



zsvůte práva



4 May 2009

The Honorable Jason Kenney, P.C., M.P.
Minister of Citizenship, Immigration and Multiculturalism
Citizenship and Immigration Canada
Ottawa, Ontario
K1A 1L1 CANADA
Minister@cic.gc.ca.

Dear Minister Kenney,

We, the undersigned, are writing to express concern at comments you and other members of your government have reportedly made concerning the matter of Roma from the Czech Republic arriving in Canada. We are concerned that these comments do not further efforts to combat racial discrimination in the Czech Republic, or assist those working to facilitate the social inclusion of Roma in the Czech Republic, but rather that they may be having the opposite effect.

As quoted by the Czech Press Agency on 22 April 2009, you reportedly called on the Czech government to “intervene against agencies that may be behind the new wave of Czech asylum seekers, mostly Romanies, arriving in Canada”. The same source quoted the Canadian embassy as having urged the Czech government to take action against what it called “unscrupulous mediators” who may be assisting persons in going to Canada.

As you are no doubt aware, the Canadian Immigration and Refugee Board granted asylum to Czech nationals in 84 out of 89 cases in which it issued a decision in 2008.¹ The intervention of the Canadian authorities endeavoring to stop – or to urge other governments to stop – refugees from arriving on Canadian territory calls into question the Canadian government’s respect for the international legal order. As you are also no doubt aware, the Canadian Federal Court of Appeals has, in a case concerning Romani asylum seekers from Hungary, also known as the Roma “lead case”, previously deemed illegal the actions of the Canadian government in attempting to influence asylum proceedings.²

The last year and a half has seen a sharp rise in the activities of extremist and neo-Nazi groups specifically targeting the Roma minority in the Czech Republic and elsewhere in Europe, as well as a rise in violent attacks, the most recent of which has caused severe injury to a two-year-old girl. The Czech government has yet to adopt a comprehensive anti-discrimination law, as required by the European Union as well as arising from the Czech Republic’s international law commitments. It has also failed to end

¹ See: <http://praguemonitor.com/2009/04/21/canada-grants-asylum-84-czech-romanies>.

² Federal Court of Appeal of Canada, Dockets A-419-04 and A-420-04, Heard at Toronto, Ontario, on November 22, 2005, Judgment delivered at Ottawa, Ontario, on March 27, 2006.

systemic discrimination against Romani children in the schools, including the tracking of healthy Romani children into schools intended for children with disabilities, a matter now required as a result of a 2007 ruling by the European Court of Human Rights.³ Despite a 2005 report by the Czech Ombudsman recommending that it do so, the Czech government has yet to acknowledge and remedy the coercive sterilization of hundreds of Romani women during the period since at least the late 1960s.⁴ All of these actions have been identified as crucial in securing the social inclusion of Roma in the Czech Republic.

Your actions in working with the Czech government to assist in ensuring that these and similarly needed measures are adopted would be most welcome. Such actions would send an important signal to the Czech government that Canada takes seriously the need to protect Roma from persecution and to foster the social inclusion of Roma in all countries where Roma live. By contrast, your current efforts to encourage the Czech government to prevent persons who may be refugees from leaving the country – and thereby possibly to violate international human rights law – send a different signal entirely.

We thank you in advance for your consideration of these matters, and would welcome further discussion with you on the subject.

Sincerely,

Gwendolyn Albert
Director, Women's Initiatives Network, Peacework Development Fund
gwendolyn.albert@gmail.com

Bret Thiele, Coordinator - Litigation Program
Centre on Housing Rights and Evictions (COHRE)
bret@cohre.org

Paul St. Clair
Executive Director, Roma Community Centre – Toronto
p_stclair@yahoo.com

Rob Kushen
Managing Director, European Roma Rights Centre
rob.kushen@errc.org

Lucie Fremlova
Project Manager, European Dialogue
lucie@europeandialogue.org

Ivan Ivanov
Executive Director, European Roma Information Office
ivan.ivanov@erionet.org

Hon. Ian F. Hancock
Director, The Romani Archives and Documentation Center, The University of Texas at Austin
xulaj@mail.texas.edu

Pavla Redlová
Coordinator of European Network against Racism in the Czech Republic, Zšvůle práva o.s.
enar@zvuleprava.cz

³ *D.H. and others v Czech Republic*, 13 November 2007.

⁴ “Závěrečné stanovisko veřejného ochránce práv ve věci sterilizací prováděných v rozporu s právem a návrhy opatření k nápravě”, Sp. zn.: 3099/2004/VOP/PM a násl., V Brně dne 23. 12. 2005.