by bringing together civil society groups that monitor and report on human rights issues from a non-partisan perspective on a common international platform. The European Roma Rights Center is an IHF Cooperating Organization.

In all the four areas discussed, the Helsinki Final Act (the founding document of the OSCE), its follow-up documents, as well as other international human rights treaties and agreements, establish clear obligations for the OSCE States. Moreover, in their agreements and decisions, the OSCE States have repeatedly recognised the particular difficulties faced by Roma and the need for effective measures to combat intolerance, prejudice and discrimination against them.<sup>2</sup>

In the last decade, there has been growing awareness of human rights issues pertaining to Roma in the OSCE region. This is largely the result of the work of NGOs promoting the rights of Roma, especially the European Roma Rights Center. OSCE institutions and other international governmental organisations operating in the region have also embraced this topic, and several OSCE countries have adopted national action strategies for the inclusion and integration of Roma. However, while important steps forward have been taken, the continued predicament of Roma across the OSCE countries makes it clear that progress has been far from satisfactory.

There are obviously many and complex reasons for this failure, but it does appear that lack of political will and commitment lie at the heart of it. In a political climate where anti-Romani sentiments are ingrained among large segments of the population, where the media frequently conveys negative stereotypes about Roma, and the voices of Roma are rarely heard in the public arena, Roma-related issues are not a popular political topic, and governments have little incentive to make them a priority and give them the full attention they would deserve.

As most Central and Eastern European countries now belong to the EU, and the accession of Romania and Bulgaria is apparently only a question of time, EU membership no longer provide, impetus for intensified efforts to address human rights violations against Roma in these countries, where

some of the region's largest Roma populations reside. Moreover, in many Western countries, Roma issues have increasingly been sidelined by other concerns in the context of the post-September 11 fight against terrorism as interest has increasingly shifted away from "old" minorities such as the Roma towards "new" minorities such as Muslim immigrant communities. As a result, Roma issues have been pushed further to the margins of the political agenda. In the countries of the former Soviet Union, politicians typically give little consideration to Roma issues compared to other, more popular concerns related to the ongoing transition to democracy and market economy, such as corruption or the general deterioration of economic and social conditions.

As for the future, it is obvious that renewed political determination and engagement are needed to ensure that the protection of the rights of Roma moves forward and does not stall or regress in the OSCE region. Given the fact that violations of the rights of Roma remain a serious concern across the region, the structures of the OSCE are well placed to help lead the way forward.

In line with the human rights commitments undertaken by the OSCE States, the OSCE Permanent Council, which is the organisation's major decision-making body, adopted an Action Plan on Improving the Situation of Roma and Sinti in November 2003.<sup>3</sup> This Plan calls on the OSCE States to adopt responsive, comprehensive and integrated strategies to ensure that Roma and Sinti are able to play a "full and equal part" in their societies and to eradicate discrimination against them. It highlights the importance of elaborating and implementing Roma-related strategies with the active participation of Roma and of maximising Roma ownership of the policies that affect them. It also provides detailed recommendations with respect to combating racism and discrimination against Roma, promoting their social and economic rights, improving their access to education, enhancing their participation in public and political life and ensuring respect for their

<sup>2</sup> See, for example, *Document of the Moscow Meeting of the of the Conference on the Human Dimension of the CSCE*, 3 October 1991, par. 42.2; and *Istanbul Document*, 19 November 1999, *Summit Declaration*, par. 20.

<sup>3</sup> *OSCE Permanent Council, Decision No. 566: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*, 27 November 2003.

rights in crisis and post-crisis situations. The Office for Democratic Institutions and Human Rights (ODIHR) and other relevant OSCE institutions and structures are entrusted with assisting the OSCE States in the implementation of the Action Plan.

The Action Plan is unquestionably a key document in the protection of the rights of Roma in the OSCE region. However, while its adoption has contributed to a series of positive initiatives at the national level, the impact of these efforts remain limited, and the Action Plan has yet to attain its full potential in effecting constructive policy change and action in the OSCE countries.

In order to achieve more far-reaching change, it would be essential that all OSCE States acknowledge the gravity and scope of the problems faced by Roma in their countries and approach these issues with the urgency and purpose they require. Accordingly, they should engage in prompt and concerted efforts to review and assess existing program related to Roma in light of the Action Plan and, in close cooperation with

representatives of Roma communities, to develop and implement revised and complementary policies in all relevant fields of society. They should also make sure that adequate funds and other resources are available for the realisation of the strategies agreed upon. To the extent appropriate and feasible, the OSCE States should make use of the assistance offered by OSCE institutions when carrying out activities under the Action Plan and capitalise on good practice from other countries.

In the coming years, it is also imperative that civil society continues to serve as a watchdog with respect to official policies affecting Roma by monitoring government conduct, highlighting shortcomings and advocating changes in the approaches employed. Roma NGOs are clearly best equipped to carry out this task, but they need the support of general human rights NGOs to communicate their concerns more effectively. The aim of the region's NGO community should be to mobilise the broadest possible support for calls for equality and justice for Roma.



# Meet the Staff of the ERRC



**Andi Dobrush** is a Staff Attorney. He has a degree in Law from the University of Tirana, Albania, and a LL.M. in Law from the Central European University, Budapest. He is a qualified lawyer in Albania.

My time at the ERRC as a lawyer has indelibly informed my thinking on lawyering for social change. Even if I wanted to, it would be extremely difficult to change the path I've embarked upon. I have come to realise what progressive lawyers have to learn in order to address the great justice challenge – and opportunity – of the new millennium: facing up to the full scope of race issues, and thereby moving our lawyering practices closer to our strongest theoretical visions of democracy.



**Anita Danka** is Staff Attorney. She holds an MA in English from the University of Debrecen and an MA in Human Rights from the Central European University. She received her law degree from the University of Miskolc. She worked for the Canadian Embassy before joining ERRC.



I decided to become a human rights lawyer due to a trip to India about ten years ago. My “incubator” shattered while I was walking among sick and poor people to see the magnificent beauties of the Taj Mahal in Northern India. I felt I was small, unimportant and not having any footprint in the world with a karma I did not know but I was desperate to influence. I was at that time doing my Masters in English. I got lucky and passed the entrance exam to law school, which I started parallel to my other studies. However, law school is not about human rights, so I was trying to soothe my hunger for this knowledge. Life gave me another present when I got accepted to the Human Rights Program of the Central European University. I had an intellectually very nourishing year at CEU, but my selfish interest kept pushing me towards actually using the knowledge I gained. After a year of small consultancy and research work, I started working at ERRC, which happened almost four years ago. Here I have the opportunity to do what I always wanted: using the power of law to contribute to positive changes in the world and having the privilege to actually see those small and big changes. As I stated before, I have selfish interests...



**Claude Cahn** is ERRC Programmes Director. In that capacity, he supervises ERRC Research and Policy, ERRC International Advocacy and ERRC Human Rights Education. He has been involved in civil society work since the mid-1980s. He has been with the ERRC since shortly after it was founded in 1996. In 2005, he was Acting Executive Director of the organisation during sabbatical leave of Dimitrina Petrova. He is the author of numerous articles on various matters in a range of prestigious journals, including *Cambridge Review of International Relations*, *Die Donauraum*, *European Anti-Discrimination Law Review*, *East European Human Rights Review*, *European Journal of Migration and Law*, *Human Rights Tribune*, *Humanitaire*, *Index on Censorship*, and *SAIS Review*. He has also contributed to University of Sussex *Reader on Nationalism and Racism in the*

*Liberal Order*; the *Yearbook of the Organization for Security and Co-operation in Europe*, a *Friedrich Ebert Stiftung* book on Roma rights issues, and a Netherlands Ministry of Justice *Report on Efficiency of Justice in the Council of Europe and its Member States*. He is editor of the book *Roma Rights: Race, Justice and Strategies for Equality: Sourcebook on Contemporary Controversies* (International Debate Education Association, 2002), as well as Executive Editor of the quarterly journal *Roma Rights*.

“There is no path, there is no path at all,  
Unless perhaps where abstract things have gone  
And precepts rise and metaphysics fall,  
And principles abandoned stumble on.  
No path, but as it were a river in spate  
Where drowning forms, downswept, gesticulate.”

Malcolm Lowry, *Untitled*, 1940



**Constantin Cojocariu** is Staff Attorney. He received his degree in law from the University of Iasi, Romania. He also holds an MA in Political Sciences from the same university and an LL.M. in Human Rights from the Central European University in Budapest, Hungary. He is a qualified lawyer in Romania. Before joining the ERRC, he worked for a number of human rights organisations, especially in the field of discrimination.



After I started working for the Roma I discovered that many Romani activists would look down on me, just on account of my ethnicity. They would question my motives without previously knowing me or my competences. I believe that Roma rights can advance only when you have people from both the minority and the majority working together. Roma rights does not belong to Roma. There is a distinct and equally compelling interest that members of the majority can invoke – that of living in a society free of racism. This aim motivates me and legitimizes my work for Roma rights.



**Csilla M. Farkas** is Operations Director. A communications professional who graduated from Eötvös Lóránd University Budapest, Faculty of Humanities, she holds degrees in English and American Studies and Romanian Literature. She has undertaken post-graduate work in film, sociology and communications, she worked extensively in areas of public relations, public affairs, as well as media.

Bob Dylan once responded to a question (I believe to the Jerusalem Post): why should I declare something that should be so obvious? Myself however, having worked at the ERRC for three years, am glad to answer.

I work for an organization that is a watchdog and does something concrete and measurable to fight racism, to help the Roma whose human dignity and rights are not just disregarded but harmed. Although operations is a back-office work, it provides support and environment for Programmatic and Legal work that I value and most naturally identify with. Why is it of value and importance for me to have such a workplace?

I am the third generation of very grave and unbearably light things. My father having moved us over borders always thought (and we hopefully will manage to let him think so for good) that he had taken care of the burden of having to redefine his family's and his kids' identity and face. I am grateful for



him for all, even though Hungary made sure to prove him wrong. Absurdly, I am “grateful” to Hungary for making sure that I remain a minority and redefine with my own tools myself as a minority – as early as during my secondary school years. I can not recall one single miniscule fragment of memory when I did exist otherwise than “a minority”.

All this is far from elevated, but it defines the line of life and choices in the most natural and harmonious ways I can not describe, but rather just live it. I am lucky.



**Dimitrina Petrova** is the Executive Director of the ERRC. She is a philosopher and human rights advocate. She was chair of the Human Rights Project (Sofia), a Bulgarian group defending the rights of Roma, a Member of Parliament, and a professor of Philosophy of Law and other courses in Bulgaria and other countries. She received the American Bar Association’s Human Rights Award in 1994.



Among my favourite lines of poetry are the lunatic words: “All people are born equal in dignity and rights”. Some of my friends say that human rights is part of their religion, or even a substitute for a divine truth. I am agnostic. For me, a mirage that is worth chasing is all that I can hope for.



**Dora Eke** is Programmes Assistant. She has a degree in Computer Programming (Information Systems option) from the Southern Alberta Institute of Technology in Canada. She managed the Freedom Forum Library at the Center for Independent Journalism for seven years.

Before I joined the ERRC, I worked with an NGO that trained Romani people for journalism. Since I really liked the atmosphere there, I was looking for a similar new workplace. I like working with different people of various backgrounds and I enjoy my job in ERRC, as it always offers new challenges.



**Dzavit Berisa** is Research and Publications Officer. He has a secondary school degree as a miner. Due to the war in Kosovo, he didn’t have the opportunity to further his education. Since 1999 he has been a human rights activist, working to defend the rights of Roma, Ashkali and Egyptian refugees in Macedonia.



In 1999 when I became refugee in Macedonia, I was told that I should visit the website of ERRC. When I visited the website of ERRC, I didn’t know what to read first because there was a lot of information and I thought that this NGO can help refugees. Today when I think about that time in 1999 I just cannot believe that I work in the same office to defend the rights of Roma, Ashkali and Egyptians. At ERRC I have learned a lot about how to protect my human rights because I belong to a group that is discriminated against in every day life.





**Hajnalka Németh** is Receptionist and Office Secretary. She graduated from Cluj Unirea School, in Romania. Before joining the ERRC, she worked for a construction company, as a secretary to the Executive Director, in Romania, and then for 14 years as an English-language operator in the Hungarian News Agency Corporation.

I am an ethnic Hungarian, born in Romania. I experienced how it feels to be a minority excluded from society. I will never forget how it felt to be rejected from the Cluj Medical Faculty just because I was beyond the number of Hungarians who were allowed to study at the faculty that year. Because of the difficulties we faced in Romania, we fled to Hungary with my husband in 1990. I got a job at the Hungarian News Agency Corporation in 1990 and spent 14 years there. When I saw the advertisement for a receptionist at the ERRC, I was very happy for the opportunity to join an organisation that defends the fundamental human rights of those who are systematically excluded from their societies, just like I was. Today, I am glad that I was chosen to join the staff of the ERRC. I like the multi-cultural environment and working with people from various countries from all over the world.



**Judit Pónya** is Paralegal. She has a degree in English and Hungarian from the Comenius University in Bratislava and holds an MA in Gender and Culture from the Central European University in Budapest. She also finished a two-year-course for Legal Assistants in Hungary.



I have worked mostly as a teacher, and it has been so disappointing when my students and my colleagues used stereotypes, especially about minorities. I am sensitive about these issues but whenever I feel the support of people who think in a similar way, I can be stronger to fight against false generalizations, negative attitudes and lack of knowledge. I joined the ERRC in 2005 and I really believe that together with my colleagues the fight against discrimination would be won soon.



**Julianna Oros** is Financial Officer, graduated from the Budapest University of Technology and Economics, and holds a post-graduate degree in statistics. She also completed a tax-advisory course.

Before joining the ERRC in June 2004, I worked as the Financial Director in a bakery with 500 employees. Working in one of the poorest and least developed districts of Budapest, I had many disadvantaged colleagues who showed me the less bright side of life. This is why I became interested to apply for an organization like the ERRC and to contribute to its work, which is to ensure the full implementation of the rights of Roma. As a person dealing with finances, I see the complexity of this task and I understand how difficult it is to ensure, for example, the right to housing in the current economic situation both in Hungary and in Europe.



**Larry Olomofoe** is Human Rights Trainer. He studied Social Sciences at Oxford University (University Diploma) and Social and Political Sciences at Cambridge University, England (BA and MA). Upon completion of his studies in the UK, he embarked upon a PhD at the New School University, New York. Prior to joining the ERRC, he was the Project Coordinator of the Civic Education Project – CEP (Hungary).



During my four years as human rights trainer at the ERRC, I have witnessed numerous initiatives aimed at addressing the plight of Romani communities across Europe. It is my hope that the Decade of Roma Inclusion will not suffer the fate of many of these previous

initiatives that failed to meet their purpose/target. The Decade of Roma Inclusion should be precisely about that: Inclusion! All Roma rights activists and advocates should engage in actions that will foster the full implementation and achievement of the Decade goals and make the initiative a useful and successful one, and not simply an empty token gesture.



**Margit Rémai** is Accountant. She received her diploma from the College of Finance and Accounting in Budapest. She also has a post-graduate degree in auditing.

Before joining the ERRC in 2004, I had no experience in the non-governmental sector and this is why I found it challenging to apply and work here. During the last two years, I didn't only learn new things about accounting in the non-profit area. My eyes were opened to the violations of the rights of the Roma and I had to face the fact that inhuman practices like the forced sterilization of Romani women are still executed by doctors who have indeed sworn to save the lives of people. The years I spent here taught me to see the world from a different perspective and I am glad for that.



**Olga Demian** is a Staff Attorney from Moldova. After she graduated in International Law from the University of Humanitarian Studies of Moldova in 2001, she worked in the Moldovan government, in the private sector and in non-governmental organizations.



I grew up recognizing that there are fundamental differences in the kinds of resources available to families. I saw that some children are institutionalized; why, if they have special needs, are they ostracized? And why do some have access to education, jobs and incomes – when others do not? I believe that only by building legal precedents in children's rights issues can we hope to achieve crucial reforms in the field of education central to the creation of opportunities for children from disadvantaged communities. Education means choice. Communities without access to education have fewer choices, yet they are frequently blamed for not making the right choices. Through the ERRC, I am part of a process which not only gives people the necessary tools to access their right to education, but also helps people to see the value of education.



**Ostalinda Maya Ovalle** is Women's Rights Officer. She graduated from the University of Sussex (U.K.) in Social Anthropology and Development Studies. Prior to joining the ERRC, she was involved in grassroots work in various countries.

Working for the ERRC has given me the opportunity to transform my feelings of injustice into concrete and positive actions to fight for the rights of Roma and Romani women's equality.



**Patricia Dévényi** is Librarian/Administrative Assistant. She is currently studying Biology at ELTE University in Budapest.



I joined the ERRC five years ago. Since this was my first workplace I didn't know what to expect. I also did not know much about Roma rights. I came to help out in the Legal Department for two weeks to help organise a training. My supervisor at the time realised that I have a special skill for filing and building up databases.

That is how I became the librarian of the ERRC. As time went by, I received new tasks; some of them were and still are a real challenge. Today, besides the library and other administrative responsibilities, I maintain the website of the ERRC. Looking back, this constant change in my job is what motivates me after all these years. There are always new people, new issues, and new challenges.



**Rita Izsák** is Mandate and Communications Officer. She has a degree in Law from the Péter Pázmány Catholic University.

When I joined ERRC in 2002, racial discrimination was in many cases not properly understood and challenged by the victims, who had neither access to information about legal redress nor courage to take action against the perpetrators. This has changed by today, and there are more and more positive judgements in the courts that provide just satisfaction to Romani victims of racial discrimination. However, we have to face the perplexity of the responsible parties when it comes to implementing the positive judgements. In Bulgaria, for instance, although the ERRC won a case against a segregated school, the desegregation has not been started yet because the school leaders do not know how to do it. I believe therefore that Roma rights advocates and activists have to develop very concrete laws and best practices to help the responsible bodies to start real integration processes, not only in the field of education but in other areas as well. Moreover, the promotion of positive obligations should be considered as well, given that disadvantages faced by Roma are so embedded in the structure of our societies that more effective remedies might be needed to address the nature of their exclusion. I hope that the ERRC initiatives in these fields will be joined by other organizations and that a real cooperation can be achieved in order to get closer to the realization of equal rights and opportunities.



**Savelina Danova Russinova** is Research and Policy Coordinator. She has a Masters degree in English Philology from the Sofia University, Bulgaria, and is an M.A. candidate in Human Rights from the Central European University in Budapest. Previously, she was the Director of the Sofia-based Roma rights organisation Human Rights Project.



In the early 1990s, the defense of Roma rights appealed to me because I saw it as a means of strengthening the rule of law in an emerging democracy, which Bulgaria (where I started working) was at that time. We believed that unless the protection of the law worked even for the most vulnerable, no one could be safe. Later on, as I got to know better the world of politics, I realized how the fate of Roma may become a mere tool for the advancement of personal or partisan interests of actors for whom Roma rights were of least concern. I pursued this work because I believed that there should be independent voices to expose false promises and ask questions that others would like to avoid. I liked the privilege of having this freedom. Now, when I look back to 15 years ago, I can see the steps, little as they are, that have been made in the direction that I and my colleagues wanted to go. This work has given me the chance to learn a lot about Roma, their problems and the principles that should shape the solutions to these problems. With this knowledge, I hope I could help move ahead the process of Roma rights promotion. Finally, I continue to work for Roma rights because I enjoy being one of a community of people who can resist the inertia of popular prejudice, who can face the risk of being reviled or looked down upon for their views and who believe in the equal dignity of people.





**Tara Bedard** is Projects Manager/Researcher. She holds a BA in International Development Studies from the University of Toronto and an MBA in International Management. She has also completed a post-graduate programme in International Project Management.

My five years at the ERRC have provided me infinite opportunities to grow both personally and professionally. From my start as a researcher to my current position as projects manager, I have been fortunate to meet many varied and interesting people, to develop new skills and strengthen old ones, and to engage in action everywhere from impoverished Romani communities to intergovernmental institutions. I am not entirely certain what the future for Roma rights holds, but I believe it should include greater co-operation with and learning from other marginalised groups fighting for social change.



**Vera Gergely** is Executive Assistant. She graduated from the Corvinus University of Budapest, and after the completion of her thesis she will hold an M.A. in Social Policy/Economics.



I am from a middle-class, white-collar family, and I felt always somehow indebted to all those who did not have the opportunities that I had. Moreover, I am Jewish, so I am pretty much concerned about the issues of minorities. Consequently I got involved in Romani issues, and that is how I found the ERRC.



**April 20:** Published “Bytj ravnimi” (To be equal), targeting Romani women in Russia. The pamphlet includes Russian legislation relevant in race- and gender discrimination matters, as well as information about Romani women rights around Europe.

**July 25:** Published the second issue of the Russian version of Roma Rights (“Prava Tzigan”) on anti-Romani hate speech issues.

### **Campaigning, Conferences, Meetings and Training**

**April 6-9:** Conducted an international advocacy skills training for Romani, Sinti and Traveller activists, with partners Irish Traveller Movement and Milan Simecka Foundation and within a project funded by the European Commission’s Action Programme to Combat Discrimination, in Dublin, Ireland.

**April 8-9:** Acted as trainer at a workshop for Romani activists convened by the National Democratic Institute, Bucharest, Romania.

**April 14:** In cooperation with “Memorial” (Saint-Petersburg) organized a seminar with journalists and Romani activists, followed by a roundtable on hate speech, in Saint Petersburg, Russia.

**April 18-21:** Conducted a training on effective advocacy for Romani, Ashkaeli and Egyptian activists, funding by Save the Children Kosovo, in Pristina, Kosovo.

**April 24-25:** Participated an Anti-discrimination and Diversity training: Good Practices & Future Needs (2006 Annual Conference of the Action Programme to Combat Discrimination), in Warsaw, Poland.

**April 25:** Conducted an effective media skills training for Croatian and Macedonian Romani activists, with partners National Roma Cen-

trum and Croatian Law Center and within a project funded by the European Commission’s CARDS program, in Skopje, Macedonia.

**April 25-26:** Assisted and participated in a meeting with Romani women on trafficking organized by OSCE in Budapest, Hungary.

**April 28-29:** Gave presentations at the “Roma and Equal Access to Education” conference organised by the European Network Against Racism (ENAR) and European Roma Information Office (ERIO), Brussels, Belgium.

**May 3:** Attended a conference on Roma policy issues convened by a number of organizations under the auspices of the Romanian chairmanship of the Council of Europe, Bucharest, Romania.

**May 8:** Held a public event to review housing rights matters in Italy, on the occasion of publication of the decision in European Roma Rights Centre v. Italy, a collective complaint on the systemic frustration of the rights of Roma to adequate housing. In the case, the European Committee of Social Rights found three violations of the Revised European Social Charter. The ERRC event was attended by Committee members, and funded by the European Union. It took place in Rome, Italy.

- May 10-11:** Delivered a presentation on responses to extremists populism, at conference “The Challenge of the New Populism” organised by Centre for Liberal Strategy, Sofia, Bulgaria.
- May 12:** Attended Holocaust memorial services at the site of the World War II Romani concentration camp at Lety near Pisek, Czech Republic. Despite a decade of efforts by civil society, the Czech government persists in failing to move a massive pig farm currently located on the site.
- May 17-21:** Conducted training on human rights monitoring for Turkish researchers, within a project funded by the European Commissions EIHDR program, in Istanbul, Turkey.
- May 19-21:** Co-hosted the Ninth Annual meeting of the International Council on Human Rights Policy, Budapest, Hungary.
- May 23:** Spoke at a conference on Roma and Structural Funding, organized by the Slovak Ministry of Construction and Regional Development, Bratislava, Slovakia.
- May 26:** Held a presentation for American law students on Roma rights in the Institute of International Education, Budapest, Hungary.
- May 29-31:** Organized and participated the in 10<sup>th</sup> Study Session on the European Convention on Human Rights for persons involved in legal assistance to Roma and Travellers in Strasbourg, France.
- May 30:** Presented issues related to the situation of Roma in Bulgaria at a hearing in the European Parliament, Brussels, Belgium.
- June 2:** Organized a seminar in cooperation with “Amala” (Rostov), for journalists and Romani activists, followed by a roundtable on hate speech, in Rostov, Russia.
- June 8:** Participated in an ALDE Round Table in European Parliament: “How the EU membership will improve the situation of Roma in Romania” in Brussels, Belgium.
- June 8:** Held a presentation at a conference on minorities and education organized by Civic Initiatives, in Belgrade, Serbia.
- June 15-18:** Participated at the Open Society Network’s Jamboree, Istanbul, Turkey.
- June 17-18:** Held training for Romani activists and a strategy meeting for action, as part of an ongoing ERRC project in Ukraine, supported by the European Union, Kiev, Ukraine.
- June 19:** Held a press conference on racial discrimination issues facing Roma in Ukraine, in Kiev, Ukraine.
- June 22:** Held a seminar on Roma rights issues at the European Academy, Bolzano, Italy.
- June 23:** Met with public officials to discuss the problem of Roma living in toxic areas, Bolzano, Italy.
- June 29-July 2:** Conducted an effective media skills training for Romani, Sinti and Traveller activists, with partners Irish Traveller Movement and Milan Simecka Foundation and within a project funded by the European Commission’s Action Programme to Combat Discrimination, in Bratislava, Slovakia.
- June 30:** Organized a seminar together with the Hungarian Ministry of Education and Culture and the Ministry of Social and Labor Affairs, in Budapest, Hungary.
- July 1:** Organized a seminar on women rights for Romani women in Smolensk, Russia.
- July 10-13:** Participated at the Second World Forum on Human Rights, Nantes, France.
- July 12:** Attended a meeting of the European Commission’s DG Enlargement on the 2006 Autumn Reports of Accession and Western Balkan countries, in Brussels, Belgium.
- July 16:** Organized a seminar on women rights for Romani women in Tambov, Russia.



- July 17:** Organized a seminar on women rights for Romani women in Lipeck, Russia.
- July 27:** Organized a seminar on women rights for Romani women in Volgograd region, Uryupinsk, Russia.
- August 8-11:** Participated the 12th Session of the United Nations Working on Minorities in Geneva, Switzerland.
- August 9:** Participated in a training for researchers, conducted jointly with the Helsinki Citizens Assembly and EDCINKAY within a project funded by the European Commissions EIHDR programme, in Istanbul, Turkey.
- August 11:** Provided detailed comments on Ukraine's compliance with international human rights law to the UN Committee on the Elimination of Racial Discrimination (CERD), Geneva, Switzerland.
- August 15:** Provided testimony on coercive sterilization matters in the Czech Republic and Slovakia for the US Congressional Record, Washington DC, USA.
- August 17:** Provided detailed comments on the Czech Republic's compliance with international human rights law to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), New York, USA.
- August 17:** Attended a demonstration and the opening of an exhibition of photographs on Czech sterilization issues, Ostrava, Brno, Czech Republic.
- August 23:** Organized a seminar on womens rights for Romani women in Ulyanovsk, Russia.
- August 25:** Organized a seminar on womens rights for Romani women in Samara region, Chapaevsk, Russia.
- August 25:** Participated in a meeting organized by the Organization for the Protection of Roma Women, Budapest, Hungary.

## EUROPEAN ROMA RIGHTS CENTRE

The *European Roma Rights Centre (ERRC)* is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the *ERRC* involves, in particular, strategic litigation, international advocacy, research and policy development, and training of Romani activists. The *ERRC* is a cooperating member of the *International Helsinki Federation for Human Rights* and has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.



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