



HUMAN RIGHTS HERE ROMA RIGHTS NOW

A WAKE-UP CALL TO
THE EUROPEAN UNION

AMNESTY
INTERNATIONAL



“All we want is to be treated like humans, we live like that, and we should be treated as such... never before had they made us feel this much that we are different. Now we really feel it.”

An elderly Romani couple, in Avas, Hungary, October 2012



With an estimated population of 10 to 12 million in Europe, the Roma have historically suffered persecution, exclusion and discrimination. The most murderous episode was the *Porrajmos* “devouring” during the Second World War when hundreds of thousands of Roma were murdered by the Nazis. European governments pursued brutal practices against the Roma well after the Second World War. The Czech Ombudsman estimated that since the 1980s as many as 90,000 women may have been forcibly sterilized throughout the territory of the former Czechoslovakia.

According to the European Union Agency for Fundamental Rights in 2009, on average, every other Roma is a victim of racial discrimination, which prevents them from finding a job or receiving high-quality education. Romani individuals and communities are targeted with racially motivated violence and are often segregated in informal settlements, sometimes beside polluted sites, from where they can be forcibly evicted at any time. Tens of thousands of Romani children attend segregated Roma-only schools and classes

or are taught a reduced curriculum in institutions for pupils with “mild mental disabilities”.

These human rights violations have no place in contemporary Europe, with its strong regional human rights protection mechanisms. The European Union adopted anti-discrimination legislation more than a decade ago, but the daily experiences of discrimination against Roma blatantly reveal that European institutions have failed to translate their commitments and law into equality for one of Europe’s largest ethnic minorities.

WHO ARE THE ROMA?

Roma are thought to have arrived from India in the ninth century and have been well established throughout Europe since the 14th century. They are not a homogenous ethnic group, but various sub-groups which identify themselves according to historical and linguistic distinctions (‘Manush’ in France, ‘Sinti’ in Germany and Italy, ‘Kale’ in Portugal and Spain or the Karderash in south-eastern Europe). Travellers are indigenous people who for

centuries have adopted an itinerant lifestyle and are not ethnically Roma, although they face similar levels of discrimination.

According to the Council of Europe, an estimated 6 million Roma lived in EU countries in 2012. The Roma constitute between seven and 10% of the population in Bulgaria, Hungary, Macedonia, Romania, Serbia and Slovakia. There are also large Roma and Traveller populations in Western Europe, including Spain (750,000), France (400,000), the UK (225,000) and Italy (150,000). Most of the Roma in Europe are sedentary (80-85%), although they are often wrongly described, including by authorities, as nomadic.

Today, on almost all human development indicators, Roma fall far below the national average. Eight out of 10 Roma in Europe live in households at risk of poverty which results in severe material deprivation and ill-health. Roma are less likely to complete upper-secondary education than non-Roma: for instance, only one in 10 Roma has completed it in France, Greece or Romania.



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Left: Romanians of Roma origin moved on by French police in Paris, France on 28 September, 2010. The French authorities offer money to the Roma to return to their countries of origin.

Below: Claudia, a Romani woman from Cluj-Napoca, Romania, October 2011.

ANTI-DISCRIMINATION LEGISLATION IN THE EU

Discrimination occurs when someone is treated differently because of an identity-related characteristic, such as ethnic origin, without any reasonable justification.

Discrimination can occur in many areas including in the workplace, education and housing. Serious discrimination can also include physical violence and other crimes motivated by identity-related characteristics such as the victim's ethnicity. State authorities, including the police, must use all their powers to prevent racially motivated attacks. They must also thoroughly investigate such attacks taking account of any racist bias.

The EU has adopted laws to promote human rights and combat discrimination. In 2000, the EU adopted the Race Equality Directive (RED) that prohibits discrimination based on race or ethnicity in the workplace, education, access to goods and services, housing and health care. The RED is binding EU law that member states must transpose into their national law and implement. In 2009, the Charter of

Fundamental Rights of the European Union entered into force. It prohibits discrimination and enshrines many rights including the rights to education, social and housing assistance and work. The Charter is a binding instrument and must be respected by EU institutions and member states when implementing EU law.



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“If the European Union sees that discrimination takes place in our country, they will have to take action... Romania joined the EU including Roma and Hungarians, Jews and all other ethnicities living in Romania. So, we – the Roma – are also part of the EU.”

Claudia, Cluj-Napoca, 2012.



WHERE GOVERNMENTS AND THE EU ARE FAILING

In spite of EU anti-discrimination directives, prejudice towards Roma in Europe, even at a national level, remains strong. For example, in 2008, the then Italian Interior Minister publicly justified violent attacks by vigilante groups against Roma by declaring “that is what happens when gypsies steal babies or when Romanians commit sexual violence”.

PREVENTING AND INVESTIGATING VIOLENT ATTACKS

Racial hatred and violence against Roma are pervasive in Europe. In a recently published survey by the European Union Agency for Fundamental Rights, one in five Roma said they had been targeted. According to media reports compiled by the European Roma Rights Centre, more than 120 serious violent attacks against Roma and their property occurred in Hungary, the Czech Republic, Slovakia and Bulgaria between January 2008 and July 2012, including shootings, stabbings and arson attacks.

Authorities rarely collect specific data on hate crimes against the Roma; only four countries did so in 2011. And they often fail to investigate such crimes thoroughly.

HATE CRIMES IN HUNGARY

In Hungary, according to the European Roma Rights Centre, nine Roma, including two children, have been killed as a result of racially motivated attacks between 2008 and 2012. Hate crimes have traumatizing impact on the victims and their families. József H., the father of a Romani boy stabbed to death in Fényeslitke, Hungary, in 2008, told Amnesty International: “Everyone is afraid. No matter what harsh things happen to you, you don’t dare tell, because you are scared.”

Roma communities are harassed and threatened by various non-state actors or groups in countries such as France, the Czech Republic and Hungary, where the police have on some occasions failed to protect them. In December 2012, neighbours of an informal Roma settlement in Marseille, France, chased away the entire Romani community and set fire to the camp.

POLICE FAIL TO ACT IN DEVECSEER, HUNGARY

On 5 August 2012, around 500 people gathered in the town square of Devecser for a demonstration organized by far-right party Jobbik and joined by vigilante groups.

Some members of the crowd chanted anti-Roma slogans and threw pieces of concrete and other missiles at Roma houses. The police did not act to stop the violence and no arrest was made at the scene.

One activist was in the courtyard of one Roma house when it was attacked. She was injured by a piece of concrete and has since filed a criminal complaint with the police which, after pressure from NGOs, started an investigation against unidentified perpetrators for racially motivated violence.

A complaint was also filed against the police for having failed to prevent violence on the day of the demonstration. However, the Minister of Interior declared in September 2012 that the police conduct in Devecser was adequate.



Left: The house in Tatárszentgyörgy, Hungary, February 2010, where Róbert Cs. and his five-year-old son were killed on 23 February 2009. They were shot as they fled from the house following a reported arson attack.

Top: Romani people and their supporters gather to protest against a far-right rally in Miskolc, eastern Hungary, 17 October 2012.

Above: Demonstration in the village of Devecser, Hungary, on 5 August 2012, organized by the far-right party Jobbik and joined by vigilante groups.



PREVENTING DISCRIMINATION IN HOUSING

Hundreds of thousands of Roma in Europe live in ethnically segregated, informal settlements or camps as a result of policies that deny them other housing options.

Often, they do not have security of tenure, are targeted with forced evictions and sometimes are relocated to areas where their health is at risk.

A forced eviction is the removal of individuals, families or communities against their will from their home and/or the land they occupy, without legal protection or other safeguards, such as exploring all feasible alternatives through genuine consultation, adequate notice, opportunity to challenge the eviction, access to legal remedy.

Amnesty International and other organizations have documented forced evictions of Roma communities in Bulgaria, the Czech Republic, France, Greece, Italy, Macedonia, Romania, Serbia, Slovakia and Slovenia.

COASTEI STREET, CLUJ-NAPOCA, ROMANIA

On 17 December 2010, 76 Romani families, were forcibly evicted by the Cluj-Napoca authorities from their city centre homes in Coastei Street. The only official warning they got was a written notice delivered two days before. The families were not consulted and or given access to legal remedies or adequate alternative housing.

The families were relocated to the city's outskirts, close to a landfill site and chemical waste dump, in an area already predominantly inhabited by Roma.

Only 40 families received housing. Even this meant only one room of up to 18m² per family. Four rooms share a bathroom with only cold water. The housing units were built with public money; they are thus part of a municipal policy that actively fostered residential segregation, a form of discrimination.

For 36 of the 76 evicted families no alternative accommodation was offered and they were left homeless. Some moved in with relatives, which resulted in severe overcrowding, others built

houses next to the existing units. With only verbal permission from the municipality to build on that land, families live in inadequate housing and fear further forcible eviction and losing their homes.

Bela Novak lived in Coastei Street for 16 years before being forcibly evicted in 2010. Despite his advanced age and serious health problems, he received no accommodation after the forced eviction. He spent two winters in a shed his son built. "My floor was bare earth, my son did not manage to lay concrete. There were rats... Last winter was even worse because I was left without wood and it was cold, -25°C: I lost consciousness, I almost died."

Claudia and her family were provided with a room in the housing units close to the rubbish dump: "Before I used to be happy... Now, when I wake up in the morning and I see the garbage dump, I feel like crying."

Two years after the forced eviction, the situation of these families remain unchanged.



Left: A Romani woman carrying a pram as she is forcibly evicted from her home on Coastei Street, Cluj-Napoca, Romania, 17 December 2010.

Above: On 28 September, 2012, about 250 Romani people, mostly Bosnians, were forcibly evicted from the Tor de'Cenci camp in Rome, Italy, and sent to La Barbuta, a new purpose-built camp next to Ciampino airport or Castel Romano camp.

The Coastei Street case is not unique in Romania, or Europe. Policies promoting or resulting in ethnic segregation of Romani communities have been also pursued elsewhere in Romania: in Baia Mare, Constanța, Miercurea Ciuc and Piatra Neamț. In July 2011, local authorities in Baia Mare even built a wall separating Romani communities from a non-Roma neighbourhood.

SEGREGATION IN LA BARBUTA, ROME, ITALY

For decades, the Italian authorities have fostered the residential segregation of Roma. Local and regional authorities persistently advance “camps” as the only available and appropriate housing solutions for Roma.

Using the introduction of the so-called “Nomad Emergency” in 2008, several Italian authorities targeted Roma communities for forced evictions, and pursued policies which fostered residential segregation. Such discriminatory policies persisted even after the Council of State struck down this “Emergency” in November 2011.

On 18 June 2012, the local authorities in Rome opened La Barbuta, a Roma-only “village”, and transferred some 200 people there after forcibly evicting them from the Tor de'Cenci camp, where they had been living since 1995. La Barbuta, near Rome's Ciampino airport, is fenced and under video surveillance. It is not served by public transport and the closest shops, schools and health care are 2.5 km away. Residents have to walk along a main road with no pavement to go anywhere.

Many Romani families living in Tor de'Cenci told Amnesty International in June 2012 that they did not want to move to La Barbuta, because of security concerns and its isolation.

“Here [in Tor de'Cenci] everything was simple, near to the camp... the municipality told us that we have to go, one way or another. They told us that they would use force to kick us out of here and that nobody was going to stay... We had no choice.”

A resident of Tor de'Cenci, June 2012



PROVIDING EQUAL ACCESS TO WATER AND SANITATION

It is hard to believe that EU citizens do not have access to water. But this is the daily reality for some Roma in informal settlements across the continent.

In Slovenia, local authorities supply safe drinking water only to people who can provide specific documents, including building permits, for their homes. The policy therefore discriminates against the Roma, who often live in informal settlements, without documents and who as a result have no access to this service. Almost all ethnic Slovenians have access to water, but according to a 2010 survey 20-30% of Roma settlements in the country's south-east do not.

Amnesty International was told by many residents of Roma settlements, particularly women, that they did not have enough water to cover all their daily domestic needs – drinking, cooking, personal hygiene, washing clothes. Marjan, from Goriča vas in Ribnica, said: “It is normal that we smell and that people avoid us. How do you think our children feel when they make fun of

them in school because they smell?” He explained that family and friends walked long distances to look for available sources of water, such as cemeteries, pumps in old factories, or individual households which agree to assist them.

NO WATER, NO PRIVACY, PONOVA VAS, SLOVENIA

Silvana, who lives in the informal settlement of PonoVA vas in Grosplje, described to Amnesty International how having no water and access to sanitation is very difficult for women and children:

“I cannot wash myself in front of my husband or my sons. If the men are not at home, we women wash ourselves in the stream. In the winter, we can only wash our hair and face. We cannot be naked in front of our children. We go to the toilet behind the house – as far away from the house as possible, to the trench... At night, I must take the torch to go to the toilet, in the daylight we have to check all the time that there is no one around who could see us.”

DESEGREGATING ROMA-ONLY SCHOOLS AND CLASSES

Ten of thousands of Romani pupils in Europe attend segregated Roma-only schools or classes and schools or classes for pupils with “mild mental disabilities”, where they are taught a reduced curriculum.

In the Czech Republic, Romani pupils account for 35% of the pupils placed in practical schools and classes for people with mild mental disabilities, despite Roma constituting less than 3% of the population.

The European Court of Human Rights found in 2007 that the Czech Republic violated the rights of Roma pupils to enjoy their right to education without discrimination (*D.H. and others v. the Czech Republic*). Five years later, the Czech Republic has still not effectively implemented the judgement and the discriminatory practices continue, compromising Romani pupils' future.

Following a reduced curriculum increases the chances of being excluded from upper-secondary education and perpetuates the cycle of discrimination. In the Czech



© Jiri Dolezel

Far left: A Romani man collects water, Ribnica, Slovenia, July 2012. His community's only access to water is a tap in the cemetery or a spring in the wood.

Left: Romi D. preparing his school work, Ostrava, Czech republic.

Republic, only three out of 10 Roma students complete upper-secondary education compared with eight non-Roma. In Slovakia, only two out of 10 Roma students do so compared with nine non-Roma.

ROMI, A "PRACTICAL SCHOOL KID" IN OSTRAVA, CZECH REPUBLIC

Romi lives in Ostrava, where the applicants in the D.H. case also lived. He goes to a school with approximately 90% Roma intake and where most classes teach the practical curriculum.

Romi's father, Roman D., enrolled all his children in this school because it was the closest to the hostel where his family lives. Roman D. is concerned that "the school does not do the children any good. They learn from each other, there is no diversity, the school is mostly Roma."

Romi and his two other siblings were tested for mental disabilities in a diagnostic centre. According to Roman, the assessment concluded that they are lagging behind. As a result, they all were placed in practical classes.

So far, Romi has not started to learn a foreign language as he would have done if he was in a mainstream school. When asked why not, he explains: "We are not the primary school children, we are practical school kids." According to the curriculum of the practical school that he attends, he will only start learning English in the sixth grade and will have two classes per week. Had he attended mainstream class, he would have started with English in the third grade and would have had three classes per week.

Romani children are also over-represented in special schools and classes for pupils with mild mental disabilities in Slovakia. The UN Development Programme found in 2010 that 65% of such schools contain only (or very nearly) Romani pupils, and that 90% of special classes in mainstream schools are exclusively, or almost exclusively, attended by Romani pupils.

In September 2011, for example, two first grade Roma-only segregated classes were set up in the primary school in Francisciho Street in Levoca, Slovakia, and out of the 29 Romani pupils in first grade, 26 were placed in those classes. In another primary

school in Šarišské Michal'any, since 2008 all the Romani pupils have been placed in separate classes, on a separate floor of the building. On 30 October 2012, the regional Court in Prešov ruled that such separation of Romani pupils was discriminatory.

In Greece, segregation of Romani pupils at school continues despite a second ruling by the European Court of Human Rights, which found again in 2012 that segregation of Romani pupils in separate Roma-only classes in the city of Aspropyrgos, was discriminatory (*Sampani and others v. Greece*).



EU POWERS TO FIGHT DISCRIMINATION

The EU's executive body, the European Commission, oversees how EU law, including the Race Equality Directive (RED), is applied in all 27 member states.

The European Commission has the power to act against states that fail to comply with EU law. A formal infringement proceeding can be initiated by the Commission against a state whose laws, policies or practices are contrary to EU law, including the Race Equality Directive. The Commission can, provided that a state persists in not complying with the RED, bring a case before the European Court of Justice.

In 2008, the Commission established an informal procedure, the EU Pilot, which does not replace, but could precede, an infringement procedure. It allows the Commission to have a more informal exchange with the member state concerned before deciding to launch a formal infringement proceeding.

On 7 April 2011, the Commission adopted the EU Framework for National Roma

Integration Strategies. Although this is an attempt to set out a long-term strategy to promote Roma integration, it fails to specify tangible measures that member states should take to combat discrimination and racism against Roma. It does not establish strong indicators, or a thorough monitoring mechanism to assess member states' policies.

The EU should also ensure that projects funded by its institutions and bodies do not violate human rights in candidate and, potential candidate, countries. In Serbia, for example, there were concerns that EU funds earmarked for provision of alternative housing for forcibly evicted Roma communities might potentially be used Belgrade city authorities to foster Roma residential segregation. In December 2012, the EU Delegation to Serbia publicly said that it shared those concerns, although a suitable solution for the Roma who were forcibly evicted has not been found yet.

THE EU NEEDS TO DO MORE

The European Commission has the powers to make a lasting impact on the lives of marginalized and discriminated communities in Europe, including the Roma. Regrettably, it has not fully used its powers.

The Commission launches hundreds of infringement proceedings every year on many different issues and policy areas. Most relate to environment, taxation, the internal market and transport. At the end of 2011, 1,775 infringement proceedings remained open. That year, the European Court of Justice gave 62 judgements on infringement-related cases brought by the Commission.

The Race Equality Directive is no less binding than other EU laws. Overall, about 30 infringement proceedings have been opened against states for not adequately transposing the Race Equality Directive into their national laws. But so far the Commission has focused exclusively on technical issues, such as how states define "discrimination" in their laws, rather than on the actual implementation. No proceeding has been opened to date against member states whose polices or



Romani children playing outside their home in a poor neighbourhood of Marseille, France 2010.

practices are discriminatory against the Roma (or indeed, any other ethnic group).

At the end of 2011, hundreds of infringement proceedings remained open against member states for having failed to comply with EU law in policy areas such as environment, taxation or the internal market. At the end of 2012 very few proceedings on the Race Equality Directive were open (one each for Belgium, the Netherlands, Poland, Romania and the UK).

In some cases the European Commission has been reluctant to launch infringement proceedings against states which have violated Roma human rights. For example, in August 2010 the French Ministry of the Interior issued instructions to forcibly evict Roma who were originally from Romania and Bulgaria, then living in informal settlements in France, and to remove them from French territory. In September, the Commission considered opening an infringement proceeding against France,

but by October, following an exchange of information with the French government, it dropped the idea. The Commission judged the guarantees given by the French government to address the problem as satisfactory, and the Ministry of the Interior's instructions were modified. However, several thousand Roma are still forcibly evicted from informal settlements and squats each year across France.

In other cases, the European Commission has acted swiftly and successfully against states that have violated EU law. These show that the infringement procedure can be a powerful tool in the Commission's hands. For instance, on 17 January 2011 the Commission opened an infringement proceeding against Hungary for violating EU law on age-based discrimination. Hungary's constitutional reforms had resulted in lowering compulsory retirement age for judges, prosecutors and notaries. The Commission brought the case before the European Court of Justice which, in November 2011, found that Hungary was violating the prohibition against age-based discrimination. Hungary has to comply with this judgement without delay.

INFRINGEMENT PROCEEDINGS IN SOME EU COUNTRIES

	Overall number of procedures opened (2011)	Areas with higher number of procedures opened (2011)	Procedures opened on the RED (2012)
France	95	Taxation (18), Environment (15), Internal Market and services (13)	0
Italy	135	Environment (33), Internal Market and services (18)	0 (1EU Pilot)
Romania	47	Taxation (9), Energy (8)	1
Slovakia	41	Environment (8), Transport (7)	0
Czech Republic	65	Environment (20), Transport (14)	0

CONCLUSION

Thirteen years after the introduction of the Race Equality Directive, discrimination against Roma in Europe remains widespread. More must be done to ensure that the principles of equality, non-discrimination and respect for human dignity are more than empty words. EU member states must respect international and EU anti-discrimination legislation. The European Commission is the guardian of EU law; it must act now to ensure respect for the Race Equality Directive.

The multiple forms of discrimination, racism and other human rights violations experienced by the Roma in Europe cannot be thoroughly addressed until the Commission uses all the instruments at its disposal. It has the power, for instance, to ensure that national authorities do not target Roma through forced evictions, foster residential segregation and segregate Roma pupils in Roma-only classes or classes for pupils with mild mental disabilities.

The EU prides itself on being “founded on the principles of liberty, democracy, respect for human rights and fundamental freedom”, but the daily experiences of discrimination against Roma starkly show that European institutions have failed to translate these principles into equality for one of Europe’s largest ethnic minorities.

WHAT CAN YOU DO?

Join our campaign “Human rights here, Roma rights now!” and call on the Commissioner for Justice, Fundamental Rights and Citizenship, Viviane Reding, to take decisive action to ensure an end to the discrimination Roma face in Europe.

**Sign our petition at:
amnesty.org/Roma**



Above: Isabela Mihalache, a Roma rights activist from Romania, addresses the crowd during a demonstration in Budapest, Hungary, April 2011, calling for a better EU Framework for National Roma Integration Strategies.

Cover: Romani people and their supporters gather to protest against a far-right rally in Miskolc, eastern Hungary, 17 October 2012. © MTVA

RECOMMENDATIONS

Amnesty International calls on the European Commission to use all of its available powers, including robust monitoring and the opening of infringement proceedings, to ensure that in any of its member states:

- Roma are not targeted with forced evictions, relocation to segregated and inadequate housing, and discriminated against in accessing social housing;
- Roma are not discriminated against in access to services such as water and electricity;
- Romani pupils are not segregated in Roma-only schools and classes or in special schools or classes for pupils with mild mental disabilities;
- State authorities, including the police, prevent and effectively and thoroughly investigate violent attacks against the Roma;

■ The Roma are not discriminated against in any other areas of life including employment, social protection and health care.

Amnesty International calls on the European Commission to effectively champion EU anti-discrimination law and to push member states to adopt, review and implement National Roma Integration Strategies that include strong measures to combat discrimination in all areas of life.

Amnesty International further calls on the European Commission to effectively monitor the use of its funds, including through the European Investment Bank, and by national authorities to ensure that:

- EU funds are not invested in projects that violate the human rights of the Roma or of other communities.

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Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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