

ERRC Interview with Morten Kjaerum, Director of the European Union Agency for Fundamental Rights (FRA)

Since late 2007, reported acts of violence against Roma appear to have increased in some European countries. In Hungary alone, there have been at least 23 violent attacks since the beginning of 2008 claiming eight lives. What, in the opinion of the FRA, are the underlying factors of this?

There may be a number of factors for this. In fact, we have seen increased violence across the board, not only against Roma but also against other groups. For example, anti-Semitism has also recently been on the rise and Muslims face similar problems. Having said this, in the Eurobarometer and other Member State-based surveys, Roma have indeed consistently emerged as least-liked neighbours or family members. According to a recent FRA report, Roma are the group with the highest levels of discrimination in the EU, and they share with North Africans the highest levels of racist violence.

A key problem is that the main underlying factor, namely a deeply rooted prejudice against Roma (so-called “anti-Gypsyism”) has not yet been sufficiently addressed. In particular, in times of economic crises we have seen that Roma have become scapegoats for populist politicians and are targeted either verbally or physically. There has been an increase in right wing extremism in a number of Member States, and during the past few months we have witnessed a number of rallies by extremist parties in several Member States, specifically targeting Romani neighbourhoods. Everyone – governments, NGOs, as well as organisations such as the FRA – must focus their efforts on combating the underlying factors of anti-Gypsyism in the coming years.



Mr Morten Kjaerum

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Do you view these violent acts as primarily affecting Roma? How does the situation of Roma compare vis-à-vis other marginalised groups in Europe?

It is true that discrimination and violence affect all minority and migrant groups. Roma, Jews, Muslims, black people and North Africans all report having experienced discrimination and racist crime. However, it is also true that across the board, Roma experience the highest rates of discrimination and they share the highest level of racist victimisation together with Sub-Saharan Africans. The FRA has recently published the first results from its major EU-wide survey on discrimination against migrants and minorities (EU MIDIS), which underlines these facts. According to the findings of this representative survey, 20% of Romani respondents say that they have experienced a racist crime in the past 12 months (average all groups: 12%); and Roma are also among those groups who experience the highest rates of discrimination.¹

Overall, the figures show that discrimination and racist crime are an everyday experience for Roma. Roma also stand out from the groups surveyed as having the highest unemployment rates and lowest education levels. Social exclusion of Roma must therefore be urgently addressed!

What does FRA believe to be the factors contributing to such a high perception of racist victimisation amongst Romani groups in Europe?

Again, there are a number of factors, including long term unemployment and a regular experience

¹ European Union Minorities and Discrimination Survey (EU-MIDIS), “Data in Focus Report 1: The Roma”, http://fra.europa.eu/fraWebsite/eu-midis/eumidis_roma_en.htm.

of racially motivated discrimination and crime. There is a certain degree of resignation, with Romani communities giving up on the possibility of any improvement. As our EU-MIDIS survey shows, there is a high amount of under-reporting of crimes and discrimination among Roma, along with a high degree of avoidance of places and situations where such discrimination could happen. Policymakers need to invest resources in making those who are vulnerable to discrimination aware of where they can turn for support and advice.

The recent FRA Data in Focus report on Roma revealed that many Roma who are victims to violent attacks and discriminatory treatment do not report such incidents to the police or other authorities for a myriad of reasons. Do you believe that this is also likely true concerning the extreme forms of violence against Roma that we are currently witnessing in Europe?

It is a well-known fact that many victims of discrimination and racist crime do not report these incidents to any competent organisation. However, our EU-MIDIS survey showed, for the first time, the alarming extent of this phenomenon throughout the EU. For Roma, across the seven countries in which they were interviewed (Bulgaria, Czech Republic, Greece, Hungary, Poland, Romania, Slovakia), an average of 79% did not report their experiences of discriminatory treatment, and – by coincidence, the same number – 79% did not report a racist crime experienced.² So yes, the non-reporting is true for both discrimination and violence. However, at the same time, it has to be noted that for extreme forms of violence, such as murder or attempted murder, assault, etc. there the authorities would be obliged to report and follow up such incidents – even if we have seen in practice that this sometimes does not happen.

With such low reporting rates, the dark figure of discrimination remains extremely high. Thousands of cases of racist crime and discrimination remain invisible. This means that the perpetrators

go unpunished, victims do not obtain justice and policymakers are unable to take the appropriate action that prevents violations from recurring.

What do you see as the main obstacle to reporting crimes against Roma and other vulnerable groups, and what does FRA recommend that the Member States do to encourage reporting of such crimes?

There are a number of obstacles. In fact, our survey asked why incidents were not reported. The answers indicate either a sense of frustration and lack of trust in public authorities (78% of Roma were saying “nothing would happen/change by reporting”) or a lack of knowledge on “how to go about reporting/where to report” (52% of Roma). Other reasons given for non-reporting were “it’s normal, happens all the time” (44% of Roma) or the “concern about negative consequences” (39%).³ When looking at this list of reasons, this raises a number of important questions: Is there a passive acceptance by Roma of discrimination as a fact of life? How does this affect social integration? What can be done to increase trust in public authorities and the police? Public authorities have a responsibility to support equal rights for everyone. This includes making people more aware of their rights – because people that are legally aware will be able to make full use of existing legislation. All victims of racism and discrimination must have access to justice – not only in theory, but also in practice.

Many Member States still have insufficient or no official criminal justice data on racist crime. This leads to a situation where the true extent and nature of fundamental rights violations cannot be determined. Collecting data is not a solution in itself, but it serves to generate an understanding of the nature and extent of fundamental rights violations. This is why the Agency is urging Member States to start collecting or improving the collection of data on hate crime, and to encourage alternative reporting mechanisms, such as anonymous reporting and “third party reporting.”

² European Union Minorities and Discrimination Survey (EU-MIDIS), “Data in Focus Report 1: The Roma”, http://fra.europa.eu/fraWebsite/eu-midis/eumidis_roma_en.htm.

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Is it possible to draw a link between the economic downturn and the rise of racist rhetoric and acts of violence?

See question 1. Yes, it is possible to draw a general link; however, the rise in tensions and violence is more complex and there is always more than one determining factor. Other factors would include an erosion of overall trust in democracy, politics, politicians and the values that they stand for.

Some observers argue that racist rhetoric has become more popular in Europe, thus some political parties are adopting racist discourse to attract more votes. Do you agree with this statement? If yes, how might this tendency affect minorities in general and Roma in particular?

Racist rhetoric is not a new phenomenon; however, what we observe is that over the past years it has gradually become more socially accepted in certain ways. Words that would not have been used ten years ago are now being featured on election campaign posters or in certain politician's speeches, for example. The danger in this is that language actually influences and shapes perceptions. If people repeatedly hear about "stealing Roma", or "Muslim terrorists", they may wrongly end up connecting these terms as well. As a result, the existing prejudice and stereotypical views concerning Roma held by the majority population across the EU are reinforced, and may serve to first justify the racist rhetoric, leading even to racist crime against minorities and migrants. This is a vicious circle that is difficult to break and opinion leaders such as politicians must be aware that it is their responsibility not to incite hatred or violence, but to lead by example.

How does the FRA intend to respond to extreme forms of violence against Roma in the EU?

FRA's mandate is to advise policymakers on how to make fundamental rights accessible for everyone, including the fight against racism and racist violence. We are constantly pushing for a number of measures to be adopted by both the EU and the Member States: legislation, better information about where to turn to with complaints,

competent national equality bodies, police training and awareness-raising both among Roma and the majority population. At the same time, it is also necessary to provide training for a wide range of actors working within law enforcement.

I would, in particular, underline the need for greater attention to making (vulnerable) people aware of their rights on the one hand, and for human rights education of the general population on the other. The Agency will be assessing how to further contribute to both awareness raising and human rights education. For example, we have already published for the second consecutive year a diary for school children, called the "S'cool Agenda".⁴ This is aimed at young people and includes, amongst other themes, information explaining who Roma are, how they contributed to the European cultural heritage, but also the difficult situation that they often face regarding violations of their rights. In general, people need to be made more aware of the rich cultural heritage of Roma.

Which EU instruments or mechanisms are available to protect Romani communities in Europe from an escalation of this situation? How effectively are these instruments functioning in reality?

Whilst legal instruments to combat discrimination do exist, there is a need for wider knowledge of measures to address discrimination and social exclusion of Roma. These should include educational programmes to increase confidence and rights awareness amongst young people.

The conclusions of the European Council of December 2007 and June 2008, as well as the conclusions of the General Affairs Council of December 2008, called on EU institutions and Member States to step up efforts to address discrimination and social exclusion of Roma. The 8 June 2009 Council Conclusions on Inclusion of Roma also sent a strong signal that there is a political will among Member States and at the EU level to step up efforts to address discrimination and human rights violations of Roma. It was acknowledged that policies for Roma

⁴ European Union Agency for Fundamental Rights (FRA), "S'COOL AGENDA 2009 edition" http://fra.europa.eu/fraWebsite/products/education_training/education_training_en.htm.

inclusion are most effective when they are targeted, aiming at the inclusion of Roma into mainstream society, and when Roma are aware of the importance of their active participation and representation in the inclusion process. This would mean, for example, that Member States could make better use of Structural Funds to work towards the inclusion of the Roma, particularly in the fields of education, housing, health, employment and access to justice. The Common Basic Principles on Roma Inclusion⁶ were identified during the Czech Presidency. These developments are all positive, yet their real impact on human rights remains to be seen on the ground. When it comes to improving human rights of Roma there is, unfortunately, still a long way to go.

Awareness-raising to prevent discrimination is also necessary, in particular amongst private service providers to prevent discrimination. At the same time, rigorous sanctions must be applied against those who discriminate against Roma or any other group.

Politicians and other public figures need to speak out and lead by example on human rights protection. Cities, and in particular their top political representatives such as mayors, need to speak out when human rights are violated within their districts, also visiting victims of racially

motivated attacks or discrimination. Furthermore, policymakers need to allocate resources to organisations that are tasked with offering assistance to people who have been discriminated against, and encourage those who have been discriminated against or harassed to report their experiences to a competent authority in the knowledge that their complaints will be taken seriously.

What is the responsibility of the Member States in addressing this situation?

Member States have the responsibility to respect, protect and fulfil human rights. In this context, this means concretely that they must address the situation of Roma from different angles: Legislation, sanctions, education, awareness raising, compensation of victims, creating real equal opportunities for all, etc. The respect of human rights does not happen without the involvement of every level of governance – European, national and local. Member States must use all levels of governance to ensure an even better implementation of human rights. The data from the EU-MIDIS survey offers the possibility to develop targeted and evidence based policy responses. The data also calls for the introduction of adequate mechanisms for reporting and recording both discrimination and racist crime, to enhance evidence-based policy development.