

BRIEFING

HUMAN RIGHTS ON THE MARGINS ROMA IN EUROPE



Amnesty International

'Europe has a shameful history of discrimination and severe repression of the Roma. There are still widespread prejudices against them in country after country on our continent.' Thomas Hammarberg, Commissioner for Human Rights, Council of Europe

Cover photo: A Romani boy in Serbia at a demonstration in support of Roma expelled from France ${\ensuremath{\textcircled{}}}$ AP

Inside cover: Roma march through the streets of Chisinau, Moldova, on International Roma Day, 8 April 2008 \odot AP

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The Roma are one of Europe's oldest and largest ethnic minorities, and also one of the most disadvantaged. Across the continent Romani people are routinely denied their rights to housing, health care, education and work, and many are subjected to forced eviction, racist assault and police ill-treatment.

On almost every indicator of human development, in almost every European country, the Roma fall far below the national average. They have lower incomes, worse health, poorer housing, lower literacy rates and higher levels of unemployment than the rest of the population.

Millions of Roma live in isolated slums, often without access to electricity or running water, putting them at risk of illness. But many cannot obtain the health care they need. Receiving inferior education in segregated schools, they are severely disadvantaged in the labour market. Unable to find jobs, they cannot afford better housing, buy medication, or pay the costs of their children's schooling. And so the cycle continues.

All this is not simply the inevitable consequence of poverty. It is the result of widespread, often systemic, human rights violations stemming from centuries of prejudice and discrimination that have kept the great majority of Roma on the margins of European society. Europe's governments can and must act to break the vicious cycle of prejudice, poverty and human rights violations.

WHO ARE THE **ROMA?**

The Roma or Gypsies are believed to have first arrived in Europe from northern India in the 9th century and were well established in most countries by 1300. Today, Roma are not a homogenous group, and this briefing uses the term 'Roma' to include many different subgroups.

The word 'Gypsy' is an abbreviation of 'Egyptian', the name given to Roma immigrants when they first arrived in western Europe because they were

assumed to have come from Egypt. In most dialects of the Romani language. the word that Roma use to describe themselves is 'Rom' (plural 'Roma').

Today, an estimated 10 to 12 million Romani people live in the countries of the Council of Europe. About 70 per cent of them live in central and eastern Europe, where they constitute between 6 and 10 per cent of the population. There are also sizeable Romani minorities in western Europe, especially in Spain (600.000 to 800,000), France and the UK (up to 300,000 Roma and Travellers in each). Although some western European Roma maintain a nomadic way of life, the vast majority of Roma are now settled.

THE EFFECTS OF DISCRIMINATION

A HISTORY OF PERSECUTION

The Roma who came to Europe in the Middle Ages included farm workers, blacksmiths, mercenary soldiers, musicians, fortune-tellers and entertainers. Initially, they were often welcomed for their skills. But they met with increasing hostility from the state, the church and the guilds, who saw them respectively as suspicious outsiders, 'heathens' and rivals. Hostility grew into organised persecution.

The first laws banishing Roma from the Holy Roman Empire were passed in the 1490s, and eventually every country in central and western Europe issued similar laws. In England, the Egyptians Act of 1530 banned Gypsies from the country and required those already there to leave within 16 days. In 1554, the Act was amended to impose the death penalty on Gypsies remaining in England. In Scotland in 1603, the Privy Council ordered Gypsies to leave the country, never to return on pain of death.

In southeastern Europe, the Ottoman Empire was more tolerant, but did issue laws to force Roma to settle. In the principalities of Moldavia and Wallachia (today's Romania), Roma were enslaved.

In many countries, efforts to expel the Roma were replaced by forced assimilation policies. Laws were passed to ban Roma from wearing their distinctive clothing, speaking their own language or marrying other Roma. There were also efforts to force Roma to settle. In England, for example, the Highway Act 1835 made it difficult for Roma to stop and camp at the roadside. But when Roma communities established settlements on wasteland, the authorities evicted them, forcing them back on the road.

The Nazis who came to power in Germany in 1933 perceived the Roma as 'racially inferior' and set out to exterminate them. Roma were deprived of civil rights, subjected to forced sterilisation, used in medical experiments and interned in concentration camps. Thousands were gassed, shot or died of starvation, and thousands were executed in the occupied countries of eastern Europe. It is estimated that between 250,000 and 500,000 Roma were killed by the Nazi regime and its collaborators during World War II.



Above from top: A retired teacher shows photos of inmates of a camp where thousands of French Gypsies were interned during World War II © AP. Young Roma visit the death camp at Auschwitz, 66 years after Nazis killed the camp's last 3,000 Roma inmates.

Right: Erzsebet Csorba, whose son Robert and grandson Robika were murdered in a racist attack, with her granddaughter Erzsi in the family's burnt out house © AP

ROMANI WOMEN

Women and children often face further discrimination within persecuted communities. They are disproportionately affected by human rights violations such as forced evictions and educational segregation, forcing them into insecure living and working conditions. Women also face barriers in employment and access to services because of gender discrimination.

n Belgrade, Serbia, 36 people were forcibly evicted from their houses at 15 Vojvodjanska Street in October 2010. Among them were 17 children and one pregnant woman. States have specific obligations towards pregnant women and mothers as vulnerable groups.

During the 1970s and 1980s many Romani women in the Czech Republic and Slovakia were subjected to forced sterilisation. Although the Czech government has apologised for this, individual complainants were refused compensation by the courts. In Slovakia the government has introduced a new criminal offence of 'illegal sterilisation', but has failed to carry out effective investigations into all cases.

PERSECUTION TODAY: RACISM AND RACIST ATTACKS

In the 21st century, the Roma continue to encounter openly racist and discriminatory language and attitudes which are widely tolerated and shared in society at large. Mainstream politicians can quickly gain popularity by promising to crack down hard on 'Gypsy crime' or rid a town of 'Gypsy beggars'.

Even extreme forms of prejudice can be expressed without attracting serious condemnation. Far-right political parties with openly anti-Roma agendas are on the rise. In Romania, fans chanted 'We hate Gypsies' and unfurled a banner saying 'Death to Gypsies' at a football match in March 2006. In Hungary the extremist party Jobbik, which has an explicit anti-Roma platform, won four seats in the European Parliament in the 2009 election.

The increased migration of Romani people into western Europe – the result of the free movement afforded to all EU citizens being extended to eight new member states – was followed by a resurgence in anti-Roma sentiment. Unfortunately, the response of many governments has been to stigmatise and marginalise Roma still further.

In Italy, for example, the government declared a 'Nomad Emergency' in May 2008, granting Prefects in a number of regions special powers to respond to the perceived security threat posed by Roma. Numerous forced evictions were carried out under these powers without any alternative accommodation being provided and without prior consultation. Throughout 2008, the stigmatisation of Roma contributed to a climate in which attacks on groups and individuals reached record proportions. Romani people were physically and verbally attacked by mobs and their settlements set on fire.

In July 2010, the French government ordered the eviction and expulsion of Roma living in around 200 unauthorised 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'.

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 marginalisation of Roma is typical of governments across Europe.

States are also failing to protect Roma against racially motivated crime – not only isolated assaults, but vigilante attacks targeting Roma settlements or communities. In June 2010 about 20 Roma families in Belfast were forced to flee after a crowd gathered outside their homes shouting racist slogans, smashing windows and kicking in doors. Amnesty International has investigated and responded to similar attacks in the Czech Republic, Hungary, Italy, Romania, Serbia and Slovakia, in the past year.

The criminal justice systems of many European countries are failing in their obligation to prevent, investigate and prosecute these crimes effectively.

RACISM AND STEREOTYPING BY LAW ENFORCEMENT OFFICIALS

Ethnic profiling 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



CRIMES OF HATE

In February 2009 Robert Csorba, a 27-yearold Romani man and his four-year-old son Robika were killed in a village about 40km southeast of Budapest, Hungary. They were shot dead while fleeing their house, which had been set on fire.

Local police initially treated the case as an accident and announced that the fire had been caused by an electrical fault, despite a neighbour's report of hearing gunshots. But then an MEP demanded that the National Bureau of Investigation (NBI) be called in. NBI investigators went to the site and quickly found evidence of arson and murder: bottles used for petrol bombs, lead shot and cartridges. The autopsy confirmed that Robert and Robika Csorba died of gunshot wounds.

This was one of nine similar attacks (petrol bomb attacks followed by shooting) which killed six people in Hungary between January 2008 and August 2009. Numerous other attacks did not hit the headlines. An Amnesty International report on violent attacks against Roma in Hungary concluded that the failure to prevent and respond effectively to violence against Roma was due to shortcomings in the criminal justice system.

RESULTS OF RACISM

• One in five Roma consider that they had been the victims of a racially motivated crime – including assaults, threats and serious harassment – at least once in the past 12 months Source: EU Fundamental Rights Agency survey, 2009, covering Bulgaria, Czech Republic, Greece, Hungary, Poland, Romania and Slovakia.

has not been expressly outlawed in any European country.

Across Europe, Roma are disproportionately stopped and searched by police, often for simply being Roma. 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.

Whether Romani people are victims of crime or suspects, they rarely receive equal treatment in criminal justice systems. This is a result both of inadequate procedures and guidelines for law enforcement officials, and of a failure to eliminate prejudices among them.



THE RIGHT TO EDUCATION

The right to education free from discrimination has been recognised in international human rights law since 1948. Despite this Romani children are systematically denied their right to education. Roma have significantly lower enrolment and completion rates in primary education than the general population in countries across Europe.

The factors that contribute to this include the costs of transport, clothes and school materials, and a lack of Romani language teaching materials. But a key reason for educational underachievement of the Roma is discrimination. This is not limited to individual acts of prejudice by teachers and other education professionals. It is often deeply ingrained in education systems whose policies and practices exclude many Roma from quality education. Its worst form is the segregation of Romani children in schools or classes offering an inferior education.

Many countries with significant Romani populations have introduced measures to encourage school enrolment and attendance by Romani children. These

include 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 had little real impact, owing to inadequate funding and uneven implementation.

UNEQUAL EDUCATION

The segregation of Roma in special schools and classes remains widespread in central and eastern Europe. The European Commission against Racism and Intolerance 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.

This segregation has many causes, including the isolation of Roma in segregated settlements and what is often described as 'white flight': non-Roma parents removing their children from schools that are perceived as having too many Roma pupils. To combat this, some schools place Roma children in separate classes.

In the most damaging form of segregation, Roma are placed in 'special' or 'practical' schools for children with 'mild mental disabilities' even when they have no such disabilities. No country has an official policy of placing Roma in special schools. They are placed there as a result of flawed assessment criteria, pressure from teachers in mainstream schools and also because some Romani

parents feel that their children will be happier if they are less exposed to the prejudices of non-Roma teachers, pupils and parents. Once in the special school system, however, the children are taught a substantially reduced curriculum and rejoining mainstream education, or continuing to secondary school, becomes almost impossible.

THE CASE OF SLOVAKIA

Amnesty International has documented discrimination against Romani children in Slovakia's education system since 2006. While Roma are estimated to comprise less than 10 per cent of the total population, Romani children represent 60 per cent of pupils in special schools, and 85 per cent of those in special classes.

Even in the mainstream school system, Romani children are often placed in Roma-only schools or classes where they receive a lower standard of education than pupils from the majority population. Teachers in Roma-only classes often have lower expectations of their students. They also have fewer resources and poorer quality infrastructure.

Many Romani children come from impoverished families and Slovak is not

Clockwise from left: Romani children at a segregated special class at Krivany elementary school kindergarten, Slovakia © Al. Roma and non-Roma pupils in a mainstream elementary school in Pavlovce nad Uhom, Slovakia © Al. Sabrina with her mother and sister in Ostrava, Czech Republic. Sabrina was one of 18 Roma children who won a case against the Czech government at the European Court of Human Rights over their placement in special schools.

their first language. Therefore, they require additional language lessons, pre-school classes or classroom assistance. These are rarely provided in the mainstream school system, and when Romani children begin to fall behind, they are transferred out of mainstream education - either to special classes in mainstream schools or to special schools.

Slovak legislation categorises social disadvantage alongside mental disability to determine whether pupils have special educational needs. Roma are invariably viewed as socially disadvantaged, so the system is predisposed to categorise their children as having special needs. But rather than addressing their needs. this entrenches disadvantage for life by equating poor social circumstances with a lack of mental capacity.

In some Slovak schools, Roma are separated from non-Roma not only in the classroom but in other aspects of school life, including the canteen at lunchtimes. Irena, a Romani mother from Krivany, said of the elementary school her children attend: 'White [children] have their own canteen and Roma children eat in a corridor.' Segregation even takes place in kindergartens. In some cases, Roma parents must collect their children early so that they do not



T'S TOO LATE NOW

encounter parents from the majority population. The children play, sing, dance and eat separately.

In May 2008, the Slovak government adopted a new Schools Act that explicitly prohibits discrimination and segregation in education. In the same year, it adopted a policy commitment to decrease the number of Romani pupils in special schools. Although these measures have resulted in some positive changes, Amnesty International's monitoring shows that segregation of Romani children continues and that many key problems that contribute to discrimination have yet to be adequately addressed.

To ensure that all Romani children can realise their right to education free from discrimination, the Slovak government needs to

- urgently adopt strong and targeted measures to effectively monitor and enforce the prohibition of discrimination and segregation
- develop a plan of desegregation which clearly identifies bodies responsible and a timeline with yearly targets for its implementation
- provide adequate support measures for integrating Roma and non-Roma children who need extra assistance in mainstream education.

THE RIGHT TO HOUSING

The right to adequate housing, which includes the right to be protected from forced eviction, is guaranteed in several international and regional human rights treaties. But across Europe, governments regularly fail to fulfil these obligations, particuarly when it comes to the Roma.

Discrimination in the labour market makes it difficult for Roma to rent homes and they are effectively excluded from social housing schemes. So millions of Roma have no choice but to live in informal settlements, often without access to electricity or running water, and without even a minimum degree of security of tenure. This leaves them vulnerable to forced evictions and other human rights violations.

FORCED EVICTIONS

Forced evictions are cruel, humiliating and in breach of international law. They most often target those who are least able to resist. Romani people are one such easy target: they are poor, socially excluded, and treated with hostility by the wider public.

In most cases of forced eviction, the authorities make no attempt to offer adequate alternative housing. Many Roma continue to live in temporary, makeshift accommodation for years after being evicted. Many have been evicted again and again. The consequences of forced eviction are not only the loss of a home, but also the loss of possessions, social contacts, jobs and school places.

In recent years Amnesty International, working with local non-governmental organisations, has documented forced evictions of Romani communities in Bulgaria, Greece, Italy, Romania, Slovakia and Serbia. Many more such evictions are taking place across Europe.

In Bulgaria, at least 200 Roma were left homeless when local authorities forcibly evicted them and demolished their houses in Gorno Ezerovo and Medni Rudnik settlements in the city of Burgas in September 2009.

Since June 2006, more than 100 Romani families originally living in the centre of Athens, Greece, were forcibly evicted four times without being consulted or offered alternative accommodation.

Italy's 'Nomad Plan' envisages the destruction of more than 100 Romani settlements across Rome. An estimated 6,000 Roma are to be resettled into just

HE RIGHT TO DEQUATE HOUSING

FORCED EVICTIONS

nder international law, these feguards must include: genuine consultation with the

13 new or expanded camps – rather than permanent housing - on the outskirts of the city. That is likely to leave more than 1,000 Roma homeless. There was no genuine consultation with the Roma affected by the plan and they will have no choice about which camp they are sent to. Implementation of the plan began in July 2009.

In April 2009 the Serbian authorities forcibly evicted 250 Roma from a temporary settlement in New Belgrade. For many of the residents, who were originally displaced from Kosovo, this was not the first time they were torn away from their homes. The authorities offered them containers to live in, in another part of the city, but local residents tried to set the containers on fire. Since then the authorities have carried out a series of evictions of Roma communties around the city.



Above: The metal cabins provided as homes for Roma by the Miercurea Ciuc authorities © AI

Right: A Roma woman collects parts of her home after it was demolished by the Belgrade authorities, Serbia © AP

Below: Roma who were evicted from the town centre of Miercurea Ciuc to a site next to a sewage plant © AI

'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.'

UN Committee on Economic, Social and Cultural Rights

In Romania, where the Roma make up about 10 per cent of the population, a pattern of forced evictions, or threatened forced evictions, perpetuates racial segregation. On the rare occasions when the authorities offer alternative housing, it is often build in precarious conditions and lacks basic facilities such as water, heating and electricity. In recent years Romani communities have been relocated next to garbage dumps, sewage treatment plants or industrial areas on the outskirts of cities.



DUMPED NEXT TO A SEWAGE PLANT

In 2004 the municipal authorities of Miercurea Ciuc in central Romania forcibly evicted more than 100 Roma from a crumbling building in the town centre. Twelve Romani families had been legally resident in the building for many years, while the remaining residents had moved in or built shacks in the yard without any form of legal tenancy.

After the eviction, the 12 legally resident families were housed in eight metal cabins next to a sewage plant on the edge of town. The authorities assured them that this was a temporary solution - but six years on most of the families are still there. The remaining residents were offered no alternative accommodation and most resorted to building shacks alongside the metal cabins.

been in discussion with the municipal authorities, who owned the town centre building, over its dilapidated state. But they were not consulted about the decision to evict them. No alternative to eviction, nor any alternative relocation



For years, the Romani residents had

site, was ever considered or offered.

The relocation site smells of sewage and is inside the 300-metre protection zone required by law to separate human habitation from potential toxic hazards. A sign next to the cabins reads 'Toxic danger'. There is only one tap at the site, and only four toilet cubicles for the whole community. The cabins are overcrowded and offer limited protection from heat, cold, rain or wind.

One of the residents, Ilana, told Amnesty International: 'The houses fill up with that smell. At night also ... the children cover their faces with the pillows. We don't want to eat when we [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'.

Members of the community told Amnesty International that they had complained repeatedly to the authorities, but no-one listens. The Mayor's office claims that efforts to relocate the community to new housing failed because of complaints by neighbours who did not want to live next to Roma.

CAMPAIGNING FOR ROMA RIGHTS

Amnesty International's work on the rights of Roma forms part of our global Demand Dignity campaign, focusing on the human rights abuses that are a cause and a consequence of poverty. We work with Roma communities and rights activists. Amnesty International is a member of the European Roma Policy Coalition, an informal gathering of Romani and non-Romani organisations advocating Roma and Travellers' rights in the European Union.

European intergovernmental organisations - including the Organisation for Security and Cooperation in Europe, the Council of Europe and the European Union – have launched various initiatives to address the situation of the Roma. But these have suffered from a lack of concrete targets, uneven implementation and and ineffective monitoring. There has been little concrete improvement in respect for the rights of the great majority of Roma.

Amnesty International is calling on governments across Europe to break the cycle of prejudice, poverty and human rights violations that keeps the Roma on the margins of society. This requires comprehensive, pro-active policies to promote the social inclusion of Roma and combat entrenched discrimination in public service provision as well as in society at large. These policies should be developed in consultation with Roma communities and the organisations that represent them.

Amnesty International is also calling on European governments to:

- Adopt and implement housing policies to improve the living conditions of marginalised Roma, ensure that Roma have equal access to social housing, and combat segregation in housing
- Prevent forced eviction of Roma camps and settlements
- Combat educational discrimination against Roma and stop their segregation in mainstream education and special schools
- Adopt special measures to increase the access of Roma to all levels of education and increase their participation in education
- Give greater priority to combating anti-Roma racism and react robustly to racist speech by officials
- · Respond more effectively to raciallymotivated crime and invest greater resources to do so
- Develop policies and training programmes to combat anti-Roma prejudice in police services and courts.



ROMA IN EUROPE FIND OUT MORE

Amnesty International reports on Roma are available at **www.amnesty.org**

GENERAL

Left out: Violations of the Rights of Roma in Europe, Amnesty International 2010 EUR 01/021/2010

EDUCATION

Roma Children Still Lose Out: Segregation persists in Slovak schools despite new law, Amnesty International 2009 EUR 72/004/2009

A Tale of Two Schools: Segregating Roma into special schools in Slovakia, Amnesty International 2008 EUR 72/007/2008

Still Separate, Still Unequal: Violations of the right to education for Romani children in Slovakia", Amnesty International 2007 EUR 72/001/2007 Injustice Renamed: Discrimination in education of Roma persists in the Czech Republic, Amnesty International 2009, EUR 71/003/2009

HOUSING

Treated Like Waste: Roma homes destroyed, and health at risk, in Romania, Amnesty International, 2010 EUR 39/001/2010

The Wrong Answer: Italy's 'Nomad plan' violates the housing rights of Roma in Rome, Amnesty International 2010 EUR 300/001/2010

Stop Forced Evictions of Roma in Europe, Amnesty International 2010 EUR/01/005/2010

Serbia: Stop the forced evictions of Roma settlements, Amnesty International 2010 EUR 70/003/2010

DISCRIMINATION AND RACISM

Violent Attacks Against Roma in Hungary: Time to investigate racial motivation, Amnesty International 2010 EUR 27/001/2010 EU-MIDIS Data in Focus Report 1: The Roma, European Union Agency for Fundamental Rights 2009 http://fra.europa.eu/fraWebsite/roma/ roma_en.htm

HISTORY

Council of Europe factsheets on Roma history www.coe.int/t/dg4/education/roma/ histoculture_EN.asp

USEFUL WEBSITES

www.amnesty.org.uk/roma

Fight Discrimination in Europe www.fightdiscrimination.eu

European Roma Rights Centre **www.errc.org**

European Roma Information Office www.erionet.org

European Roma Grassroots Organisations Network www.ergonetwork.org

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