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Europe: Discrimination against Roma

Nearly 80 per cent of the total European Roma population of about 10 million live in European Union (EU) member and aspiring member states. The Roma population is the poorest and one of the fastest growing in the region, living predominantly on the margins of society. Roma are one of the largest ethnic minority groups in Europe.

The Roma community suffers massive discrimination in access to housing, employment and education. In some countries they are prevented from obtaining citizenship and personal documents required for social insurance, health care and other benefits. Roma are often victims of police ill-treatment and their complaints are seldom investigated. Frequently Romani children are unjustifiably placed in "special" schools where curtailed curricula limit their possibilities for fulfilling their potential. Romani children and women are among the communities most vulnerable to traffickers.

The Decade of Roma Inclusion, which started in 2005, aims to improve the social and economic status of Roma. The initiative of several countries in Central and Eastern Europe, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia and Slovakia, and supported by the international community is implementing policy reforms and programmes designed to break the vicious cycle of poverty and exclusion.

Over the years Amnesty International has researched different aspects of discrimination against the Romani communities across Europe. The organization has recorded the following findings in 2006 and the first half of 2007:

Roma were often the victims of torture or other ill-treatment by law enforcement officers across the region. Roma were also often victims of racist attacks during which they were not adequately protected by the police. The authorities in many countries failed to fulfil their domestic and international obligations towards the Roma community.

Bulgaria

- In February 2006, the European Court of Human Rights found that Bulgaria had violated Zahari Stefanov's rights to life and to be free from torture and arbitrary detention. Zahari Stefanov, aged 23 and of Romani origin, had died in June 1993 in Kazanluk police station. An official enquiry at the time concluded that he had jumped of his own accord out of a third-floor room where he was being questioned, and that all his injuries were caused by the fall.

Croatia

- In May 2007, in the case of Šecić v. Croatia, the European Court of Human Rights found Croatia in violation of Article 3 of the European Convention for the Protection of

Human Rights and Fundamental Freedoms, prohibiting torture or inhuman or degrading treatment or punishment, as well as of Article 3 in conjunction with Article 14, the latter prohibiting discrimination in the enjoyment of the rights and freedoms set forth in the European Convention on Human Rights. Šemso Šecic, a Romani man, had been attacked in 1999 by two men who beat him all over his body with wooden planks shouting racial abuse and, as a result, had sustained multiple rib fractures. Following the attack, the Croatian authorities failed to promptly, thoroughly and impartially investigate this crime, whose perpetrators have remained unpunished.

Czech Republic

- The Council of Europe's Commissioner for Human Rights expressed concerns in its February 2006 report about a number of allegations of police violence towards this community and cases of inaction by the police force related to crimes committed against Roma.
- On 24 July 2007, the Supreme Court upheld a two-year prison sentence for a former Brno police officer for having beaten up and maltreated a 14-year-old Romani boy after abducting him together with another colleague.

Greece

- On 30 November 2006, Giorgos Tylianakis, the police officer who had killed a 22-year-old Romani man, Marinos Christopoulos, in October 2001, was sentenced to 10 years and three months' imprisonment for reckless homicide.
- In June 2007, the European Court of Human Rights held unanimously that there had been a violation of the right to life in the case of Karagiannopoulos v. Greece -- in January 1998, a Romani man, then aged 17, was left disabled after being shot in the head by a policeman after arrest.

Macedonia

- Mass demonstrations were held by the Roma community across Macedonia following the "disappearance" of Trajan Bekirov, who was last seen near the river Vardar on 10 May 2006, while being chased by members of a special police unit who suspected the 17-year old Romani boy and his friend of theft. His body was found in a search organized by his relatives two weeks later in the river Vardar. The child appears to have jumped into the river while in flight from the police. Questions remained about the authorities' failure to search for his body or to conduct a proper investigation into his disappearance.
- On 29 September, 2006 two unarmed Romani men were reportedly beaten outside a police station in Skopje and subsequently dragged into the police station where officers continued to beat them severely until they bled. Eyewitnesses faced obstructions by police officers when they tried to report the crime.

Romania

- In February 2006, the European Commission against Racism and Intolerance (ECRI) published its third report on Romania, noting *inter alia* the scarce application or knowledge of anti-discrimination legislation by both general public and officials. ECRI expressed concerns about publication by the media of derogatory articles on minorities, particularly on the Roma, with total impunity and without incurring the appropriate penalties.
- In September 2006, two policemen and 36 Romani women, men and children were injured in violent clashes after a police officer alleged that he had been assaulted by two Romani men in the Apalina district, in the northern part of the country. The Roma claimed the police provoked the violence by using excessive force, including by firing rubber bullets and tear gas. An initial police investigation cleared the officers of any wrongdoing. In November, following a visit by two members of the European

Parliament, the General Police Inspectorate opened a preliminary investigation into the incident. The investigation was continuing at the end of the year.

- In November 2006, the National Council for Combating Discrimination fined several members of the New Right organization for having published on the organization's website several articles containing degrading, humiliating and offensive material about the Romani community.

- On 19 May 2007, President Traian Basescu reportedly called a journalist a “dirty gypsy”, but apologized later for causing the journalist “an undeserved moral damage.” Several national and international Roma non-governmental organizations accused President Basescu of “racist, discriminatory and offensive behaviour.” He was also called to explain himself in front of the National Council Against Discrimination.

Slovakia

- In the first reported case brought under the 2004 Anti-Discrimination Law, on 31 August 2006, the District Court of Michalovce ruled that a café in Michalovce had discriminated against three Roma activists by denying them access in 2005. However, the court failed to specify the grounds of discrimination.

- On 22 January 2007, the Constitutional Court demanded the reopening of an inquiry into the forced sterilisation of three Romani women. In a landmark decision, the Constitutional Court asked the Košice regional court to compensate the three women who were subject to forced sterilisations between 1999 and 2002. Until then, national authorities had always refused to admit that any forced sterilisations took place in the country's hospitals and only recognised there were "procedural shortcomings" regarding the sterilisation of some patients.

- On 8 June 2007, the UN Committee of the Rights of the Child expressed its concerns about discrimination and segregation experienced by minorities, Roma in particular, in the areas of education, health care and housing and also about the continuing incidents of excessive use of force by police officers.

Roma remained largely excluded from public life and unable to enjoy full access to rights such as housing, employment and health services. In some countries the authorities failed to fully integrate Romani children in the education system.

Bosnia and Herzegovina

Primary school attendance rates for Romani children were low and extreme poverty remained one of the main causes of the exclusion of Roma from education. Romani language, culture and traditions were not included in a systematic way in school curricula. Insufficient progress was made by the authorities in the implementation of the 2004 Action Plan on the Educational Needs of Roma and Members of Other National Minorities.

Bulgaria

In March 2006, the government approved a national programme for improving Romani housing conditions, but discrimination in housing persisted. Plans to forcibly evict inhabitants of a number of Romani neighbourhoods in Sofia were suspended after protests by members of the European Parliament and human rights organizations. Some of Sofia's district governments continued to threaten forced evictions, and did little if anything to address the extreme poverty and denial of human rights in many Romani communities. A working group was formed by the Sofia Municipality and Romani non-governmental organizations (NGOs) to propose solutions. In July 2006, the Ministry of Labour and Social Policy provided funds equivalent to 150,000 euros to purchase caravans as a temporary solution for evicted residents. However, the authorities did not provide reasonable justification, adequate notice, consultation with those affected, compensation, alternative housing or social support for the families.

Croatia

- Members of Romani communities in Croatia lacked full access to primary education, especially in areas not covered by existing governmental and other programmes to promote the inclusion of Roma in education. Although “Roma only” classes were

increasingly rare, Romani children still experienced discriminatory treatment because of teachers' negative stereotyping and low expectations. Romani children with little or no command of the Croatian language faced extreme difficulties when they started school. The languages spoken by Roma in Croatia were not used in schools, unlike other minority languages. Despite improvements in this area, notably in the Medimurje region, the majority of Romani children remained excluded from pre-school programmes.

- In June 2007, a report supported by the *Open Society Institute* and the *World Bank*, highlighted that the authorities have introduced a range of measures, especially with regard to education of Romani children, which however remained sporadic and needed to be integrated into more systemic policies. The report ranked Croatia sixth out of the nine countries that have signed up to the Decade of Roma Inclusion.

Czech Republic

- In March 2006, the Council of Europe noted that initiatives taken by the Czech authorities have had a limited effect in reducing social exclusion of large sectors of the Romani population. Concerns remained on access to education -- Romani children continued to be segregated in primary education and they were over-represented in special schools.

- The number of Roma living in sub-standard houses has been rising over the last 10 years, according to a sociological report released by the Ministry of Labour and Social Affairs. According to the study, there is no comprehensive governmental programme to focus on the fight against social deprivation.

- In October 2006, the Mayor of Vsetín, on the border with Slovakia, and now also senator and deputy Prime Minister Jirí Cunek (Christian Democrats, KDU-CSL), ordered the eviction from the city of 50 Roma families, alleging that "the building was in a desperate condition" and that "most of them had debts in paying the rent". The decision was condemned by the Public Rights Defender (Ombudsperson) Otakar Motejl on 13 June 2007.

- On 26 April 2007, an opinion poll showed the prevalence of prejudice against Roma. Only one out of 10 respondents said that Romani neighbours would not become a problem for them. Some 40 per cent said that Romani neighbours would be unacceptable for them, 26 per cent considered such a situation difficult, and 24 per cent said they would not feel good about having Romani neighbours. The percentage of those who consider Romanies as unacceptable neighbours rose from 32 to 40 per cent during the last two years.

Hungary

- Romani children were stigmatized, excluded and impoverished in relation to the rest of the population because of their ethnicity. In some cases they were arbitrarily segregated in special institutions or classes.

- In June 2006, the Debrecen Appeals Court overruled a first instance judgment and found that the Miskolc municipality, by integrating seven schools without simultaneously redrawing their catchment areas, had perpetuated the segregation of Roma children, violating their right to equal treatment.

- In August 2006, the UN Committee on the Elimination of Discrimination against Women condemned Hungary in connection with the sterilisation of a Romani woman without her consent in January 2001. The government was advised to review domestic legislation on the principle of informed consent in cases of sterilisation and ensure its conformity with international human rights and medical standards.

Macedonia

- Romani women were denied access to basic social and economic rights, including education, employment and health, on the basis of both their ethnicity and their gender.

- In June 2007, a report on progress made by the nine countries participating in the Decade of Roma Inclusion ranked Macedonia in seventh place, noting that where measures had been taken towards implementation of the action plan, they had largely been carried out by Romani and other domestic non-governmental organizations in conjunction with international non-governmental organizations, and with international funding.

Montenegro

- A May 2007 report from the international non-governmental organization Save the Children had established that Romani children, including the children of Romani refugees from Kosovo, were particularly vulnerable to trafficking because of poverty and a denial of the right to education
- In June 2007, a report on the nine states participating in the Decade of Roma Inclusion, ranked Montenegro in ninth place in terms of government input towards achieving the aims of the decade.

Romania

- In October 2006, the Tulcea municipality, in the east of the country, forcibly evicted 25 Romani families, around 110 people, from a building that they had occupied for the previous seven years. Some Roma accepted the offer by the municipality of rooms in two dilapidated buildings with no access to electricity and sanitation and only limited access to drinking water, located in an enclave inside the Tulcea industrial port. Children stopped going to school because of the distance and their parents' fear for their safety. The rest of the people evicted remained sleeping in the street. Court proceedings challenging the legality of the evictions, which were brought by the European Roma Rights Centre and other Roma non-governmental organizations, were continuing at the end of the year.
- In March 2007, a *UN Children's Fund* report found that while less than half of poor households have running water at home, around 70 per cent of Roma households are without a water supply. School segregation of Romani children continued to be a subject of concern as those schools have poorer facilities and employ unqualified teachers.

Serbia/Kosovo

- A survey of 36,000 Romani people published in December 2006 revealed that almost half the Romani people in Serbia did not have identification documents providing them with the right to state services. In most cases, documentation was denied because they lived in unregistered or temporary settlements.
- Romani, Ashkali and Egyptian families who had been living on lead contaminated sites near Mitrovicë/a in Kosovo had voluntarily moved to a former military camp at Osterode at the beginning of 2006. There was no meaningful consultation with the communities with respect to the rebuilding of their former homes in the Roma neighbourhood of south Mitrovicë/a. By the end of the year some families had moved into the completed houses and apartments, but community leaders expressed concerns that guarantees for their safety and access to education had not been provided.
- In June 2007, the UN Committee on the Elimination of Discrimination against Women urged Serbia to address inadequate health-care services for women, especially for Roma and rural women, including access to information and counselling on family planning. The UN children's agency reported that "Over 80 per cent of Roma children living in Roma settlements are poor and practically all indicators point to their unacceptable deprivation and multidimensional discrimination".

Slovakia

- Romani children were unjustifiably placed in special schools. Housing remained an ongoing concern, with a large number of Roma living in settlements lacking basic amenities such as water, sanitation and electricity. Access to education was still a serious challenge, with the number of Roma continuing their education into secondary school remaining low.
- The UN Development Programme (UNDP) in a report released on 25 October 2006 stated that almost 75 per cent of Romani households in Slovakia depended on aid from

the state, the municipality or charity. UNDP experts recommended starting a public discussion on the possibility of temporarily introducing positive discrimination for Roma and for consideration to be given to extending compulsory school attendance up to the age of 18 years, compared with the current of limit of 15 years.

Slovenia

- The Slovenian authorities failed to fully integrate Romani children in the Slovenian educational system and tolerated in some cases the creation of special classes for Romani children, where often a reduced or simplified curriculum is taught. A policy allowing for the creation of different groups and classes on the basis of the pupils' knowledge and performance in school had been criticized by education experts for being de facto a continuation of the old segregation approach.
- In July 2006, a project was completed for the standardization of the two main variants of Romani language spoken by Roma in Slovenia. This project entailed the creation of grammar books and dictionaries. The standardization of Romani languages was intended to be the first step leading to the inclusion of such languages in school curricula and to the preparation of textbooks and other teaching materials.
- In October 2006, members of a Romani family composed of approximately 30 people, living in the village of Ambrus, were forced to leave their homes under police escort after having been targeted in ethnically motivated attacks by non-Roma. They were provided temporary accommodation and subsequently prevented from returning to their homes. The authorities promised that they would find a permanent housing solution for the members of the family, whose homes were demolished in December on the grounds that they had been built illegally. The authorities failed to investigate the ethnically motivated attacks with a view to bringing those responsible to justice. In June 2007, residents of Cesta v Gorice, on the outskirts of Ljubljana, protested against plans to resettle there the members of the Romani family.
- In April 2007, a Law on the Romani Community entered into force with the aim of regulating the legal status of the Romani community. The Law has a very limited number of provisions dealing with the inclusion of Roma in education which stipulate that the Republic of Slovenia should create the conditions for the inclusion of Roma in education and for an improvement in their educational level including through a policy of scholarships. The Law however does not define in detail the framework through which the right to education of members of Romani communities is to be fully realized.

Roma displaced from Kosovo continued to be refused civil registration and consequently they were unable to exercise their civil, political, economic and social rights. Similar problems faced Roma in Slovenia who, among thousands from other former Yugoslav republics, had been unlawfully "erased" from the register of permanent residents.

Bosnia and Herzegovina

- In April 2007, representatives of the over 800 Romani refugees from Kosovo expressed concern about the authorities' plans to lift their temporary admission (protection) on 30 June 2007 and return them to Kosovo where they are at risk of racist attacks and experience discrimination in access to political, economic and social rights. After intervention by the Council of Europe's Commissioner for Human Rights, the Council of Ministers extended for a further 90 days the temporary admission status of refugees from Kosovo. The Council of Ministers decided that this would be the last such extension.

Macedonia

- The majority of an estimated 2000 predominantly Roma and Ashkalia from Kosovo who remained in Macedonia had been denied refugee status. Those given temporary protection, had it extended on an annual basis, and feared deportation to Kosovo.

Montenegro

- In addition to 6,926 people displaced from Bosnia and Herzegovina and Croatia before 1995, some 16,196 Roma and Serbs displaced from Kosovo in 1999 remained in Montenegro at the end of 2006 with civil registration being denied to them. No displaced people had been granted refugee status under an asylum law introduced earlier in the year, and which the authorities had not yet fully implemented.
- In February 2007, the Ministry of Interior opened discussions with the Kosovo authorities on the return of the displaced Roma and Serbs to Kosovo, despite recommendations by the UN refugee agency that Roma, who made up the majority, should not be returned.

Slovenia

- The Slovenian authorities failed to restore the status of the “erased” and to ensure that they have full access to economic and social rights, including their right to employment, pension, and health care. Some 6,000 people remain without Slovenian citizenship or a permanent residence permit, many of them Roma.
- In October 2006, the Slovenian Ministry of Interior decided to forcibly return to Germany Ali Berisha, an “erased” person, his wife Mahi, and their five children. Following his “erasure”, in 1992, Ali Berisha was forced to leave Slovenia. He voluntarily returned there in September 2005 and since then has lived with his family in a reception centre for asylum-seekers in Ljubljana. If returned to Germany, they would be at risk of being removed to Kosovo where, as members of Romani/Ashkali/Egyptiani communities, they would have been at risk of ethnically-motivated attacks.

See: *Europe and Central Asia: Summary of Amnesty International's Concerns in the Balkans January - June 2007* (AI Index: EUR 05/003/2007)
<http://web.amnesty.org/library/index/engeur050032007>
Summary of Amnesty International's Concerns in the Balkans July – December 2006 (AI Index: EUR 05/002/2007)
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<http://web.amnesty.org/library/Index/ENGEUR010172006?open&of=ENG-2U5>
False starts: The exclusion of Romani children from primary education in Bosnia and Herzegovina, Croatia and Slovenia (AI Index: EUR 05/002/2006)
<http://web.amnesty.org/library/Index/ENGEUR050022006?open&of=ENG-2U5>
Still separate, still unequal: Violations of the right to education for Romani children in Slovakia, (AI Index: EUR 72/001/2007)
<http://web.amnesty.org/library/index/engeur720012007>

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