

The ERRC combats racism and discrimination against Roma and empowers Roma to defend their own rights.

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ERRC and partners urge European Commission to scrutinise Italy

IN letters to European Commissioners Spidla and Barrot, the European Roma Rights Centre, osservAzione and the Open Society Institute requested that the Commission launch infringement proceedings addressing Italy's non-compliance with the EU Race Equality Directive and the EU Data Protection Directive resulting from the "census" directed at Roma settlements in Italy.

Sent on 4 May, the letters and supporting memorandum noted that 11 months after the Italian government enacted its "Declaration of the state of emergency with regard to settlements of nomad communities in the territories of Campania, Lazio and Lombardia regions" and supporting regulations, Italian authorities have focused their "emergency response" on the coercive documentation of Roma and

Sinti in numerous camps, including photographing and fingerprinting, conducting house searches without a court order and in some cases using the information gathered to deport Roma from Italy. The submissions also highlighted the concern that the census was a prelude to the creation of an ethnic database in Italy.

The **memorandum** is intended to provide the Commissioners with the facts necessary to assess thoroughly and objectively Italy's non-compliance with EU law. It was based on primary documentation by the ERRC with the support of osservAzione in 16 Romani and Sinti camps around Italy between October 2008 and April 2009 and on legal analysis by the Open Society Justice Initiative. Contact Tara Bedard (tara.bedard@errc.org) or Idaver Memedov (idaver.memedov@errc.org) for more information.

NGOs call on Hungarian authorities to address hate crimes against Roma

THE European Roma Rights Centre (ERRC), the **Legal Defence Bureau for National and Ethnic Minorities** (NEKI), and the **Hungarian Civil Liberties Union** (TASZ) released a report criticising the response of the Hungarian authorities to the murder of two Romani people on 23 February 2009, in Tatárszentgyörgy, Hungary. In the brutal attack, a Romani man and his four-year-

old son were shot dead as they were trying to escape from their house that had been fire-bombed moments before.

The report was issued during a joint press conference in Budapest on 7 May 2009.

Ms Andrea Pelle of TASZ noted numerous examples of official misconduct on the part of police, fire fighters and emergency

medical personnel. While some internal disciplinary proceedings were initiated, three months later there has been no information about the results. Moreover, no suspects have been identified or apprehended in the murder.

Márton Udvari from NEKI demanded that results of these disciplinary actions be disclosed, that the authorities publicise the steps they took to investigate the serious professional and procedural errors that officers committed and hold the relevant persons accountable.



Geller (ERRC), Pelle (TASZ) and Udvari (NEKI) presented the joint report at the press conference in Budapest on 23 April 2009.

Judit Geller from the ERRC stated, "It is also expected that the police do not exclude but instead, investigate the possibility of racist motivation in the crime and ensure that law enforcement agencies receive appropriate training in addressing racially motivated crimes according to international standards and good practices."

The full text of the report can be viewed in [English](#) and in [Hungarian](#).

ERRC campaigns for Turkey's membership in the Decade

STARTING in December 2008, the ERRC has focused efforts on lobbying for Turkey's membership in the **Decade of Roma Inclusion**. At the Decade's 15th International Steering Committee Meeting in Belgrade on 17-18 February 2009, the ERRC facilitated the participation of a prominent Romani activist from Turkey, supported by OSI. Mr Erdinç Çekiç of the **Edirne Roma Association** was able to learn about the Decade and establish contacts with Roma from other parts of Europe. ERRC representatives also utilised the opportunity to request that the Serbian government, which currently holds the Decade Presidency, invite the Turkish government to join the next International Steering Committee Meeting as an observer.

On 11-12 April 2009, the ERRC hosted a workshop in Ankara, Turkey, convening local Romani NGO participants, in cooperation with the Ankara Romanlar Derneği (Romankara) and the Federation of Roma Associations (ROMDEF). Romani activists from several cities in Turkey attended, as well as representatives of the World Bank, UNICEF and the UNDP as observers. The ERRC, the European Commission Delegation in Turkey, Sulukule Roma Association, the Roma Democratic Association of Macedonia, the Roma Decade Secretariat and the Roma Memorial Fund presented general updates on Roma rights in Europe and provided an introduction to the Decade of Roma Inclusion for workshop participants.



Sinan Gökçen from the ERRC made a presentation on the Decade of Roma Inclusion at the Ankara workshop.

The ERRC has pioneered international involvement in Roma rights advocacy in Turkey. In 2006-2008, the ERRC worked with the Edirne Romani Association and Helsinki Citizens' Assembly in the first international project focusing on the Roma of Turkey, with the aim of conducting strategic litigation and capacity building for local Romani NGOs.

Turkey's membership in the Decade of Roma Inclusion presents an ideal platform for Turkey to interact with other European Union member and candidate countries in debating and brainstorming about how to solve the socio-economic challenges facing Romani communities. Participating Romani activists were keen on the idea of Turkey's membership in the Decade and issued a **declaration** calling for the Republic of Turkey to become a party.

ERRC discusses "indicators" at Decade meeting in Belgrade

FROM 31 March – 1 April 2009, the ERRC participated in the workshop on Indicators and Monitoring of the Decade of Roma Inclusion in Belgrade, Serbia, together with representatives of the statistical offices from the Decade countries, international organisations and civil society.

The document "Unifying Framework of Progress Measurement and Options for Data Collection", prepared by Martin Kahanec of the Institute for the Study of Labour, was presented and discussed during the workshop. In addition, different models of data collection related to

Roma and methods of measuring the integration of Roma in mainstream society were presented and debated.

During the discussion, Idaver Memedov, ERRC International Advocacy Officer, highlighted the importance of collecting data about both excluded Romani communities, and about Roma living in integrated conditions who may serve as a model for the integration of rest of the Romani population. Mr Memedov emphasised that is important to collect data about persons perceived to be Romani but who may not openly declare themselves as such.

The workshop concluded without concrete conclusions and recommendations adopted by the participants. However, several days after the workshop the Decade Watch Team issued the following recommendations to the Decade governments:

- In cooperation with the international organisations, statistical offices and Romani civil society
- Existing international data collection processes to gather new data on Roma integration should be utilised.

ERRC advocates Romani women's empowerment in Sofia

AT an international seminar on "Empowerment of Romani Women in the Context of Contemporary Social Policies - Exchange of Experience and Good Practices" on 6-7 April 2009 in Sofia, Bulgaria, the ERRC and partners presented information on recent human rights campaigns launched by Romani women in Europe. The workshop, organised by the Centre for Human Resources and Regional Initiatives, was the first conference to focus on gender issues within the framework of the Decade of Roma Inclusion.

Mr Baki Hyuseinov, Deputy Minister of Labour and Social Policy and Bulgaria's National Coordinator of the Decade of Roma Inclusion, stated that "The objective of the conference is to assess, transfer and build key policies and programmes or other institutional arrangements in the Decade member states aiming at combating poverty, social exclusion and discrimination against Romani women while strengthening the role Romani women play in the family and society in promoting and building better democracies and inclusive communities and societies."

Ostalinda Maya, ERRC Women's Rights Officer, presented a campaign against the coercive sterilisation of Romani women (launched by the ERRC

should create a baseline on the level of Roma integration by January 2010;

- In order to make better use of the existing data, an accessible archive of databases and reports relevant to Roma inclusion should be created; and
- Existing international data collection processes to gather new data on Roma integration should be utilised.

and its partners in July 2008 in Madrid; see <http://www.errc.org/cikk.php?cikk=2965&archiv=1>), reminding the audience that "[...] as of today, none of the women that have been coercively sterilised absent their fully informed consent have been compensated for the harms they have suffered" (background information on this case can be found at:



Participants of the "Empowerment of Romani Women in the Context of Contemporary Social Policies - Exchange of Experience and Good Practices" conference held on 6-7 April 2009 in Sofia, Bulgaria.

<http://www.errc.org/cikk.php?cikk=3011&archiv=1>). In addition, Katalin Bársony of the Romedia Foundation presented the campaign "I am a European Roma Woman."

The seminar was attended by 60 participants from governments, non-governmental organisations and the academic society. All Decade countries were represented by state representatives with the exception of Serbia and the Czech Republic.

ERRC highlights EU action required on Roma health inequalities

RESPONDING to an open consultation by the European Commission (EC) on health inequalities in Europe, the ERRC provided information on the disadvantaged health position of Roma and offered a series of recommendations on how the DG Health and Consumers (DG SANCO) should react, in March 2009. The ERRC noted that DG SANCO should actively recruit Romani representatives and organisations to participate in the EU health policy processes.

In its response, the ERRC highlighted that health policy in Europe overwhelmingly fails to take into account the specific situation of Romani communities and advocated for a strong overarching policy framework at the EU level, with supporting mechanisms for coordination and assessment, to ensure that the health position of Roma across the EU is adequately prioritised and acted upon by the Member States (MS). The ERRC called on the EC to issue a policy statement advocating that the MS bring indicators for Roma and other disadvantaged groups up to the level of majority populations and set

minimum standards for disaggregated data collection in the health sector across the Union.

The ERRC encouraged DG SANCO to cooperate with the European Union Agency for Fundamental Rights (FRA) in developing and implementing an EU level plan of action to follow up on the results of the recently published EU MIDIS study providing the first comparable statistical data on the experiences of discrimination of Roma and other minority groups in access to goods and services, including health. The ERRC also urged that the EU policy for reducing health inequalities include the adoption and maintenance of positive action measures to compensate for disadvantages and ensure full equality, in line with Article 5 of the Race Equality Directive (Directive 2000/43/EC).

The full text of the ERRC's written response can be accessed [here](#). Contact Tara Bedard (tara.bedard@errc.org) or Ostalinda Maya (ostalinda.maya@errc.org) for more information.

ERRC staff at the launch of the EU Roma Platform

EUROPEAN ROMA RIGHTS CENTRE representatives participated in the inaugural meeting of the integrated European platform for Roma inclusion which was held in Prague, Czech Republic on 24 April 2009. The event was organised jointly by the Czech Presidency of the EU and the European Commission.

The meeting aimed to review progress in addressing Roma exclusion since the first European Roma Summit, held in Brussels in September 2008, and improving the coordination of national actions.

One of the primary expectations of the Prague meeting was to discuss the objectives and principals of the new platform in detail, as well as to set procedures on how it will function in the future. However, the meeting was concluded without any concrete recommendations. Another shortcoming of the meeting was the low participation from the EU member state governments and decision makers.

The EU Roma Policy Coalition, of which the ERRC is a member, issued a statement pointing out that the

meeting was not a place for meaningful discussion on the mandate of the Platform and made the following suggestions related to the Platform:

- Better preparation in advance of the meetings and steps to ensure participation of the Member States;
- Development of structured process that will facilitate the coordination of national and EU policies relevant for the integration of Roma in the EU such as fundamental rights, poverty, discrimination, gender equality, education, housing, health and employment;
- Development and adoption of common objectives under one strategic framework;
- Collecting the knowledge on best practices on Roma inclusion;
- Regular consultation with civil society and ensuring active participation of the Roma NGOs;
- Establishment of the Platform Secretariat which will work on organising future meetings.

ERRC trains Romani researchers for upcoming housing rights documentation

FROM 27-30 April 2009, the ERRC hosted a regional workshop bringing together 14 Romani participants from Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia and Slovakia to discuss housing rights. This workshop was organised within the framework of a two year project supported by the UN Democracy Fund.

A step towards the active inclusion of grassroots Romani activists in the process of assessing government compliance with international legal standards, the workshop presented the main elements of regional and international housing rights law, as well as the fundamentals of conducting a coherent

monitoring and reporting campaign pursuing equality and social justice for Roma. The primary purpose of the workshop was to develop the capacity of young Romani activists in utilising domestic, regional and international human rights instruments and mechanisms so that they may advance the housing rights of Romani communities in their countries.

Over the next year, the ERRC will work together with Romani activists from each of the countries to conduct in-depth primary research on the housing rights situation of local Romani communities. At the end of this period, the ERRC will publish a comprehensive report drawing together the results of



Romani participants of the Montenegro workshop with the ERRC trainers.

the research work undertaken by the team.

ERRC and partners argue equal education for Roma before the European Court Grand Chamber

ON 1 April 2009, the ERRC and its partners gave oral testimony in a hearing by the European Court of Human Rights Grand Chamber in the case of *Oršuš and Others v. Croatia* (application no. 15766/03).

The case concerns the practice, extant to this day, of channeling Romani children into separate, Roma-only classes within mainstream Croatian primary schools. The ERRC, with the help of attorney Ms Lovorka Kušan and the Croatian Helsinki Committee, challenged this practice before the domestic courts and ultimately the European Court of Human Rights. A panel of the Court, in its judgment of 17 July 2008, held that the applicants had failed to substantiate their claim that they had been discriminated against on grounds of their ethnic origin, finding only a violation of Article 6, on the grounds of the delay in the domestic proceed-

ings (for more information see: <http://www.errc.org/cikk.php?cikk=2973&archiv=1>). Upon appeal, the Grand Chamber agreed to review the decision.

During the oral hearing, the ERRC and its partners challenged the practice of separating Romani children, ostensibly on the basis of linguistic ability, as discriminatory. This separation was not grounded in any coherent government law or policy and appeared to be based on the arbitrary judgments of teachers and school administrators. Once children were assigned to a Roma-only class, children were likely to remain in one for their entire school career, subjected to a substandard curriculum, with little if any assistance provided to overcome their supposed linguistic deficiency. Moreover, in other Council of Europe member states, such as Poland and Slovenia, Roma-only classes were phased out because they were considered discriminatory and ineffective.

The hearing also attracted the interest of other NGOs, two of which (Interights and the Greek Helsinki Monitor) filed amicus briefs before the Court, providing further insight and expertise on the pertinent issues. The applicants were represented by Ms Lovorka Kušan, a Croatian lawyer who steadfastly worked on the case for many years; and Mr James A. Goldston, Executive Director of the Open Society Justice Initiative, ERRC board member, former legal director of the ERRC and one of the driving forces behind the *D.H. and Others* case.

The web cast of the hearing is available at: http://www.echr.coe.int/ECHR/EN/Header/Press/Multimedia/Webcasts+of+public+hearings/webcastEN_media?&p_url=20090401-1/en/.



James A. Goldston, Board Member of the ERRC is presenting his arguments in a hearing by the European Court of Human Rights Grand Chamber in the case of Oršuš and Others v. Croatia on 1 April 2009.

European Committee issues first international ruling on Roma health in ERRC case against Bulgaria

IN a ruling released on 18 April 2009, the European Committee of Social Rights (ECSR) found that Bulgaria is in violation of the European Social Charter by failing to meet its obligations to ensure that Roma have adequate access to the health care system. The ruling was issued in response to a collective complaint filed by the ERRC, working with the Bulgarian Helsinki Committee (BHC), in 2007.

The Committee found that “significant cases of discriminatory practices against Roma in provision of medical services [...] taken together with all other evidence submitted by the complainant serve to reinforce the Committee’s overall conclusion that Roma in Bulgaria do not benefit from appropriate responses to their general and specific health care needs.”

Specifically, the Committee found the following violations:

- Lack of sufficient health care for vulnerable and socially excluded persons such as Roma due to coverage gaps created through the linking of medical insurance and social assistance, and subsequent restrictions on the receipt of social assistance;
- Lack of systematic, long-term government measures to promote health awareness among Roma;
- Failure of the Bulgarian government to take positive measures to reasonably address the specific problems experienced by Roma in accessing health care such as social exclusion, marginalisation and the environmentally hazardous conditions in which Roma live.

The full text of the ECSR decision in Collective Complaint 46/2007, *European Roma Rights Centre v. Bulgaria*, is available on the ERRC website: <http://www.errc.org/cikk.php?cikk=3028>. The Bulgarian government must report on this issue to the Committee until the problems at issue in the decision are resolved.

Jenő Kaltenbach appointed ERRC Board Chair

IN March 2009, the ERRC Board of Directors selected Dr Jenő Kaltenbach as its new Chair. Dr Kaltenbach, a renowned constitutional and minority rights expert, lawyer and professor of law was born in Ófalu, a multiethnic village in the south of Hungary, in 1947. He received his degree in law from Szeged University in 1975. Presently, he is in charge of the special committee of the Hungarian Parliament which reviews public complaints against police.

Dr Kaltenbach previously served as the Hungarian Parliamentary Commissioner (Ombudsman) for National and Ethnic Minority Rights. He developed this institution and managed this position most successfully for 12 years, setting both the precedent and the framework for future Ombudsmen. He also drafted several laws in Hungary, most importantly the Act on Minorities of Hungary. He was also the Hungarian Representative to the Council of Europe's Commission against Racism and Intoler-

ance (ECRI), of which he was Vice-Chair between 1998 and 2003. Since February 2005, he has served as Vice-President of the European Ombudsman Institute. Additionally, he was a co-founder of the Minority Roundtable and won the Minority Award in 1995.



Commenting on his appointment, Dr Kaltenbach stated, "We humans are first of all social species and we should never be indifferent towards the fate of the others. It is our common responsibility to respect human rights and also to ensure human rights of all – respected by all. We can not stand by; one needs to act in case any member of the human community is deprived of any basic human rights. Roma are the most vulnerable group of citizens in today's Europe. Those who strive and

act to fight discrimination against Roma are doing so because they see it as their responsibility. Knowing the fate of Roma resulting from systematic discrimination, I can not stay idle, we can not stay idle!"

ERRC adds to its legal team

Lydia Gall is a staff attorney at ERRC. She holds an LL.M specialising in international law, human rights and humanitarian law from the Lund University in Sweden. She was previously an intern at ERRC and has since worked at Article 19 in London, focusing on freedom of expression and freedom of information issues and subsequently spent a stint in the Middle East working on issues pertaining to the Israeli-Palestinian conflict. While in the



Middle East, she worked with the EAPPI coordinating actions between local NGOs, conducting human rights documentation trainings in refugee camps and monitoring violations of international humanitarian law. As a legal researcher with Swedish aid organisation Diakonia, Lydia contributed with relevant monitoring and legal analysis part of the legal advocacy work of the international humanitarian law team.

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