



## EUROPEAN ROMA RIGHTS CENTRE

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**Hunger strike by Romanian activist protesting failure by the Romanian state to implement Roma related projects following European Court of Human Rights judgments**

Honourable Excellencies:

The European Roma Rights Centre (ERRC)<sup>1</sup> wishes to draw your attention to the hunger strike of Mr. Istvan Haller, noted Romanian human rights activist and member (with the rank of Secretary of State) of the Romanian National Council for Combating Discrimination (CNCD).

On 2 October 2008, Mr. Haller declared a hunger strike over the persistent failure of the Romanian Government to address the serious rights violations caused by three anti-Roma pogroms in the early 1990's, in the localities of Hadareni, Mures County, and Plaiesi de Jos and Casinul Nou, Harghita County. These vicious attacks on the concerned Romani communities resulted in the deaths of three people and the destruction of several homes as well as personal property belonging to Roma. On behalf of the victims, the ERRC filed three applications with the European Court of Human Rights, alleging violations of Articles 3 (right to freedom from torture, inhuman or degrading treatment or punishment), 6 (right to fair trial), 8 (right to respect for one's home, private and family life), 13 (right to an effective remedy)

<sup>1</sup> The ERRC is a public interest law organization working in Europe to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, international advocacy and human rights education.

and 14 (right to non-discrimination) of the European Convention of Human Rights.<sup>2</sup> In all these cases, either the European Court of Human Rights held or the Romanian government expressly acknowledged that such violations of the applicants' rights had indeed taken place.

The Romanian government undertook to implement community development projects that included the setting up of infrastructure (including the rebuilding of houses destroyed during the pogroms) as well as anti-discrimination, educational and other social measures. To this day however, the Government has failed to fulfil its legal obligations. Mr. Haller's protest is intended to highlight this Government inaction and calls upon your Government to take all the necessary measures in order to effectively implement its obligations.

ERRC's research corroborates Mr. Haller's allegations. More specifically, in relation to the Government's community development project in Hadareni and despite the adoption of a three year programme (2006-2008), the programme's implementation has been plagued by bureaucratic inertia and repeated delays in allocating sufficient funds, a fact also recognized by state agencies such as the Romanian National Agency for Roma. The ERRC is concerned that completion of the project will not be possible before the end of 2008 and considers it imperative that the Romanian government explicitly undertake to commit all necessary funding as well as extend its implementation into 2009. The ERRC also requests that a thorough evaluation of the program be undertaken, in order to avoid similar mistakes being repeated in the future.

In relation to the communities of Plaiesi de Jos and Casinul Nou, although more than one year has lapsed following the handing down of the final judgments by the European Court, the Romanian Government has yet to launch any programs or earmark funds for any community development work, despite its commitment to do so. The ERRC considers that adequate funding and expeditious implementation of the relevant community development programs in these municipalities is essential to fulfil Romania's commitments to the European Court as well as in order to diffuse ethnic tensions in the region which unfortunately remain high.

The ERRC is aware that recently, the Council of Europe's Committee of Ministers undertook a review of the implementation by Romania of the general measures in the above cases<sup>3</sup> and the results of this review will soon be rendered public. ERRC research's findings, together with any pertinent conclusions by the Committee of Ministers, will be included in a brief to be filed by the ERRC before the Committee of Ministers, in view of its forthcoming Human Rights Meeting on 2-4 December 2008.

The ERRC is concerned that although the Romanian government sincerely wishes to abide by its international obligations, it has failed to accord the necessary priority to the resolution of the above issues. The ERRC therefore calls upon your Excellencies to reaffirm Romania's commitments and proceed with the speedy and effective implementation of the aforementioned projects.

At the same time, the ERRC wishes to re-iterate its concern regarding Mr. Haller's health and respectfully calls upon the Romanian authorities to ensure that Mr. Haller's health condition is

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<sup>2</sup> See *Moldovan and Others v. Romania*, appls. no. 41138/98 and 64320/01, judgment 1 (friendly settlement), dated 5 July 2005 and 2, rendered final on 30 November 2005, *Kalanyos and Others v. Romania* appl. no. 57884/00, final judgment of 26 July 2007, *Gergely v. Romania* 57885/00, final judgment of 26 July 2007.

<sup>3</sup> Scheduled to be reviewed during the 1035<sup>th</sup> meeting of the Committee of Ministers (DH) (17-18 September 2008).

monitored and that all the necessary safeguards, as mentioned in texts such as the 2006 World Medical Association Declaration on Hunger Strikers,<sup>4</sup> are respected.

The ERRC respectfully requests to be informed of all actions undertaken by your respective offices in this regard.

Thank you very much for your attention to this most urgent matter.

Sincerely,



Rob Kushen  
Managing Director  
European Roma Rights Centre



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<sup>4</sup> Adopted by the 43rd World Medical Assembly Malta, November 1991 and editorially revised at the 44th World Medical Assembly Marbella, Spain, September 1992 and revised by the WMA General Assembly, Pilanesberg, South Africa, October 2006