

ERRC WINS VITAL LEGAL CASE FOR ROMA IN ITALY, AS HIGHEST COURT UPHOLDS RULING ON STATE OF EMERGENCY

On 2 May 2013, Italy's highest court, the Court of Cassation, upheld the ruling which declared the 'Nomad State of Emergency' unfounded, unmotivated and unlawful. The Cassation Court rejected the government's appeal against the Council of State's decision from November 2011.

The Cassation Court's decision marks the final stage of the legal proceedings at the Italian courts, and marks the government's last opportunity to appeal the Council of State's earlier decision.

The State of Emergency, declared in May 2008, provided the Italian authorities with immense powers. Roma were forcibly and relentlessly evicted, excluded from education and fingerprinted, segregated, harassed and expelled, thus violating their rights to adequate housing, education and privacy.

The European Roma Rights Centre and a Romani family first launched a legal challenge to Italy's highly controversial State of Emergency in 2008.

After a legal battle before the lower tribunals which gave the green light for the State of Emergency, the ERRC appealed before the Council of State. On 4 November 2011, the Council of State declared the State of Emergency illegal. The Italian government appealed this decision before the Court of Cassation on 15 February 2012, but was unsuccessful in its appeal.

You can find the full background to the Italian State of Emergency [here](#).

HOUSING PROBLEMS OF ROMA AND CAMPS IN ITALY RANK HIGH ON ERRC'S AGENDA

In the last three months, the ERRC has been very active in Italy to document and raise awareness on the problems that Roma, Sinti and Caminanti face, especially regarding access to housing.

On 15 May 2013, the ERRC visited formal camps for Roma in Rome together with **Associazione 21 Luglio** (an ERRC partner organisation based in Rome), the Italian child protection authority, journalists and Roma rights activists. The group visited the camp in Via di Salone which was established for approximately 600

people, however it currently houses 850 people, primarily Roma from Bosnia and Herzegovina, Romania, Montenegro and Italy. The second camp visited was in Via della Cesarina, inhabited by approximately 180 persons from Bosnia and Herzegovina and Romania.

On the same day, following the camp visits, the ERRC and Associazione 21 Luglio organised a joint press conference in Rome. At the press conference, the ERRC presented the preliminary findings of its research on the situation in six formal

camps in Rome and Milan for Roma. The ERRC conducted research in these formal camps between November 2012 and February 2013. The research was carried out through in-depth interviews with residents of the camps, NGOs managing the camps, independent experts, activists, municipal

THE ERRC COMBATS RACISM AND DISCRIMINATION AGAINST ROMA AND EMPOWERS ROMA TO DEFEND THEIR OWN RIGHTS.

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ERRC and Associazione 21 Luglio visited via Cesarina, a formal camp in Rome hosting 180 Roma, on 15 May 2013.

PHOTO CREDIT: ERRC

authorities and experts on social housing. The research was conducted in the Camping River, Castel Romano and Gordiani camps in Rome, and the Chiesa Rossa, Idro and Martirano camps in Milan. The ERRC will publish the report based on the research in coming months.

At the press conference, the ERRC also presented its positions and conclusions on the decision of the Cassation Court of Italy on the State of Emergency, and called upon the Italian Government to change its actual policy in light of this court decision and of the obligations under the **National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities**.

Evictions in Milan

On 19 April 2013, the ERRC and Gruppo di Sostegno Forlanini (GSF), a partner organisation in Milan, issued a joint **press release** to call attention to a new eviction in Milan. The eviction came after a week of protests targeting an informal Romani settlement where 350 Roma, mostly from Romania, lived. Protests were led by far right groups and were accompanied by racist slogans including "Roma, get out of the neighbourhood". Protesters threw stones into the settlement.

Following these protests, the Milanese municipal authorities decided to evict the camp. According to municipal authorities, the plan to evict the Roma from the camp had been developed and announced previously. However, they accelerated the process due to security concerns and their inability to protect the Romani people from increasing hostility in the area.

In the joint press statement, the ERRC and GSF underlined that this racially-fuelled mob violence was reminiscent of the 2008 pogrom in Ponticelli, Naples and the more recent razing of a Romani settlement in La Continassa, Turin in late 2011. The ERRC and GSF underlined that the authorities of Milan are making some headway in the integration of Roma after many years of negative and emergency-based approaches. The NGOs expressed the hope that the authorities would in future do all that they can not to surrender to the demands of aggressive right wing groups, and to protect the fundamental rights of all Roma including the right to life, right to housing and right to privacy.

CERD Submission

On 29 April 2013, the ERRC took part in an event in Rome at the University

"Roma Tre" organised by the Italian NGO **Associazione per gli Studi Giuridici sull'Immigrazione** (ASGI) and **Open Society Justice Initiative** (OSJI). The event aimed at monitoring the recommendations developed by **Committee on the Elimination of Racial Discrimination** CERD at its 80th session that took place between 13 February - 9 March 2012. The ERRC, together with its local partner Associazione 21 Luglio, submitted written comments in January 2012.

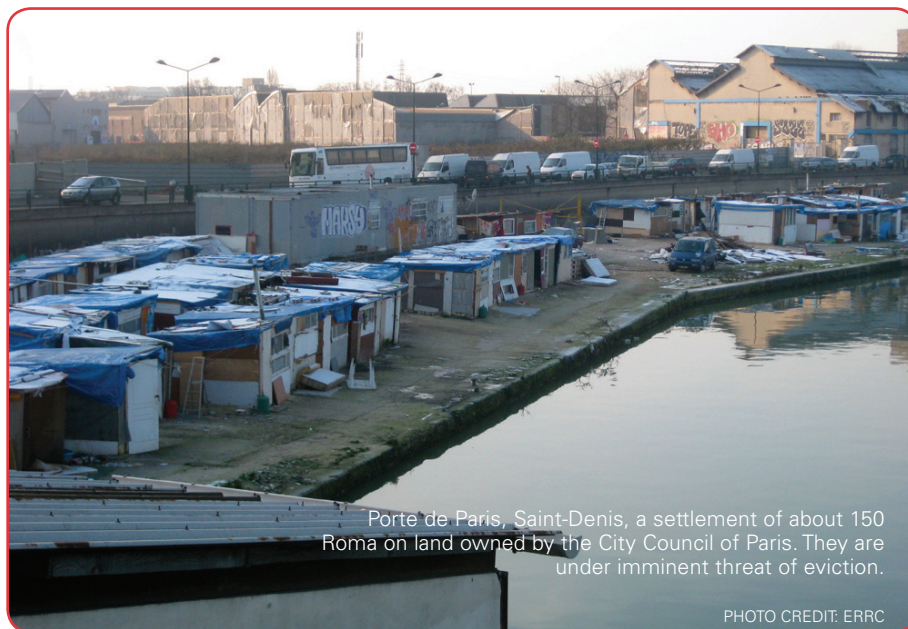
The event mainly focused on CERD's 13th and 15th recommendations, both concerning the establishment of an independent national human rights institution and, in particular, halting forced evictions, providing alternative adequate accommodation, ceasing the practice of relocating Roma in segregated camps, implementing social housing programmes and ending all practices initiated under the now unlawful State of Emergency.

Among the panellists was Ms. Anastasia Crickley, a CERD member, who acknowledged that too little had been implemented by the Italian authorities so far regarding the situation of Romani people, and urged the institutions to put more effort into the implementation of the recommendations above.

SYSTEMIC EVICTION OF ROMA CONTINUES IN FRANCE

One year after the election of President François Hollande, the systematic eviction of Roma in France continues. The ERRC continues to assist Roma to challenge eviction orders. During the first three months of 2013, more than 2,800 Roma were forcibly evicted from their settlements, generally without any alternative housing solutions from the authorities. More than 1,000 people had to leave their homes because of fires in several settlements.

The ERRC has been particularly involved in a case in La Courneuve (northern Paris) where inhabitants of a settlement received an eviction order with 48 hours notice on 29 March 2013. In this settlement of around 250 people, several people had French residence permits and more than 30 children were attending school. The ERRC, together with local lawyers, assisted the Roma to challenge the eviction order first before a domestic court and then brought the case to the attention of the European Court of Human Rights (ECtHR) under the Rule 39 procedure on 11 April 2013. Rule 39 of the Rules of the ECtHR allows applicants to seek the intervention of the Court when they face a real risk of serious, irreversible harm if the intervention is not



Porte de Paris, Saint-Denis, a settlement of about 150 Roma on land owned by the City Council of Paris. They are under imminent threat of eviction.

PHOTO CREDIT: ERRC

applied. However, under the threat of an imminent eviction, the inhabitants could not wait for the Court to decide and when they were told by police on the evening of 11 April that they would be evicted in the early morning the next day, they left their settlement during the night, rather than suffer an eviction and certain loss and destruction of their property. They settled

in an area nearby, but police evicted them from this location the next morning and impounded almost all of their caravans, leaving most of the people homeless and forcing them to live on the street.

The ERRC is closely following the situation of the evicted Roma and will submit a full application to the ECtHR in June.

NGOS CONCERNED WITH CZECH GOVERNMENT'S BACKWARDS STEP ON INCLUSIVE EDUCATION

On 22 April 2013, the ERRC, together with Open Society Justice Initiative and **Amnesty International** sent a **joint letter** to the Czech Minister of Education Petr Fiala and the Czech Human Rights Commissioner Monika Šimůnková, expressing concern about the government's lack of progress to implement the Czech Government's commitment to end discrimination against Romani children in education, and implement measures to ensure inclusive education, which would benefit both Romani children and children with disabilities.

The ERRC and partners are particularly concerned about the Minister's and Commissioner's statements that the Government has no intention of abolishing practical schools, and that preparatory classes

will continue to exist under the system of practical schools. The organisations highlighted that the decision to backtrack from the commitment on progressive transformation of the practical school system amounts to a significant hindrance to the reforms the Czech Republic is required to implement with respect to the ECHR judgment in the case of **D.H. and others v the Czech Republic**. Moreover, it infringes the EU Race Equality Directive (2000/43/EC of 29 June 2000).

The political decision to give up inclusive education provisions also undermines the commitment made in the Government's "**Strategy for Combating Social Exclusion for the Period 2011-2015**", to progressively transform the practical school

system and include pupils in mainstream education, and embarrassingly contradicts Government's own declarations made at various international platforms, Committee of Ministers of the Council of Europe and UN Human Rights Council just to name few.

The ERRC and partners called on the Czech Government, and specifically the Ministry of Education, to immediately introduce a moratorium on placements of children, including Romani children, in schools and classes for pupils with "mild mental disabilities" and undertake a comprehensive review of the system to ensure compliance with international and regional standards on education and non-discrimination and at all times, ensuring the best interests of the child.

ERRC HIGHLIGHTS EXCESSIVE USE OF FORCE IN MACEDONIA

On 13 May, 2013, the ERRC expressed its concern about a violent incident in the Topana neighbourhood in Skopje. According to media reports around 50 police officers, members of a special police unit, along with regular police men, used excessive and arbitrary force against Roma on 5 May 2013 at about 21:30, indiscriminately targeting individuals, including women, in the course of the operation. The police entered the neighbourhood to arrest a man who had committed a crime while on leave from prison.

Roma from the Topana neighbourhood told the ERRC that officers forcibly entered several Romani houses and local shops without providing any explanation; harassing and pushing people, often in the presence of children. Roma reported that police officers kicked and punched them with fists and police batons. Around 10 Romani individuals were beaten up, including three women.

This police action was in contrary to fundamental rights and freedoms guar-

anteed by the Macedonian Constitution and international human rights treaties, including the right to physical and moral integrity, right to liberty and security, right to privacy, and the right not to be subject to torture or cruel, inhuman or degrading treatment. Such conduct is also incompatible with national codes.

The ERRC called on the relevant authorities to: conduct an independent, thorough and effective investigation into the legality of the police and action in line with the obligations enshrined in the European Convention of Human Rights; to ensure that the investigation fully explores any evidence of discriminatory action or bias motivation and to make public the scope, methods and findings of the investigation in this case.

Discrimination in Employment

In March 2013, Macedonian media published an email sent on 9 January 2013 by the management of a Macedonian

shopping centre, Skopje City Mall, to the agency "Land Service" that provides cleaning services. In the e-mail, the shopping centre management demanded the agency removed all Roma employees working in the food section. The cleaning agency rejected the request. According to the media report, the shopping centre made the request following food thefts from the centre. The agency engages Roma and non-Roma workers in this section – only the Roma were targeted on the basis of their ethnicity.

The ERRC sent a letter to the Macedonian authorities expressing its deep concern over the discriminatory treatment of Romani workers by the management of the Skopje City Mall.

The ERRC underlined that the action by the managers of City Mall violates the Macedonian Constitution, as well as anti-discrimination and labour codes in the country. The action is also in breach of international human rights standards.

ERRC TRAINS ACTIVISTS AND PARALEGALS



30 Romani activists from Macedonia received training on human rights advocacy. PHOTO CREDIT: ERRC

On 3-4 April 2013, the ERRC and its Macedonian partner organisation **National Roma Centrum** delivered training to 30 Romani activists as part of the campaign entitled, "No to Special Education for Roma". The action aims to address the over-representation of Romani children in special education in the country and to promote inclusive, quality education for them.

The training aimed at equipping young Romani activists with the knowledge and skills necessary for human rights activism and advocacy as well as information gathering.

The training gathered Romani participants from all Macedonian cities that have a special education facility, with an emphasis on participants from cities

in which initial research clearly showed overrepresentation of Romani children in special education.

Paralegal Training in Ukraine

On 23-24 of April ERRC staff travelled to Odessa, Ukraine to conduct paralegal and community development training in the scope of a legal empowerment project.

The first half of the training was conducted with paralegals on the specific issues pertaining to access to personal documents in Ukraine, and the second half of the training with people from the communities on human rights in general.

Several meetings took place with the lawyers working within the project and the ERRC monitor in Odessa.

ERRC BRIEFS GROUPS ON ROMA RIGHTS



In the March-June period, the ERRC received several study visits from universities and experts, from across Europe. The students were interested in the general human rights situation of Roma communities across Europe.

PHOTO CREDIT: ERRC

Study visits are a regular component of ERRC work. In the past three months we welcomed eight students' groups and organisations from Europe and the US to our office in Budapest. The visitors were interested in the general human rights situation of Roma communities across Europe, with a focus on historical roots of prejudice and discrimination as well as on hate speech/hate crime and freedom of migration issues that Roma are facing nowadays. Many of them were also highly interested in opportunities to engage with the ERRC, both in our office as well as with Romani communities or civil society back in their countries.

Our visitors are highly interested in the advocacy work ERRC conducts at an international level as well as the empowerment component of our work when it comes to Romani individuals and/or structures (including organisations, political parties, networks, etc). These visits are also an opportunity for ERRC to engage in discussions on a diversity of practices coming from the academic sphere.

Roma Youth Group Make Forum Theatre Visit

On 4 April 2013, as part of a series of events in celebrating the International Roma Day the ERRC and Roma Access

Program/ Central European University, organised a forum theatre performance on Roma issues from a group of young people from Serbia.

The performance was a result of a project organised by CARE Serbia and "Novi Sad Humanitarian Center" on Roma Girls Education Initiative since 2008. The project focuses on empowering a group of Romani youth in order to promote girls education and become role models for future generations. It also aims to build the capacities of relevant national institutions, as well as Romani parents, to support the girls in their education process.

Twelve Romani young people performed at Central European University using forum theatre to raise awareness of Roma issues, particularly girls' education in Serbia. Forum theatre is a kind of theatre created by the innovative and influential activist Augusto Boal as a highly participatory forum for teaching people how to change their world. It is an innovative and entertaining method to raise and deal with social justice issues.

The young people also visited the ERRC and learned about our activities and approaches as well as other Roma rights stakeholders in Budapest such as Roma Education Fund.



NEW MOVEMENT AGAINST HATE SPEECH ONLINE

The Council of Europe has launched a new campaign for young people to combat hate speech, racism and discrimination online, including anti-Roma statements. The campaign will address hate speech against diverse groups and encourage young people to report and act against hate speech online.

The campaign is part of the project Young People Combating Hate Speech Online,

running between 2012 and 2014. The project stands for equality, dignity, human rights and diversity. The working methods



**NO HATE
SPEECH
MOVEMENT**

are awareness raising, advocacy, and it also seeks for creative solutions. The project equips young people and youth organisations with the competences necessary to recognise and act against such human rights violations.

The ERRC attended a planning meeting for moderators in Budapest, April 2013, and will be further involved in the future.

INTERN



Erika Bodor (USA)

My conviction to solidarity, equality and empowerment was at the root of my intent to do an internship for the ERRC. I became aware of the serious problems facing Roma immigrants while conducting research for a PhD in French studies in Paris. The manifest problems of the Romani community in the Parisian area led me to see that Roma rights are one of the most complex and important issues, and one of the biggest challenges in human rights in Europe today. Frequent violations and discrimination have undermined principles of European human rights and democracy.

I believe that the ERRC is one of the most efficacious organisations working on urgent issues regarding the Romani population. Being an intern has allowed me to use my strengths and understanding of human rights in the francophone world and has greatly enhanced my knowledge and opportunities in the field.

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Veronika Czutor (Hungary)

I decided to apply for an ERRC internship on research and advocacy from April 2013, because I am interested in research on Roma related issues. I am a Hungarian Roma woman and I grew up in a village in the south-eastern part of the country. Previously I was a volunteer with Amnesty International Hungary on human rights education, and I am also a Phiren Amenca member.

In my work I am focusing on (mostly school) segregation cases affecting the Roma people. Among my tasks in the ERRC, I am also attempting to bring human rights violation cases to the knowledge of a broader audience of young (Roma) activists in Hungary, and to discuss with them their experiences and potential responses to the challenges and problems they face. I want to work on Roma rights and Roma related cases in the future. With the help of ERRC colleagues, I can get the practical skills and professionalism I need during my internship.

