

## AMNESTY INTERNATIONAL

### Statement for working Session 1: Tolerance and non-discrimination I

#### Time for serious action to end discrimination and racism against Roma in Europe

Amnesty International wishes to highlight its concerns over the continued discrimination and human rights violations faced by Roma across Europe. Hundreds of thousands of Roma have been forced to live in informal settlements and camps, often without heating, water or sanitation; tens of thousands are forcibly evicted from their homes every year. Thousands of Romani children are placed in segregated schools and receive a substandard education. Roma are often denied access to jobs and quality health care. They are victims of racially motivated violence and are often left unprotected by the police and without access to justice.

Governments across the region are failing to protect their rights. This is not a coincidence. It is the result of widespread discrimination and racism that Roma face throughout Europe. Integration Strategies at the national level are often ill-conceived, not adequately funded and do not include strong measures to effectively tackle anti-Roma discrimination and racism.

#### Education

Segregation of Romani children in inferior schools continues in countries across the region. In the **Czech Republic**, according to the Public Defender of Rights, Romani children make up approximately 35 per cent of pupils in schools designed for pupils with 'mild mental disabilities' (renamed "practical schools"), a wholly disproportionate figure given the fact that Roma are only estimated to comprise less than three per cent of the total population. Apart from segregation by placement in "practical schools", Romani pupils are also subjected to segregation within mainstream schools. The development of Roma-only classes is a result, *inter alia*, of the inability of Czech schools to deal with "difference". Recent research by Amnesty International and the European Roma Rights Centre (ERRC) confirms that Roma children are still significantly over-represented in segregated environments and taught according to a limited curriculum in disproportionate numbers. Segregation is actually increasing in some places. Children are now being placed in Roma-only classes, or studying a limited "practical" curriculum, in schools identifying themselves as mainstream elementary schools. Segregation in Roma-only schools persists, beginning at preparatory level.

There is no evidence that the transformation of the education system has translated into the transfer of any significant number of pupils from former special schools to inclusive mainstream schools, nor from studying a reduced curriculum to a full curriculum. Through its systematic discrimination, the school system is clearly continuing to fail Romani children. On completing their elementary education, many Roma are barely able to read or write and are not equipped for secondary level. Unsurprisingly, a substantial number of Roma pupils leave school with no qualifications at all.

In **Slovakia**, according to a 2012 United Nations Development Programme (UNDP) survey, around 43 per cent of Roma in mainstream schools were enrolled in ethnically segregated classes. By failing to introduce a comprehensive national reform the Slovak government is tolerating unlawful discrimination on the grounds of ethnicity in education. Last year, on 30 October 2012, the Regional Court in Prešov, eastern Slovakia, provided the Roma community with a glimmer of hope. It ruled that the placement of Romani pupils in separate classes at an elementary school in the village of Šarišské Michaľany was a violation of the Anti-Discrimination Act and an infringement of human dignity. The school was ordered to change the arrangements for Romani pupils by the beginning of school year 2013/2014.

The case highlighted how individual schools and local authorities lack the understanding of what constitutes discrimination and segregation. Despite this, the government of Slovakia is still failing to adopt wider systemic measures to address the widespread discrimination and segregation of Romani children in Slovak schools.

More wake-up calls for the need of governments to tackle segregation came as the European Court of Human Rights ruled on two more cases, brought against Hungary and Greece. In the case of *Horváth and Kiss v Hungary* the Court ruled in January 2013 that **Hungary** had violated the European Convention on Human Rights by segregating Romani children in a special school. The

judgment brought to an end a legal struggle that began in 2006. The Court noted that Roma children had been over-represented in the past in special schools due to the systematic misdiagnosis of mental disability as a result of the use of outdated and culturally-biased tests.

It also highlighted Hungary's "specific positive obligations to avoid the perpetuation of past discrimination or discriminative practices disguised in allegedly neutral tests" and the need for Hungary to change this practice. The applicants in the case were represented by the Hungarian organization Chance for Children Foundation and the Budapest-based European Roma Rights Centre.

In a unanimous ruling on the case of *Lavida and Others v. Greece*, the Court found that "the continuing nature of this situation and the State's refusal to take anti-segregation measures implied discrimination and a breach of the right to education". This was the third ruling by the European Court involving Greek schools; however, **Greece** has failed to change its ongoing discrimination against Romani schoolchildren and the flagrant violation of their right to education. The latest case was brought by a national NGO, the Greek Helsinki Monitor (GHM) on behalf of 23 Romani schoolchildren from the town of Sofades, in the central Greek region of Thessaly. According to GHM, at the beginning of this school year, Romani children continue to be excluded from or segregated in education in various areas of Greece, such as Komotini, Sofades, Aspropyrgos and Spata.

## **Housing**

Hundreds of thousands of Roma in Europe live in ethnically segregated, informal settlements or camps as a result of policies that deny them other housing options. Often, they do not have security of tenure, are targeted with forced evictions and sometimes are relocated to areas where their health is at risk.

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

On 7 August 2013 37 Roma families were forcibly evicted from their homes in Tirana, **Albania**. Neither the Tirana municipal authorities nor the government have done anything to assist them or provide them with alternative housing. Some of the Roma families have lived for 10 years on the site of the former Centre for the Realization of Works of Art in Rruga Kavaja before they were evicted. That morning, contractors demolished seven or eight makeshift homes, before the police responded to calls from the Office of the People's Advocate (Ombudsperson) and the OSCE in Tirana, and stopped any further forced evictions and demolition. The Director General of the State Police also ordered the company to stop work on the site, and asked that construction be stopped until a housing solution was found for these families.

By then, however, Roma families had left the site: even those whose homes were not destroyed were too frightened to go back. Along with those whose houses were demolished, many Roma slept in the street. Another 30 families left the area in late July or early August when they were threatened by company workers and told that their homes would be demolished.

In **France** camps and makeshift homes inhabited by Roma continued to be dismantled in forced evictions throughout the year. In 2012, according to surveys conducted by the French Human Rights League (Ligue des Droits de l'Homme – LDC) and the ERRC, 11,982 migrant Roma were driven out of squats and slums where they were living, usually as a result of either an eviction by the authorities, a fire, an accident or an attack. This number increased sharply in the first two quarters of 2013, reaching 10,174, the highest since the surveys started in 2010.

The French authorities' evictions of Romani communities across the country continue to flout international law a year after the government published an inter-ministerial circular aiming at regulating evictions from informal settlements.

On 27 August 2013 Amnesty International's France researcher witnessed the forced eviction of 150 Roma from a camp in Bobigny outside Paris. Beginning early that morning, police carried out the forced eviction of Romani families, including some 60 children, from the camp, where some families had been living for up to three years. The site of the informal settlement in Bobigny belonged to three different owners. Eviction orders had been rendered for two of the three plots of land, yet the entire settlement was evicted. No one received adequate notice and information, no consultation

was carried out with the families, and only three families received temporary shelter. The rest were made homeless.

In May 2013, in a ruling welcomed by Amnesty International **Italy's** Supreme Court declared the so-called "Nomad emergency" unlawful and unfounded, a key victory in the struggle to end discrimination against Roma communities around the country. The Court's decision upheld a November 2011 ruling against the state of emergency declared by the government in May 2008, which has led to widespread human rights violations and increased discrimination against Romani people. Roma were targeted in an unlawful census based on ethnicity and deprived of safeguards against forced evictions, which resulted in thousands being made homeless in several Italian cities. They were also increasingly segregated in camps set up by the authorities.

However, the ruling did not bring an end to forced evictions and discrimination Roma face in access to housing. Amnesty International, ERRC and Association 21 Luglio documented the recent forced eviction, on 12 September, of 35 Roma families from the informal settlement of Via Salvati, on the eastern outskirts of Rome. The eviction came as a result of Ordinance 184 by the Mayor of Rome who ordered the immediate evacuation of the informal camp and the relocation of the people to the Castel Romano camp. The Roma inhabitants had protested the order, saying they did not want to live in a ghetto, which the mono-ethnic segregated and isolated Castel Romano camp represents.

The inhabitants of the camp had voluntarily left Castel Romano in June. The local authorities had transferred them there in 2010, after their eviction from the La Martora camp, as part of Rome's "Nomad Plan". The eviction did not comply with procedural safeguards enshrined in international human rights standards that Italy has subscribed to due to the failure of the authorities to conduct a genuine consultation with Roma families concerned and the absence of adequate alternative housing.

Amnesty International is concerned that in Rome a two-track system applies to accommodate those in need of housing support. A recently adopted local policy on housing prevents Romani families from escaping segregated formal camps in the city. Romani families who live in formal camps have been told by Rome's authorities they cannot receive the points they need to give them a concrete chance to access social housing, as they are already living in 'permanent structures'. Amnesty International and other organizations are deeply concerned that Roma in Rome continue to be ethnically segregated in formal camps, the only places where they have been offered housing. The end of such segregation can only be achieved if Romani families living in camps are allowed equal access without discrimination to other forms of housing, including social housing.

In August 2013 in Baia Mare, **Romania**, approximately 25 Roma families living in the informal settlement of Craica were forcibly evicted from their homes by local authorities, following previous forced evictions from the same settlement in 2012. On 2 August 2013, 30 families received demolition orders issued by the local police. The authorities informed residents their property lacked the necessary authorization and had to be demolished by 5 August. The affected residents themselves demolished their houses out of fear that a failure to do so would result in demolitions being carried out by the local authorities and possibly also in fines. The demolitions were thus carried out under duress and were not voluntary. Those affected by the demolitions were not provided with any alternative housing and were rendered homeless. A number of them stayed with their possessions in Craica: sleeping rough.

This latest forced eviction is not unique. What we see in Romania is the deliberate expulsion from the society of vulnerable people who live below or on the poverty line and suffer from inadequate housing conditions. The current housing legislation in Romania falls far short of the international standards adopted by the Romanian government. Legislative flaws allow local authorities to sweep away long-established Romani communities entirely and – when not rendering people homeless – relocating them to inadequate housing, out of sight of the rest of the population, under the pretext of 'inner-city regeneration' and 'development'. Such relocations often result in further marginalization and poverty and go against the government's policies to combat social exclusion of Roma and other vulnerable groups.

In April approximately 30 Roma families were forcibly evicted from an informal settlement at Vidikovac in Čukarica municipality in Belgrade, **Serbia**. The forced eviction, which began on 22 April and continued the following day, was carried out by the Belgrade city authorities and Čukarica

municipal authorities, with complete disregard for Serbia's international and regional human rights obligations. Authorities have described the forced eviction as a "cleaning operation", showing a callous lack of respect for the human rights of the affected Roma. Municipal and city officials told the affected Roma that they were carrying out a "cleaning operation", based on a decision by the Communal Inspectorate. The city of Belgrade's website featured a report on the forced eviction of the Roma families with the headline, "Cleaning the communal mess in Čukarica", (Uklanjanje komunalnog nereda na Čukarici).

The residents of the affected informal settlement in Čukarica did not receive any warning of the eviction: they were not consulted in advance nor were they provided with eviction notices, as required by law. Many people were unable to rescue their possessions before the bulldozers moved in. The affected families were not offered compensation for their damaged possessions and no adequate alternative housing was provided. Many of the affected Roma had been forcibly evicted from the Belvil settlement a year ago, and sent to inadequate or non-existent housing in southern Serbia. With no possibility of employment, they had returned to Belgrade in search of work. Others, from the village of Tibuzde, near Vranje, have been living at the settlement in Vidikovac for years, after their entire village in southern Serbia was destroyed. Amnesty International considers the way in which this eviction was conducted, under cover of a "cleaning operation", underscores the absolute necessity for a law prohibiting forced evictions.

### **Racially-motivated violence and police ill-treatment**

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

In the **Czech Republic** Romani communities have faced increased intimidation as a result of marches organized by far-right groups in towns with significant Roma population often passing through the Roma neighborhoods. Several thousand Jobbik supporters marched through a Romani neighbourhood in the town of Miskolc, **Hungary** on 17 October 2012. They were reportedly chanting anti-Roma slogans. Hundreds of Roma held a peaceful counter-demonstration. NGOs acknowledged that the police acted with due diligence to protect the Romani inhabitants from attacks.

In August 2013 a Budapest court found guilty four people, all known for supporting far-right ideology, over the racially motivated murders of six Roma, in a series of attacks against Roma between March 2008 and August 2009 in the northeast of the country. Three were given life sentences while the fourth man received 13 years in prison for collusion. However, research by Amnesty International suggests hate crimes against Roma remain a serious concern in Hungary, while police lack the guidelines to thoroughly and effectively investigate them.

Amnesty International is additionally concerned at reports of police targeting Roma communities and excessive use of force used in policing operations targeting Roma. In a recent case on 19 June 2013, 63 police officers entered the settlement in Budulovská Street in Moldava nad Bodvou, **Slovakia**, aiming to carry out an investigation into "increased criminal activity". The police action reportedly resulted in injuries to over 30 individuals who – according to the media and the community activists – did not resist or obstruct the police. Among the injured were reported to be young children. Amnesty International has been calling for an investigation into allegations of excessive use of force during the police action.

### **Recommendations**

Amnesty International is calling on all OSCE participating states to ensure that:

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

