

Public briefing of the Commission on Security and Cooperation in Europe
Hard Times and Hardening Attitudes: The Economic Downturn and the Rise of
Violence against Roma

Tuesday, June 9, 2009 from 2:00 p.m. to 4:00 p.m

Witness Isabela Mihalache, Open Society Institute

We, the Roma remain to date the most deprived ethnic group of Europe. Almost everywhere, our fundamental civil rights are threatened. Grave cases of racist violence targeting Roma are recurrent despite governments' formal commitment to promote and protect human rights. Discrimination against Roma men and women in employment, education, health care, administrative and other public services is the most used currency throughout European countries. Hate speech against Roma by public officials and negative coverage by media deepens the negative stereotypes and encourages violence against Roma.

With the new economic context, sociologists as well as political scientists have started to link the economic downturn to a rise in extremism against Roma in countries such as Slovakia, Czech Republic, Romania and Serbia, considering it an important threat to Roma rights. It is true, that during the economic crisis, Roma racism has taken a more extreme dimension and that interethnic tensions have led to racist attacks against Roma. It is also true that economically, the crisis leaves visible marks on the most vulnerable and invisible minorities such as the Roma.

But the point I want to make here today is that Roma have been suffering from discrimination and social exclusion for centuries independent of economic prosperity or crisis and that the main threat has been the lack of real representation at every level of decision-making. Invisible from political debates, Roma been excluded from the labor market altogether; excluded from quality education, while being segregated in countries such as Czech Republic, Slovakia, Bulgaria and Romania; excluded from health care services, while forcibly sterilized in Czech Republic, Slovakia and Hungary; lacking ID papers and citizenship (Italy); lacking security of tenure – thus, the only impact the economic crisis is going to bring on Roma is if higher cuts in the social welfare systems are going to adopted.

Roma have been living in a constant climate of human rights abuses and social exclusion. Institutional forms of racism, segregation, forced evictions and coercive sterilizations and state impunity are atrocious human rights violations that are still being tolerated by the international community against clear human rights and political commitments undertaken by governments. According to the European Union Fundamental Rights Agency *Data in Focus Report on Roma* published in May this year, looking at discrimination experiences by Roma in Bulgaria, Czech Republic, Greece, Hungary, Poland, Romania and Slovakia, “on average – 1 in 4 Roma respondents were victims of personal crime – including assaults, threats and serious harassment – at least once in the previous 12 months”, while “1 in 5 Roma respondents were victims of racially motivated

personal crime – including assaults, threats and serious harassment – at least once in the previous 12 months. Between 65% and 100% of Roma, depending on the country surveyed, did not report their experiences of personal victimisation to the police. The main reason given by Roma for not reporting their experiences of criminal victimisation to the police was that they were not confident that the police would be able to do anything.”

The increase of extremist attacks and incidents of racially motivated crime against Roma across Europe are alarming but making a simplistic causal connection between economic crisis and the degradation of Roma rights is dangerous and counterproductive. To explain a rise in anti-Roma manifestation by pointing to the economic crisis risks providing a justification for it. It is like saying that if the economic crisis is going to end, the human rights violations against Roma will end too. But evidence shows that despite change in political regimes and fluctuations in welfare, Roma rights and Roma economic situation have remained constant, Roma remaining “untouchable” from economic reforms and human rights protection legislation. I would rather say that the danger for minorities in times of economic crisis is from becoming scapegoats of government impotence and of a certain political climate.

A real threat to Roma is not the economic crisis, but the general climate of impunity which encourages and justifies by its nature further human rights violations against Roma and the failure of governments to effectively address the social exclusion of Roma to date.

An emblematic case is Romania, where immediately after 1989 pogroms would take place every month, throughout the entire country. Between 1990 and 1993, hundreds of mob attacks against Roma communities took place. Nevertheless, hardly any perpetrators were punished.

When Roma rights violations occur, non-prosecution of perpetrators is the norm. Cases in national courts are frequently denied justice because authorities do not open criminal investigations when Roma fall victim to human rights abuse; police conduct inadequate and purely formal investigations lacking even rudimentary substance; prosecutors intervene to cancel investigations or bring non-indictment decisions; authorities retaliate against Roma who file complaints by pressing charges against them. Where police officers are alleged to have perpetrated abuse, the likelihood that Romani victims can secure justice declines toward zero. At the other end, when Roma commit crimes, the media are prompt in identifying alleged perpetrators as “gypsies” and the political discourse likewise regards the crime from an ethnic angle.

The European Court of Human Rights found Romania guilty of several violations in four cases concerning anti-Romani pogroms that took place in Romania at the beginning of the 1990s, among them failing to provide adequate redress to the victims of widespread ethnically-motivated violence.

Nonetheless, Romania does not seem to have learnt from its recent history, and legislation alone does not constitute a guarantee of human rights protection. Attacks against Roma communities continued after the 1990s.

One week ago, on Sunday night May 31, in a locality in Harghita County, a few Roma allegedly beat up two Hungarian non-Roma, in a dispute over where the Roma were grazing their horses. One day later, one of the local Romani families' houses was set on fire. Yesterday evening approximately 100 Hungarian non-Roma started a protest, loudly stating that the "gypsies steal from them." According to the mayor, 60-70 Roma persons left the settlement due to what happened last weekend. The National Council for Combating Discrimination is currently investigating the case.

The economic crisis did not bring anything new to the lives of 60 to 80% of Roma who have been unemployed at different times in all Central and South Eastern Europe or of Romani women that have been invisible in national policies and programs, but it did manage to bring an increasing attention to their plight, by the recent extremist attacks against Roma in Czech Republic, Slovakia and Hungary.

Both the economic and human rights situation of the Roma started to become more visible in the European Union enlargement process which enabled a climate for a new reality check. Through the work of the Roma and other human rights activists it became clear that even the old Member States have done little to integrate Roma communities and even in countries with a small Roma population, Roma still suffer from the same discrimination reflected in poor or non-existent access to employment, health and education. Fortunately, in the old Member States, housing is less of an issue. However, Roma representation in decision-making structures and Roma self-organization is very limited as compared with the new member states.

The protection of human rights in the accession process has been downplayed to the cost of the social inclusion agenda and soon EU policy makers were confronted with the limited competence the Community has in addressing human rights violations such as forced sterilization, institutionalized segregation and other violations against Roma. As a result, these violations continue to take place even after joining the EU.

Moreover, the hopes of Roma from the newest EU Member States, Romania and Bulgaria, to a better life in the European Union allowed by the freedom of movement, have been crippled because of limitations on settlement imposed by countries like Italy, France and the UK. The unpopularity of Roma in Europe, alongside with racial hatred and anti-Roma sentiment was magnified and gained legitimacy also inside the European Union, and Member States adopted discriminatory legislation and policies against Roma.

A reference country in this respect remains one of the founding members of the EU, Italy, which has sharpened its policies on Roma exclusion and discrimination. The Berlusconi government introduced a new concept in anti-Roma political rhetoric: Roma = security threat.

Failing to integrate its Roma Italian citizens under previous governments, the Italy under Berlusconi adopted a new rhetoric relating rising crime to uncontrolled immigration, singling out immigration of people of Roma origin from Romania and exacerbating fear and hatred of Italians with longstanding prejudices and stereotypes toward Roma, while raising tensions among Roma from Romania and former Yugoslavia.

On 21 May 2008, the Italian Government adopted an Emergency Decree (“Nomad Emergency Decree”) proclaiming a state of emergency and enacting a series of measures targeting Roma and Sinti individuals, directly or indirectly. These measures were accompanied by racist political statements which suggested that Roma (both Italian citizens and non-citizens) were criminals or should be expelled from Italy and that all Roma camps were to be closed down. Using presidential decrees and implementing orders, the Government conducted a coercive „census” of all Roma in the regions concerned. At the same time there have been widespread physical attacks by civilians, which the government has failed to prevent or condemn. The legal measures adopted under the “Emergency Measures” (the Nomad Emergency Decree, the three Implementing Orders of 30 May 2008 and the Implementing Guidelines of 17 July 2008) allowed for the collection of personal data, fingerprints and photographs of Roma living in unofficial settlements, allowing the creation of a “Roma database”. The government initially stated that this information would be used in order to expel certain categories of Roma from Italy, and expulsions have taken place. More recently the government claims that the purpose of the information is to improve the living conditions of Roma, although no measures have yet been introduced to do so.

The Italian Government has recently clarified its explanation of the measures implemented within the Nomad Emergency Decree in its response to the Report by the Council of Europe Human Rights Commissioner, Thomas Hammarberg from 16 April 2009 following his visit to Italy. The Government claims that the purpose of the measures is to curb criminal behaviour (at para.26) and that no database has been created as the census was carried out “in accordance with national and international laws and regulations concerning the protection of privacy, through records that are used for all citizens, under the responsibility of authorized entities” (at para.37). They state that they considered it necessary to get detailed information about the number of the people living in the settlements in order to guarantee them a greater level of security and to improve their living conditions. As a consequence, a census was made to identify all the people, not only Roma and Sinti (at para.38).

On the basis of evidence collected in Italy, the Open Society Institute, European Roma Rights Center and OsservAzione submitted a memorandum to the EU Commissioners of Justice and Employment, Social Affairs and Equal Opportunities urging the EC to start an infringement procedure addressing the noncompliance of the Italian authorities with European Community law, specifically Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (the EC Data Protection Directive). The Memorandum argues that contrary to the Italian Government’s contentions, the facts show that the measures and the way in which they have been

implemented demonstrate that sensitive personal information has been collected and processed with respect to one targeted ethnic group – Roma and Sinti - allowing for the creation of a Roma and Sinti database. The Nomad Emergency Decree and its implementing orders and guidelines are not in compliance with the EC Data Protection Directive because (1) the census provided for allows for the processing of sensitive personal data based on ethnicity and (2) the specific criteria that may justify such a violation are not met. In addition, the emergency measures violate fundamental rights also protected by the Directive.

On 5 February 2009, the Italian Senate approved a draft law (No.733) dealing with public security. The draft law was amended by the Chamber of Deputies on 14 May 2009 (No.2180), with Prime Minister Berlusconi using a vote of confidence in order to ensure that the amended version was passed. The *pacchetto sicurezza* or ‘security package’ will return to the Senate where it is expected to be approved by mid-June 2009. This new “security package”, together with other recently adopted legislation, contains provisions that are directly targeted at migrants and minorities, affecting them disproportionately. This package and other new laws make immigrants presence in Italy without appropriate legal status a criminal offence; and encourage health care providers to report illegal immigrants seeking health care to immigration authorities.

Concluding remarks and Recommendations

It obvious that we confront ourselves with a major security matter, where Roma are made scapegoats of government impotence and lack of redress in the socio-economic status of Roma. The thread is becoming even greater with yesterday’s EU election results, where the far right made gains in ten European Union member states. It is too early to predict its effects at this point, but it seems that extreme right politicians have just “bought” new “passports” to a new wave of democracies where new form of Nazism and fascism are being made respectable by the European citizens.

It is imperative for countries to respond promptly to cases of violence, crime and hate speech against Roma. both Italy and Romania must implement an effective law enforcement and political response to acts of violence and hate speech directed against Roma. Perpetrators of violence must be identified and punished. Public officials engaging in hate speech must be dismissed. Private actors engaging in hate speech must be condemned.

It is imperative for countries to put an end to discrimination. Countries such as Italy must end the deliberate policy of segregating Roma into ghettos, and other countries where ghettos exist must implement adequate housing programs that put an end to spatial segregation.

It is imperative for countries with significant Roma population to adopt and implement positive measures. Both Italy and Romania must design, fund and implement effective programs to ensure that school completion rates, employment levels and health indicators of Roma people rise to the same level as the majority population.

It is imperative that the European Union acknowledges that the problems faced by Roma communities are the results of hundreds of years of government policies fostering discrimination and exclusion, some of which continue to this day. It is therefore required that the EU places a special focus on and devote special resources to addressing the challenges faced by Roma communities.

There is a great need for joint international efforts to better integrate the 15 million Roma throughout Europe.

What the United States should do:

The United States is committed to protecting and promoting the human rights of Roma through our bilateral relations and through our involvement in organizations such as the United Nations and the Organization for Security and Cooperation in Europe.

Immediate actions need to be taken by the OSCE and the United Nations to curb the new wave of extremism and Roma racism by supporting the establishment of an Intergovernmental Task Force on Roma Racism.

The United States Congress has an important role to play in advancing human rights and promoting good governance and democracy. It should consistently condemn acts of violence and hate speech against Roma and should support law enforcement to investigate and prosecute hate crime against Roma.

The US should hold the government of Italy accountable to their obligations under universal human rights norms and international human rights instruments for failing to protect the human rights of their Italian Sinti Citizens and of the Roma immigrants and EU citizens.

The US should address Roma issues in their bilateral meetings with government leaders and Foreign Ministers.

The US should coordinate human rights activities with important allies, including the European Union, and regional organizations.

The US should actively support through USAID the establishment and work of human rights NGO's in Italy, Czech Republic, Slovakia, Hungary, Romania and Bulgaria.

The US should involve in broad awareness raising campaigns aimed at changing attitudes and stereotypes against Roma through promoting Roma Role models and successful integration projects on Roma.

Secretary of State, Hillary Clinton, has an important record in Roma diplomacy in Europe. Attitudes towards Roma in Europe might improve if State Secretary Hillary

Clinton would be involved in a Diversity Campaign supporting solidarity and a better cohabitation with minorities, such as Roma, throughout Europe.

It would make a difference if the US makes a reference to the plight of the biggest ethnic minority in the European Union, the Roma, at tomorrow's EU-US Summit in Slovenia, by pointed to the need to achieve greater human rights protection and integrate minorities within our societies.