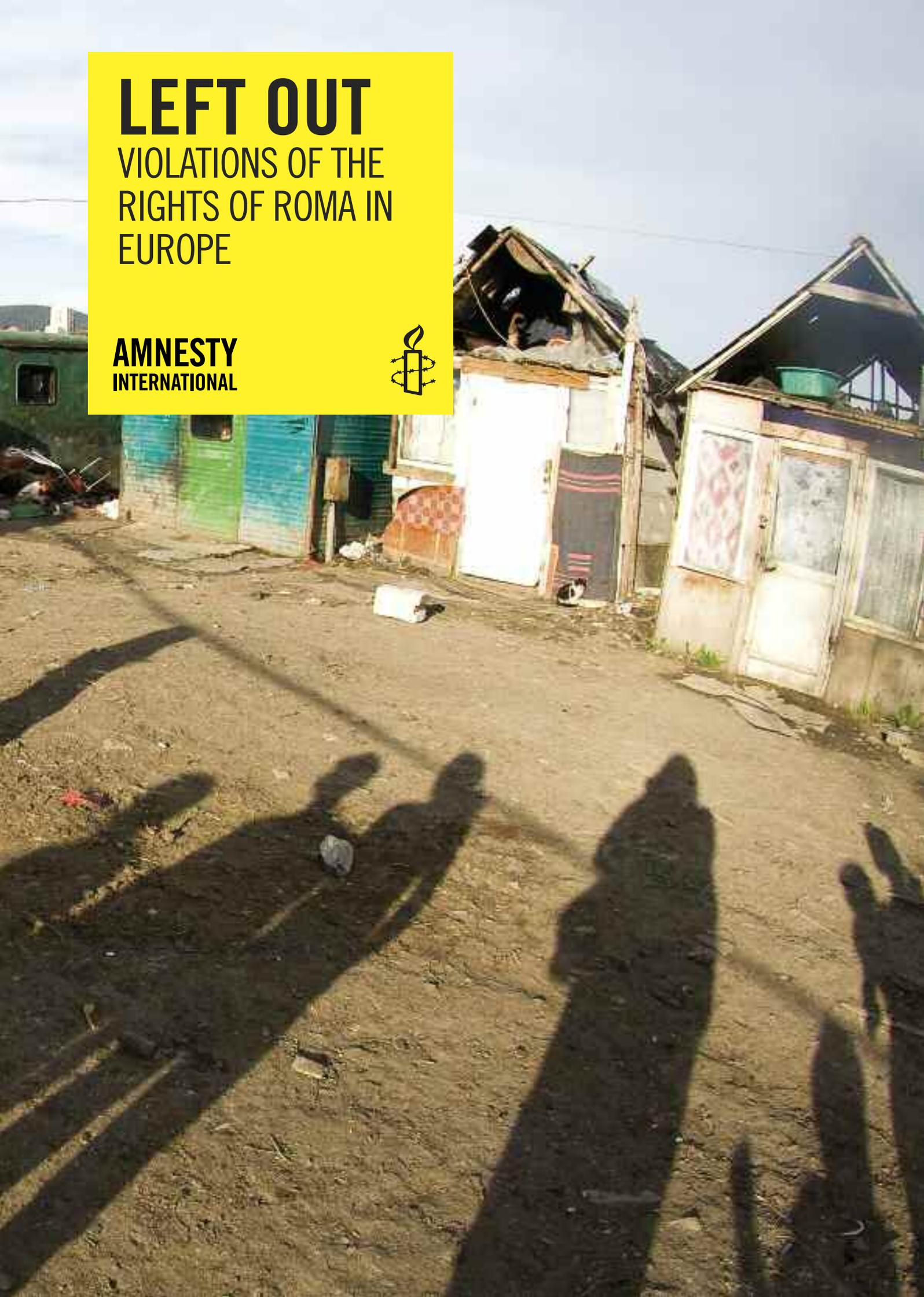


LEFT OUT

VIOLATIONS OF THE
RIGHTS OF ROMA IN
EUROPE

AMNESTY
INTERNATIONAL



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Cover photo: Home to the Hungarian-speaking Romani community in Miercurea Ciuc/Csíkszereda, Romania, these metal cabins and self-constructed homes are next to the sewage treatment plant. While they are connected to the electricity grid, the conditions are still deeply inadequate for human habitation. May 2009.
Photography © Zsuzsanna Ardó

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INTRODUCTION

Numbering between 10 and 12 million people, the Roma are one of Europe's largest and most disadvantaged minorities. On almost every indicator of human development, in almost every country, the Roma fall far below the national average. On average, they have lower incomes, worse health, poorer housing, lower literacy rates and higher levels of unemployment than the rest of the population. These are not, simply, the inevitable consequences of poverty. They are the result of widespread, often systemic, human rights violations. They are, in particular, the result of prejudice - of centuries of societal, institutional and individual acts of discrimination, that have pushed the great majority of Roma to the very margins of society – and which are keeping them there.

Overcoming the chronic exclusion of Europe's Roma, requires an understanding of the interconnectedness of all human rights. All too often, the violation of one right can expose victims to the violation of several others. Thus, millions of Roma, living in isolated slums, often without access to electricity or running water, are at greater risk of illness, but less able to access the health care they need. Receiving inferior education in segregated schools, they are, in turn, severely disadvantaged in the labour market. Unable to find jobs, millions of Roma cannot access better housing, afford medication, or pay the costs of their children's schooling. Socially marginalized, the Roma are also politically excluded. And so the cycle continues, aggravated all the while by the discrimination that is routinely denying Roma equal opportunity, equal treatment and the full enjoyment of all their rights.

Governments can and must do something about this. By eliminating discrimination by public authorities, by implementing effective programmes to promote the social inclusion of marginalized Roma and combating societal discrimination, governments can break the vicious cycle of prejudice, poverty and human violations that Roma are all too often trapped in. The dignity of Europe's Roma demands it.

THE SOCIAL EXCLUSION OF EUROPE'S ROMA

In many European countries, there is a lack of reliable and up to date data measuring the social inclusion of Roma. This is often due to the reluctance of states to collect ethnically disaggregated data. This lack of data makes it difficult for states to develop programmes tailored to the real needs of disadvantaged Roma and to measure their success. Such data as does exist, however, paints a disturbing picture of the marginalization of Europe's Roma.

A World Bank report published in 2003 concluded that that the life expectancy of Roma in Central and Eastern Europe was, on average, 10 years lower than the rest of the population. A United Nations Development Programme (UNDP) study of the situation of Roma in Hungary, Slovakia and the Czech Republic published the same year found that infant mortality rates of Roma were twice that of non-Roma. The marginalization of Roma is reflected in statistics on their housing situation. A 2003 UNDP report on the situation of Roma children across south-eastern Europe estimated that 25 per cent of Roma lived in shacks, compared to 3 per cent of non-Roma, and that 55 per cent of Roma homes were not connected to a sewage system.

Across Europe, Roma struggle to find regular employment. A detailed survey of 402 working aged Roma men and women carried out by the European Roma Rights Centre (ERRC) in 2006 in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia found that only 38 per cent were in paid employment; almost two thirds reported that they had been refused employment because they were Roma.

A survey of 3,510 Roma in seven European Union (EU) countries carried out by the EU's Fundamental Rights Agency in 2008 revealed that 15 per cent of respondents were illiterate and 31 per cent had received less than six years of formal education.



Romani girls rehearsing for the celebration of International Roma Day at a segregated Roma-only school in Ostrava, Czech Republic, 6 April 2009. © Amnesty International

The result, as the 2003 World Bank report concluded, is that the Roma are “poorer than other groups, more likely to fall into poverty, and more likely to remain poor.”

WHO ARE THE ROMA?

Roma people are believed to have first arrived in Europe from northern India in the 9th Century and were well established in most countries by the 14th Century. Approximately 70 per cent of Europe's Roma live in central and eastern Europe, where they constitute between 5 and 10 per cent of the population. There are also sizeable Romani minorities in western Europe, especially in Spain (between 600 and 800,000 people) and in France and the United Kingdom (with up to 300,000 Roma and Travellers in each).

This briefing uses the term “Roma” to refer collectively to the many different sub-groups of Roma, that belie the common assumption that the Roma are a single homogenous minority. In fact, Roma often self-identify according to a range of sub-groups based on historical, linguistic or professional distinctions. Prominent sub-groups include the Kalderash of south-eastern Europe, the Sinti of Italy, France and Germany and the Kale of Spain and Portugal. But there are many more. There are also indigenous populations of Travellers, who are not ethnic Roma, but who have, for centuries, adopted an itinerant lifestyle.

The majority of Roma in central and eastern Europe are now sedentary, a process which began in the 19th Century and was accelerated by a deliberate policy of sedentarization in the communist era. In western Europe many, but still a minority of Roma, have maintained a nomadic or semi-nomadic lifestyle. Many Roma facing worsening economic conditions in central and eastern Europe following the collapse of communism, have moved to the richer countries of west Europe, where they have, however, continued to face extreme marginalization and human rights abuses.

DISCRIMINATION

Discrimination is the thread running through most of the human rights violations suffered by Roma people.

Racial discrimination occurs when individuals or groups are treated differently to others on account of their ethnic origin without an objective justification. Discrimination can be direct, for instance where a law or policy clearly singles out a particular group for differential treatment. It can also be indirect, where an apparently neutral law or practice has the effect of disadvantaging a particular group. Both these forms of discrimination are prohibited under international human rights law.

Under international human rights law states must ensure that their laws and the actions of public authorities do not discriminate. They must also protect individuals and groups against discrimination by private individuals – so called non-state actors. States also have a duty to actively promote equal treatment, by addressing the consequences of the historical discrimination of vulnerable groups, such as the Roma.

Across Europe, states are regularly failing to fulfil these obligations, resulting in the widespread denial of the civil, political, social, cultural and economic rights of Roma. Many Roma are still excluded from public services, such as health care, housing programmes and social security, by (mostly indirectly) discriminatory laws and the prejudices of public officials. Unequal treatment is still widespread in the education systems of many central and eastern European countries, where segregated classes and de facto special schools for Roma are common. Roma continue to be poorly protected against discrimination by private actors – whether as the victims of discrimination by service providers and employers, or as the victims of racially motivated violence.

THE RIGHT TO ADEQUATE HOUSING

The right to adequate housing is guaranteed under Article 11 of the International Covenant on Economic, Social and Cultural Rights and other international and regional human rights treaties. As the UN Committee on Economic, Social and Cultural Rights has emphasized, “the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head ... Rather it should be seen as the right to live somewhere in security, peace and dignity”.

The right to adequate housing places a number of positive obligations on states. Governments should ensure that everyone has a minimum degree of security of tenure, which guarantees them legal protection against forced eviction, harassment and other threats. Governments should seek to ensure minimum standards for adequacy of housing, including habitability, access to safe drinking water, sanitation and energy and ensure that housing is located in areas, which are not close to pollution sources, and provide access to employment options and essential services. Housing should also be affordable, and housing programmes should prioritize the most vulnerable. Across Europe, governments are regularly failing to fulfil these obligations.

FORCED EVICTIONS

Many Roma living in informal settlements or slums lack even a minimum degree of security of tenure, because of the irregular status of the settlements or their lack of official documents to confirm tenure arrangements, making them vulnerable to forced evictions. Forced evictions, violate international human rights standards and are evictions which are carried out without appropriate safeguards, including adequate notice to, and prior consultation with, those evicted, provision of legal remedies, adequate alternative housing and compensation. Victims of forced evictions can lose their possessions, social contacts, jobs and have their schooling disrupted and are often at risk of further human rights violations. They also often end up homeless. Amnesty International has documented forced evictions in Greece, Italy, Romania, Bulgaria and Serbia. Many, many more are taking place across Europe and have been documented by other NGOs and human rights monitoring bodies.

The forced eviction in 2004 of more than 100 Roma from a building in the centre of Miercurea Ciuc/Csikszereda – the capital city of Harghita County in central Romania – is typical of the way many Roma communities are subjected to forced evictions and the continuing failure of public authorities to guarantee their right to adequate housing. Twelve Romani families had been residing lawfully in a large town house since the 1970s. Over the years a number of other Roma families had joined them. In 2004, however, following a number of years of discussions with the municipal authorities over the dilapidated state of the building, the municipal authorities decided to evict all the Romani residents. The families legally residing in the building were re-housed in eight metal cabins next to a sewage treatment plant on the outskirts of town. The remaining families were offered no alternative accommodation at all and most resorted to constructing their own shacks alongside the metal cabins.

At no stage were the Romani residents given the opportunity to challenge the eviction decision. They were not consulted before the decision-making process and no other alternatives to the eviction, or to the location of the new settlement, were ever considered or offered. As one member of the community told Amnesty International: *“When they came to inform us that we had to move they told us that we were going to be moved to Primaverii Street. [This] was the only option they offered. They said that if we didn't want to go to ... Primaverii Street, then we would have to remain outside on the streets ... because they wouldn't provide another house.”*



Romani girl playing at the community next to the sewage plant of the town, Miercurea Ciuc, Romania, August 2010. © Amnesty International

In August 2010, most of the Roma families were still living next to the sewage treatment plant, despite the promise that it was only intended as a temporary solution. More than five years after their forced eviction, their right to adequate housing continues to be violated: they have no security of tenure and the living conditions are appalling. There is one tap and only four toilet cubicles for the whole community. The cabins are overcrowded and offer limited protection against the extremes of hot and cold typical of the region. The settlement's close proximity to the sewage treatment plant makes their living environment extremely uncomfortable because of the pervading smell of human excreta. It could also represent a serious health hazard, but no assessments of possible impacts have been carried out. Ilana, one of the residents, told Amnesty International: *“The houses fill up with smell. At night also ... the children cover their faces with pillows. We don't want them to eat when they sense the smell ... I used to have another child, a boy, who died when he was four months old ... This is why I am frightened. I don't want to lose the rest of my children ... I would like to move away from here; I don't need anything else.”*

Forced evictions of Roma are often carried out in the context of development and large-scale public infrastructure projects, some of them funded by international and regional donors, such as the European Union. One such case concerns the forced eviction of 178 Roma families from an irregular settlement under the Gazela Bridge in Belgrade on 31 August 2009. The eviction was carried out in advance of repairs to the bridge, which are being funded, in part, by loans from the European Bank for Reconstruction and Development and the European Investment Bank.

After a new resettlement plan was approved by city authorities, without any consultation with the Roma communities, the Roma families were evicted from their homes without adequate notice. The destruction of the camp was completed in under three hours, leaving families insufficient time to gather their belongings. One hundred and fourteen families were resettled in metal containers at six sites on the outskirts of Belgrade, in accordance with the new resettlement plan decided by the city authorities. The rest were transported to municipalities in southern Serbia. On the day of the eviction one resident received papers informing her that she would be resettled in a metal container at a site 47 km south of Belgrade. She told Amnesty International that the public official responsible for the eviction said: *“what I have I’ll offer you. If you accept it, you accept. If not, I have nothing to do with you. Go out into the street.” My son said “Take what he offers, just get off the street”.*

As in many cases of forced evictions, the new accommodation offered to the Roma does not meet the criteria for adequate housing under international law, either in terms of habitability or location, and perpetuates their social exclusion. Though they do now enjoy security of tenure, Roma families with up to five members are living in poorly insulated, damp containers only 14m². The six sites are also all far from the city centre, where many Roma earned their living collecting and re-selling recyclable material, and there are few other employment opportunities nearby.



A Roma woman collects parts of her home in front of the Student Games village site, in Belgrade, Serbia, on Friday, April 3, 2009 after makeshift shacks of the Roma community were demolished by the Serbian authorities. Several hundred Roma blocked a street in Belgrade to protest the removal of their makeshift community located near the Student Games village site. © AP/PA Photo/Darko Vojinovic

None of the Roma have been offered accommodation in social housing units. The best they have been offered is “equal rights to and opportunities to compete for flats equal to any other socially vulnerable citizens of Belgrade”. With 13 other priority groups and an extremely small quota of available housing, their chances of accessing social housing are extremely slim.

LIMITED ACCESS TO SOCIAL HOUSING AND POOR RE-HOUSING PROGRAMMES

For many Roma, who are unable to afford private accommodation, or who are discriminated against when seeking to access it, social housing represents the only avenue of securing their right to adequate housing. Unfortunately, however, the lack of social housing programmes for Roma, or the exclusion of Roma from them, are recurring problems throughout Europe.

Often, re-housing programmes ostensibly designed to improve the living conditions of Roma, in fact perpetuate the exclusion and segregation by re-locating Roma to poor quality housing in undesirable locations on the outskirts of towns.

For instance, in a complaint filed with the European Committee of Social Rights in April 2010, the European Roma Rights Centre (ERRC) has documented a series of violations of the right to housing of Roma in Portugal. The ERRC estimates that 31 per cent of all Roma in Portugal (numbering between 40 and 60,000) live in precarious housing conditions. The ERRC argues that this situation is the result of the repeated failure of national and local authorities to implement effective housing programmes for Roma.

ERRC research points to a number of shortcomings, including the inadequate funding available for re-housing programmes in general, the exclusion of Roma from housing programmes that are put in place and the lack of political will on the part of local authorities to develop programmes specifically targeting Roma in inadequate housing. The ERRC refers, for instance, to a 2009 study of 31 municipalities with known (often small) Romani populations in precarious housing conditions, in which housing programmes were implemented under the national “Special Re-housing Programme”. In only seven of the municipalities, however, did Roma benefit from these programmes, through improvements to their existing accommodation, rather than resettlement.



Marios and Marias's home in Centocelle camp in Rome, Italy, 29 September 2009. Their home was destroyed in November 2009. Romani communities and settlements in Italy have been subjected to ongoing discrimination.
© Amnesty International

The ERRC submission also details several re-housing projects targets that have failed to satisfy the requirements of habitability and adequate location that are essential components of the right to housing. One such case concerns the re-housing in 2005 of 14 Roma families from a settlement in the town of Castelo Branco, in the north-east of Portugal, to a new housing area some three km outside the town in an isolated rural area without any public transport. At the time of the resettlement, the mayor openly admitted to ERRC researchers that there was “lots of pressure by non-Roma not to allow Roma in their neighbourhoods”. In

September 2009, the settlement still lacked public transport.

The exclusion of Roma from social housing is often the result of eligibility criteria that indirectly discriminate against Roma. Far from being prioritized on account of their extremely poor housing conditions and severe social exclusion, Roma are often excluded from social housing programmes as a result. This is the case, for instance, in Rome, where, in 2009, the city authorities developed a resettlement programme for its long-term Roma and Sinti residents who have been living, often for several decades, in a mixture of authorized and non-authorized camps. Rather than seeking to facilitate the access of these Roma, many of whom have Italian citizenship, to regular housing, the plan (misleadingly called the “Nomad Plan”) foresees their re-location to new camps on the outskirts of the city.

Italian and lawfully resident Roma in Rome can, in theory, apply for social housing. However, as one of the criteria for accessing social housing is the expulsion from private accommodation (typically for the non-payment of rent) the majority of those currently living in camps are prevented from ever qualifying for it on account of being unable to afford private accommodation in the first place.

THE RIGHT TO ADEQUATE HOUSING FOR ITINERANT ROMA AND TRAVELLERS

Rome’s “Nomad Plan” is misleadingly titled because the vast majority of its Romani population is not, and never has been, nomadic. This has been the case for some time for most Roma in Europe, particularly in central and eastern Europe. However, many Roma and Travellers in western Europe, particularly in France (around 15 per cent) and Ireland and the United Kingdom (around 50 per cent) continue to lead itinerant or semi-itinerant lifestyles. For these too, the lack of secure tenure and poor living conditions continue to be major concerns. The lack of public halting sites and difficulties in obtaining planning permission for the construction of sites on private land and the objections of local residents have resulted in many Roma and Travellers living in unauthorized sites, often in hazardous locations, without basic amenities and vulnerable to forced evictions. In the United Kingdom, for instance, 20 per cent of all Roma and Gypsy caravans were camped on unauthorized sites according to government statistics for January 2010. In a formal opinion published in 2009, the French Equal Opportunities and Anti-Discrimination Commission (HALDE) reported that a law requiring all municipalities with over 5,000 inhabitants to establish halting sites for Roma had only been implemented in around 25 per cent of them. In Ireland a 2008 survey of 40 halting sites/group housing schemes for Travellers undertaken by the Centre for Housing Research and funded by the Department of the Environment, Heritage and Local Government revealed that 33 (82 per cent) had some form of environmental hazard nearby.

THE RIGHT TO HEALTH

The poverty and poor living conditions of millions of Roma across Europe is putting their health at risk. Many Roma are, as a result, in greater need of health care services than the majority population, but also less able to access it as a result of widespread, often systemic violations of their right to health.

As set out in Article 12 of the International Covenant on Economic, Social and Cultural Rights, the right to health comprises “the right to the enjoyment of the highest attainable standard of physical and mental health”. As the Committee on Economic, Social and Cultural Rights has noted, states are obliged to ensure that “... *health facilities, goods and services are accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination.*” Across Europe, states are failing to fulfil these obligations.



After they were evicted from the centre of Miercurea Ciuc/Csikszereda, some Roma families built shacks next to the town's garbage dump. Miercurea Ciuc/ Csikszereda, Romania, January 2009. Photography © Zsuzsanna Ardó

The main obstacles to the enjoyment of the right to health by Roma are their exclusion from health insurance programmes, discrimination by health care professionals, the inability to pay the cost of health care and medication, and the lack of health care services in remote, segregated settlements. These structural shortcomings in the treatment of Roma by the health services of many European countries are often perpetuated by the failure of governments to acknowledge the deep-rooted causes and multiple consequences of the marginalization of Roma – and to adopt policies that specifically seek to promote the access of Roma to health care services.

THE LACK OF PERSONAL DOCUMENTS

The lack of personal documentation, including birth certificates and identity papers, is a major obstacle for many Roma to the realization of their rights. A UNDP survey carried out in Macedonia in 2005, revealed that that around 11 per cent of Roma had been denied medical services due to a lack of documentation. The lack of documents also restricts access to social housing, schooling, vocational training and employment as well as ensuring that individuals are not registered on the electoral roll.

The lack of personal documentation is still a major problem in the former Yugoslavia, where many Roma have been left behind by the emergence of new states, with new administrations and new registers. Many, indeed, have been unable to obtain citizenship despite genuine ties to the new countries they were born in, or have lived in most their lives. The lack of citizenship has resulted in many Roma being unable to vote and access essential social services and welfare programmes.

THE EXCLUSION OF ROMA FROM HEALTH CARE SERVICES

Many Roma are unable to access public health care services as a result of their exclusion from compulsory national health insurance schemes. Often, Roma are unable to pay

compulsory health insurance contributions as they do not have regular jobs or earn enough money to pay them. In many countries, non-contributory health insurance is available only to those registered as people in need of social aid. Many Roma are not registered as such, however, for a variety of reasons. It may be because their unsettled legal status, owing to their lack of identity cards, birth certificates or, in some cases, their lack of citizenship, prevents them from registering for social benefits. For many, it is because, as long term unemployed, they have fallen off national unemployment registers and have ceased to receive benefits.

In 2008, for instance, the European Committee of Social Rights (the Committee) found Bulgaria in violation of Articles 11 and 13 of the European Social Charter (the Charter), which guarantee the right to protection of health, for failing to provide adequate medical assistance to Roma. The Bulgarian health insurance scheme provides non-contributory coverage to children, pensioners and persons in receipt of social benefits. However, many long-term unemployed Roma are no longer in receipt of unemployment benefits and are not registered for other forms of welfare payments. Access to non-contributory health insurance is further restricted by the fact that welfare payments are interrupted for a period of one year if recipients remain unemployed for a total of 18 months. Those not covered by compulsory health insurance only have access to emergency health services.

As the Roma are disproportionately represented amongst the unemployed and the poor, the strict requirements of the Bulgarian health insurance system have a disproportionately severe effect on Roma. Research carried out in 2005 by the European Roma Rights Centre revealed that more than half of the Roma surveyed were without health insurance. This fact, in conjunction with the failure of the Bulgarian authorities *“to take reasonable steps to address the specific problems faced by Roma communities stemming from their often unhealthy living conditions and difficult access to health services”* led the Committee to find Bulgaria in violation of the obligation to guarantee the rights set out in the Charter without discrimination on the grounds of ethnic origin.

Amnesty International has researched similar obstacles to accessing the national health insurance scheme in Macedonia, which has the effect of excluding adults between 18 and 65 who do not receive social assistance, or who do not have official documents. In a National Vulnerability Report focusing on Roma in Macedonia published in December 2006, the UNDP reported that around 27 per cent of Roma in Macedonia were not covered by health insurance. Most of these were too poor to afford the cost of regular health care.

In many countries, even those who have health insurance are required to pay a top-up fee covering a proportion of the cost of the health care provided and medication. In Macedonia, for instance, the rate is 20 per cent; many procedures and non-standard medicines are not covered by health insurance at all. This puts many poor, marginalized Roma in a difficult situation. As one Roma woman from Shtip, Macedonia, told Amnesty International: *“Should we pay first for the health or first for the rent? I need to go to the dentist; it is 500 MKD [€8] for a tooth extraction. My husband also needs to go to the dentist because his tooth hurts so much he can't eat proper food – now what?”* The upshot is that many Roma are forced to forego routine health care, increasing the likelihood of contracting serious, long-term illnesses.

DISCRIMINATION BY HEALTH CARE PROFESSIONALS

Many Roma are also denied health services as a result of discrimination by health care professionals. The Fundamental Rights Agency's 2009 "European Union Minorities Discrimination Survey" found that 25 per cent of respondents across seven EU countries believed they had been discriminated against by healthcare professionals in the previous five years.

In a detailed report published in 2006, entitled "Ambulance not on the way: The disgrace of health care for Roma in Europe", the ERRC documented multiple examples of discrimination by health care professionals, including the denial of emergency aid to Roma, the refusal to treat Romani patients, the extortion of money from them, segregation in hospital facilities and verbal abuse and degrading treatment. The report concluded that *"The testimonies collected by the ERRC from different countries point to a consistent pattern of discriminatory treatment of Roma by medical professionals."*

Amnesty International researchers in Macedonia collected the following testimony in 2007 from a 27-year-old woman describing a recent experience in hospital: *"I was the only Romani person in the hospital room. The medical personnel regularly changed the sheets of the others but not mine. When I complained, they told me that I don't have clean sheets at home and I sleep on the floor. Therefore, I'm not allowed to ask for more than I deserve."*

Roma women are particularly vulnerable to discrimination and often face particular obstacles to accessing health care, both on account of ignorance and prejudices amongst health care professionals and as a result of gender dynamics within Roma communities that often draw attention away from women's health. Access to information about reproductive and sexual health in particular is very low amongst Roma women. There is an urgent need, therefore, for health policies to analyse and address the specific needs of Roma women.

PHYSICAL/GEOGRAPHICAL BARRIERS TO ACCESS TO HEALTH CARE SERVICES

The access of many Roma across Europe to health care is often impeded by the fact that they live in isolated settlements in rural areas or on the margins of towns far from, or poorly serviced by, primary health care providers.

In 2005, for instance, the ERRC, reported that in Baranya and Somogy counties in Hungary, 40 per cent of Roma live in villages without a doctor. Even in the richer countries of western Europe, the physical isolation of many Roma settlements can also result in restricted access to health care services. In Spain, for example, a study carried out by the Secretariado Gitano Foundation in 2008 for the Ministry of Housing found that while *"80 per cent of dwellings and neighbourhoods where Roma people live have a satisfactory level of facilities and services"*, around 12 per cent did not have a nearby health centre. As many Roma living in poor quality housing in isolated settlements are particularly vulnerable to illness, the lack of health care coverage hits them particularly hard.

PARTICIPATION IN PUBLIC LIFE

Despite constituting in excess of 5 per cent of the population in several countries, and even more in individual regions and municipalities, the Roma are extremely poorly represented in elected office. There is not a single country in Europe in which the number of Romani members of Parliament is proportionate to the size of the

Romani population. The marginalization of Roma is also reflected in their under-representation in the public administration and in key public services such as education, health and law enforcement. It is difficult, therefore, for the Roma to make their voices heard and influence policy decisions affecting them.

Roma civil society has developed considerably over the last few decades, and there are now numerous local and national Roma NGOs representing Roma interests across the continent, as well as international federations. However, they remain weak and often struggle to influence decisions affecting the communities they represent. More support for, and engagement with Roma organizations, is necessary, as is the promotion of women's voices.

THE RIGHT TO EDUCATION

Millions of Roma across Europe are severely disadvantaged by low levels of literacy and poor quality or incomplete education. Across Europe, Roma have significantly lower enrolment and completion rates in primary education. A study published in 2007 by the Open Society Institute found that in Romania and Bulgaria 15 per cent of Romani children never enrol in the education system, while drop-out rates for Roma are four to six times higher than the national average. According to official censuses in Serbia, over 60 per cent of Roma have not completed even primary school. Enrolment rates in secondary education are even lower – averaging around 10 per cent in central and eastern Europe. Enrolment in tertiary education is almost non-existent – averaging less than 1 per cent in most European countries.

National governments and policy makers are increasingly coming to realize that improving the access of Roma to education is crucial to breaking the cycle of poverty that so many are trapped in. However, many Roma still face widespread violations of the right to education, which encompasses the right to free and compulsory primary education, and equal access to secondary, technical, vocational and higher education.

In many European countries, governments are failing to implement and adequately fund effective measures to promote the inclusion of marginalized Roma in public education systems. They are also failing to eliminate long-standing discriminatory practices and attitudes within their education systems, despite positive legislative reforms in many countries in recent years.

Numerous factors contribute to the alarming rates of educational exclusion and underachievement, including geographical and financial barriers to access to education faced by children living in Romani settlements, the costs of transport, clean clothes and school materials, lack of teaching materials in Romani language, and the hugely discouraging effect of likely discrimination when applying for jobs, however well qualified the Romani applicant.

The majority of countries with significant Romani populations have introduced measures to encourage the enrolment and continuing education of Romani children. These include the provision of free pre-school education for Romani children, increasing the number of teaching assistants in schools with Romani pupils, cultural mediators to liaise between schools and parents and contributions to the cost of school materials and transport. In many countries, however, these measures have failed to make a real impact on educational exclusion and attainment, owing to inadequate funding and fitful implementation.

In its most recent report on Bulgaria, adopted in February 2009, for instance, the European Commission against Racism and Intolerance (ECRI) concluded:

“A long-term strategy for the school integration of Roma children has yet to be devised, however, and the authorities should take the initiative more often when it comes to school integration measures for these children, given that such measures often seem to be taken by NGOs. It appears that the impact of the numerous programmes and action plans (Action Plan for the implementation of the Decade of Roma Inclusion, Strategy for the Educational

Integration of Children and Pupils Belonging to Ethnic Minorities (2004), Action Plan for the Framework Programme for Equal Integration of Roma in Bulgarian Society (2006), National Programme for the Development of Primary, Secondary and Preparatory Education (2006-2015)), drawn up, among other things, to improve the schooling of Roma children has yet to be seen."

Discrimination within education systems continues to be a significant cause of the educational underachievement of Roma. In many countries discrimination is not limited to individual acts of prejudice by teachers and education professionals. It is often deeply ingrained in education systems, reflecting, in part, broader patterns of societal discrimination. However, it is also the result of policies and practices that have the effect of excluding many Roma from accessing quality education.



At 7.30am Romani children waiting for the bus at the settlement of Letanovce which will take them to school at the village. The village of Letanovce is 2km away from the settlement, and children have to pay for the bus fare, but in many cases the parents cannot afford it. Slovakia, February 2007. © Amnesty International

SEGREGATION IN EDUCATION

The most egregious form of discrimination manifests itself in the segregation of Roma in schools and classes offering inferior education. This violation of the right to education of Roma continues to be widespread in central and eastern Europe. ECRI has expressed concerns about the segregation of Roma in education in its most recent reports on Hungary, Romania, Bulgaria, Slovakia, Croatia, Bosnia and Herzegovina, Moldova, Ukraine, the Czech Republic, Serbia, Slovenia and Macedonia.

The segregation of Roma in education has many causes, including the isolation of Roma in segregated settlements and the practice often described as “white flight”, whereby non-Roma parents remove their children from schools that are perceived as having too many Roma children. To combat this phenomenon, some schools place Roma children in separate classes to other pupils.

In its most damaging form segregation results from the placement of Roma in “special” or “practical” schools for children with “mild mental disabilities”. These schools, which are still common throughout central and eastern Europe, follow severely reduced curricula and offer pupils only the slenderest of chances of continuing into secondary education. No

country has an official policy of placing Roma in special schools. They often end up there, however, as a result of flawed assessment criteria, pressure from teachers in mainstream schools and because Romani parents feel that their children will be happier in schools where they will be less exposed to the prejudices of teachers and other pupils or their parents. Once erroneously placed in special schools, however, it is extremely difficult for Roma children to ever reintegrate into mainstream ones. They are condemned to a lifetime of unequal and inferior education.



Romani children attending grade 3 of a practical elementary school for pupils with "mild mental disabilities" in Ostrava, Czech Republic, 10 February 2009. © Amnesty International

Amnesty International has extensively documented segregation in education in Slovakia and the Czech Republic, where it is still widespread, despite a judgment by the European Court of Human Rights against the Czech Republic in November 2007, and its formal prohibition in both these countries.

The European Court of Human Rights' landmark ruling in *DH & Others v. The Czech Republic* found that the Czech Republic had discriminated against Romani children by placing them in special schools for pupils with "mild mental disabilities", where they received a substandard education. The Court's findings related to the period leading up to 1999, since when the Czech Republic has introduced significant reforms to its educational system. Further reforms have been introduced in both Slovakia and the Czech Republic since the Court's ruling in the DH case, in an attempt to comply with the Court's conclusions.

However, in both Slovakia and the Czech Republic Roma continue to be massively over-represented in special and practical schools. According to a 2009 survey by the NGO Roma Education Fund, in regions with large Romani populations, at least three out of four special school pupils are Roma; across the country as a whole, Roma represent 85 per cent of children attending special classes. Yet, Roma comprise less than 10 per cent of Slovakia's total population. In the Czech Republic, the ERRC has estimated that, in some places, Roma constitute up to 80 per cent of the student body of "practical elementary schools".

Legislative changes in the Czech Republic and Slovakia have either been cosmetic – as in the renaming of "special" schools as "practical" schools in the Czech Republic without altering the curriculum, or fundamentally revising the assessment procedures – or not followed through in practice, as in Slovakia, where the 2008 Schools Act formally prohibited segregation in education, without providing for any body that was effectively able to monitor

and enforce the prohibition.

The prejudices of education providers and many amongst the non-Roma population still constitute major obstacles to serious reform. As the Director of the Institute for Pedagogic Research in the Czech Republic explained to Amnesty International in February 2009:

“We’re a very homogenous society and we’re not prepared to work with those who are different in a way that would enable them to succeed. There are laws about respect for diversity but in practice it’s different.”



Romani children during class at the Torysa elementary school, Slovakia, April 2010. © Amnesty International

Piecemeal and poorly implemented reforms are not enough, therefore. What is required, in the Czech Republic and Slovakia, but also in other countries across the region, are root and branch reforms of the education system and the introduction of sustained and well-funded positive measures to put a definitive end to the segregation of Romani children in education in Europe. Without these many Roma will continue to be denied their right to education.

‘IT IS TOO LATE NOW’ – THE CASE OF JAKUB

Jakub is 16 years old and lives with his family at the Romani settlement on the outskirts of Plavecký Štvrtok, a village 20km north of Bratislava. His story is the same as thousands of Romani children in Slovakia who have been unjustly placed in inferior education. Jakub started school in the mainstream class, where he stayed until grade four. An excellent student, Jakub even received a scholarship for his achievement. But when he reached the fifth grade, Jakub was sent for assessment following a disagreement with his teacher. His parents were not informed about the assessment and he was immediately transferred to the special class. His mother was later told it was a class for “slower pupils”, but she wonders how her son can be ‘slow’ when he received good grades before.

One of Jakub’s former teachers spoke to Amnesty International: “Some of the children, as I see it, are wrongly placed. For example, [Jakub] had been placed in [a class for children with mild] mental disability... on the grounds of hyperactivity... at the Malacky [assessment centre] they are classified by people who, in fact, have never worked with them. The kid should have been in a normal class. He was a genius.”

Having now finished elementary school, Jakub clearly feels frustrated by the injustice he suffered: “What they did to me was nasty... They made an idiot out of me. I was getting a scholarship of 100 crowns per month. I was one of the best pupils in fourth grade. If I could turn the time back, I would do it. But it’s too late now.”

THE RIGHT TO WORK

Governments are required to prohibit discrimination in access to and maintenance of employment. The right to work also requires governments to ensure that the labour market is open to all persons and to ensure just and favourable conditions of work. The extreme marginalization of many Roma – their poor living conditions, the isolation of many Romani settlements and low levels of education – and the widespread discrimination they face from employers, mean that, for most Roma, the possibility of accessing regular formal employment is so remote as to be almost illusory. This is reflected in high unemployment rates for Roma across Europe.

The ubiquity of the discrimination faced by Roma in the area of employment is highlighted in the Fundamental Rights Agency's 2009 "European Union Minorities Discrimination Survey": 24 per cent of Roma respondents in the Czech Republic, and 32 per cent in Greece, claimed they had been discriminated against when looking for work, or at work, in the previous 12 months. Of the 62 per cent of Roma interviewed by the ERRC across five central European countries in 2005 who reported they had been discriminated against in the area of employment, almost half reported that they knew they had been discriminated because they were Roma because the employer or potential employer had explicitly said so.

In its accompanying report the ERRC compared the employment predicament of Roma to being trapped in a glass box, as they face numerous obstacles not just in entering and moving upwards in chosen professions, but also in accessing employment possibilities beyond the narrow, low-skilled manual jobs that are often only ones available to them.

Roma are confronted with discrimination not only by employers, but also, often, by the very public institutions whose task it is to assist them in finding employment: labour offices. In its 2005 report, the ERRC documented numerous examples of how labour offices often fail to confront discriminatory practices by employers, or collude with them in excluding Roma applicants – even when the employer is a public institution. A young woman in Hungary reported the following typical story:

"I was registered at the labour office as unemployed and one day they called me about a job opportunity – cleaning work at the Public Health and Sanitation Office. I got the address from the labour office but when I went to the Public Health Office to find out about the job, they told me that the position had already been taken. I returned to the labour office to let them know. The labour office phoned the Public Health Office and they were told that the job was in fact still open but the reason they gave why I was not suitable for the cleaning position was – because I am Romani."

Inadequate labour market programmes are also often failing to assist Roma in finding regular employment. Training and re-qualification programmes are often in short supply, affecting all job-seekers, and Roma sometimes find themselves excluded from them. Employment programmes are often limited to short-term subsidized employment contracts for menial public sector jobs, at the end of which Roma are in no better qualified or placed to find regular employment elsewhere.

THE FAILURE TO PROTECT ROMA AGAINST DISCRIMINATION

DISCRIMINATION IN THE PRIVATE SECTOR

The high levels of discrimination faced by Roma in the area of employment and when attempting to access goods, services and housing reveals the failure of European governments to protect Roma against discrimination by non-state actors.

Indeed, the Fundamental Rights Agency's 2009 "European Union Minorities Discrimination Survey" [FRA survey] concluded that the Roma were Europe's most discriminated group, with one in two Romani respondents claiming that they had been discriminated against at least once in the previous 12 months.

High levels of discrimination of Roma have persisted despite significant improvements in anti-discrimination legislation in most European countries in recent years. EU law now requires states to prohibit racial discrimination in the area of employment and in the access to all goods and services, including housing, health care and education and to provide victims with access to judicial remedies. Very few discriminated Roma have benefited from this legal protection, however. According to the FRA survey, less than half are even aware that racial discrimination is illegal, and less than a quarter know of an organization – whether a NGO or a state body – that might be able to offer them assistance in pursuing a claim. Even those who are aware of their rights, however, face significant obstacles in enforcing them, not least on account of the costs of private legal representation and the shortage of free legal aid.

THE FAILURE TO PROTECT ROMA AGAINST RACIALLY MOTIVATED CRIME

States are also failing to protect Roma against racially motivated crime. A staggering one in five respondents to the FRA survey considered that they had been the victims of a racially-motivated assault in the previous 12 months. In addition to isolated assaults, an alarming trend of vigilante attacks targeting Roma settlements or communities and has developed over the last few years. Well publicized recent incidents include repeated attacks on Roma camps in Naples in May 2008 and against a small community of Romanian Roma in Belfast in June 2009 as a result of which hundreds of Roma either fled or were evacuated.

Such racially-motivated attacks are not just occurring with alarming frequency. The criminal justice systems of many European countries are also failing in their obligation to prevent, investigate and prosecute them effectively. The result is a widespread lack of confidence in law enforcement officials on the part of Roma. More than two-thirds of Roma victims of crime in the FRA survey never reported the offence to police; 72 per cent of them did not think the police would do anything about it. The failure of criminal justice systems to respond effectively to racially-motivated crime against Roma, and to extend equal treatment to them when victims – or, indeed, suspects – of crime is the result of both inadequate procedures and guidelines for law enforcement officials and the failure of states to eliminate prejudices amongst them.

ETHNIC PROFILING

Ethnic profiling by law-enforcement officials is the practice of targeting individuals or groups for police operations solely on account of their ethnicity. As a form of differential treatment with no objective justification, ethnic profiling constitutes discrimination and is a human rights violation, but it has not been expressly outlawed in any European country. Across Europe, Roma are disproportionately stopped and searched by police, often for no other reason than that they are Roma.

One in three respondents to the Fundamental Rights Agency's 2009 "European Union Minorities Discrimination Survey" claimed that they had been stopped by the police in the previous 12 months, with half of them indicating that they believed they had been stopped specifically because they were Roma. Research carried out by the Open Society Institute in Hungary and Bulgaria in 2005 found that Roma pedestrians in both countries were three times more likely to be stopped by police than majority ethnic Bulgarians and Hungarians despite the fact that Roma constitute only 5 to 10 per cent of Bulgaria's population and 6 per cent of Hungary's population.

Ethnic profiling by law enforcement officials can be the result of both overt racism and entrenched, often unconscious, stereotyping. OSI researchers recorded one Bulgarian police officer stating matter-of-factly: "You can't really tell who [among the Roma] steals and who doesn't. They almost all do."

Numerous bodies of research into ethnic profiling in Europe and the USA have shown that ethnic profiling is not effective and diverts police resources from more productive activities. Stricter guidelines on the use of stop and search powers and improved training of law enforcement officials to combat prejudices and stereotyping is needed across Europe to combat ethnic profiling practices.

ANTI-GYPSYISM

Discrimination against Roma and racially motivated attacks are the result of deep-rooted prejudices against Roma in Europe. Indeed, anti-Gypsyism has haunted the Roma throughout their history and it shows little sign of abating in 21st Century Europe. Roma are one of the few groups in respect of which openly racist comments and attitudes are not just tolerated, but widely shared. Europe is still a continent in which mainstream politicians can quickly gain popularity by promising to come down hard on "Gypsy crime", or rid a town of "Gypsy beggars". In some countries, even extreme forms of anti-Gypsyism can be expressed without attracting serious condemnation, such as the chanting of "we hate Gypsies" and the unfurling of a banner saying "Death to Gypsies" at a football match in Romania in March 2006. Europe is a continent in which far-right political parties, often with openly anti-Roma agendas are once again on the rise, as the results of the 2009 European Parliamentary elections revealed.

There is a huge need, therefore, to strengthen measures to combat prejudices and stereotypes at the root of the discrimination that Roma suffer. This is equally true in western Europe as it is in the east. Indeed, the influx of many Roma migrants to western European countries in recent years has led to a resurgence in anti-Roma sentiment. Unfortunately, the response of many governments to the social tensions that have resulted has often served to stigmatize and marginalize them still further. In Italy, for example, a "Nomad Emergency" was declared in May 2008 granting special powers to the Prefects of a number of regions to respond to the perceived security threat posed by Roma, under which numerous forced evictions have taken place. In July 2010, the French government announced that it would

seek to close around 200 unauthorized Roma camps on the grounds that they were “the source of illegal trafficking, profoundly degrading living conditions, the exploitation of children for the purposes of begging, prostitution and criminality.”



Far right demonstrators at the Roma-populated area in Přerov in the Czech Republic, 4 April 2009. © Amnesty International

In portraying Roma as posing problems to others, without acknowledging the problems they face themselves, the response of the French and Italian authorities to the marginalization of Roma is typical of governments across Europe.

Until this changes, until governments and societies seriously confront the social exclusion of Roma and the prejudice and human rights violations that cause it, the Roma will continue to be left out and left behind in a Europe that is, otherwise, increasingly coming together.

A COMPREHENSIVE EUROPEAN UNION STRATEGY FOR PROMOTING ROMA INCLUSION

With around 80 per cent of Europe’s Roma population living in the EU, and strong competences in the areas of discrimination and social inclusion, the EU has a significant role to play in realizing the human rights of Europe’s Roma. The EU’s institutions are increasingly aware of this and have developed a number of initiatives over the past few years, including the adoption of EU Council Conclusions on Roma inclusion, resolutions by the European Parliament, European Commission Communications on Roma integration, EU Roma Summits, and the establishment of an EU Platform on Roma Inclusion. These efforts have, however, suffered from a lack of coordination, visibility and strategic vision.

This is why Amnesty International has joined other NGOs and Roma activists in calling on the European Union to adopt a Framework Strategy on Roma Inclusion. Such a strategy should ensure that resources are used to maximum effect by:

- setting common goals, concrete targets and clear indicators on Roma inclusion;
- improving coordination between EU institutions and mechanisms, between them and member states and between EU action and other international initiatives such as the Decade for Roma Inclusion; and
- ensuring greater effectiveness in the allocation of EU funds and improved accountability in their use.

The strategy should be based on:

- a human rights approach that recognizes the interconnectedness of all rights; and
- a high degree of involvement of the Roma themselves.

CONCLUSION

The last decade has seen an increase in the attention being paid to the rights of Roma, particularly at the international and intergovernmental level, where a number of initiatives have been developed. These include the Organization for Security and Co-operation in Europe's (OSCE) Action Plan on Improving the Situation of Roma and Sinti within Europe, the establishment of a Roma, Sinti and Travellers Forum by the Council of Europe, various European Union initiatives and, most significantly, the Decade for Roma Inclusion 2005-2015. This last initiative has seen 12 participating member states commit to improving the respect for the rights of Roma in four key areas: education, employment, health and housing, through a series of national action plans. As with other national initiatives, however, these initiatives have suffered from the lack of concrete targets, fitful implementation, particularly at the local level, and ineffective monitoring. There has, as a result, been little concrete improvement in the respect for the rights of the great majority of Roma.

Breaking the cycle of prejudice, poverty and human rights violations requires more than piecemeal measures in each of these areas. It requires comprehensive, proactive policies to promote the social inclusion of Roma and combat entrenched discrimination in the provision of essential public services and in society at large. It requires concerted action at all levels – international, national and local. It requires political will and a long-term commitment. Above all, it requires the voices of Roma to be heard – and heeded.

RECOMMENDATIONS

Amnesty International calls on

European States to:

The realization of economic, social and cultural rights:

- Adopt and implement housing policies to improve the living conditions of marginalized Roma, ensure that Roma enjoy equal access to social housing, and combat segregation in housing;
- Confer a minimum degree of security of tenure to all Roma, who lack it, in consultation with the affected communities and stop forced evictions of Roma;
- Combat the discrimination faced by and segregation of Roma in both mainstream education and special schools;
- Adopt special measures to increase the access of Roma to, and improve their participation in, all levels of education;
- Address the barriers faced by Roma while accessing health care services and ensure that Roma are not excluded from national health insurance schemes;
- Ensure that all Roma have all necessary documents, including birth certificates, identity papers and health insurance certificates;
- Invest greater efforts in the elimination of discriminatory attitudes amongst public servants in the health, housing and educational sectors.

Action Plans to improve the social inclusion of Roma:

- Ensure that national action plans on the social inclusion of Roma contain concrete targets, are effectively implemented and publicly monitored;
- Ensure that all policies aimed at increasing the social inclusion of Roma address the specific challenges faced by Roma women;
- Improve the collection of statistical data disaggregated by ethnicity in all areas of social policy.

Combating anti-Gypsyism

- Attach greater priority to combating anti-Gypsyism, including by reacting strongly to racist discourse by public officials;
- Respond more effectively to, and invest greater resources in, combating racially-

motivated crime;

- Develop policies and training programmes to combat anti-Roma prejudices amongst law enforcement officials;
- Increase the awareness of Roma of anti-discrimination legislation and their access to available legal remedies and complaints mechanisms.

The participation of Roma in public life

- Ensure greater consultation with Roma in the elaboration of policies affecting them;
- Adopt special measures to increase the representation of Roma, including Romani women, in the civil service and elected office;
- Support the development of Roma civil society.

Calls on the European Union to

Adopt a Framework Strategy for Roma Inclusion.

- Put in place safeguards to ensure that EU Structural Funds are not used for projects that contribute to or result in segregation, discrimination and violations of human rights, such as forced evictions or segregation of Romani children into schools offering inferior education.



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LEFT OUT

VIOLATIONS OF THE RIGHTS OF ROMA IN EUROPE

Numbering between 10 and 12 million people, the Roma are one of Europe's largest and most vulnerable minorities. On average, they have lower incomes, a worse state of health, poorer housing, lower literacy rates and higher levels of unemployment than the rest of the population. These are not, simply, the inevitable consequences of poverty. They are the result of widespread, often systemic, human rights violations.

This report provides a general overview of human rights violations that are pushing Roma to the margins of European society – and keeping them there. It focuses on the discriminatory policies and practices of national and local authorities across Europe that deny millions of Roma their rights to housing, health, education and employment. It also highlights the failure of governments to protect Roma against discrimination and racially motivated violence by non-state actors.

Governments must break this cycle of prejudice, poverty and human rights violations. Amnesty International calls on governments across Europe to adopt proactive policies to promote the social inclusion of Roma and combat entrenched discrimination in the provision of essential public services and in society at large.

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