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The discrimination of Roma in Europe: A Human Rights Perspective

Speech by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe
at the seminar on Roma rights organised by the ABF - Workers' Educational Association in Stockholm

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Roma and Travellers continue to be subject to racism and pervasive discrimination across all social sectors in most of the 47 Council of Europe member states.

In its 2008 Recommendation on *policies for Roma and/or Travellers in Europe* the Council of Europe Committee of Ministers recognized that Roma and Travellers have faced, for more than five centuries, widespread and enduring discrimination, rejection and marginalisation all over Europe and in all areas of life; that they were targeted victims of the Holocaust; and that the forced displacement, discrimination and exclusion from participation in social life have resulted in poverty and disadvantage for many Roma and Traveller communities and individuals across Europe.

Indeed Europe cannot be proud. It is a continent where forced sterilization of Roma women was a state-backed policy in certain countries at least until 1990 and where segregation of Roma children in schools still persists. Progress in tackling poverty among Roma and enhancing their socio-economic status is either non-existent or slow.

The case of Roma in Europe is a clear example of continuing institutional racism: states have clearly failed to provide services and effectively protect the human rights of the largest national minority in Europe.

Anti-Gypsyism, in the sense of a widespread, deeply rooted prejudice and intolerance against Roma people all over Europe, has been identified as a crucial cause for this situation. For this reason I have focused extensively on combating this phenomenon throughout my mandate as Council of Europe Commissioner for Human Rights.

No national or regional programme aimed at improving the situation of Europe's Roma populations can be successful without resolute action to combat anti-Gypsyism. States must therefore promote Roma culture, knowledge of Roma history¹ and effectively combat hate speech.

In April 2009 I published a report following my visit to Italy and expressed concern at the continuing climate of intolerance vis-à-vis Roma and Sinti, the lack of institutionalised dialogue between these groups and the authorities, and the persistence of unacceptably low standards of living in a number of Roma settlements.

I was deeply concerned about the large-scale census operation in Roma and Sinti settlements, which was managed by the police and linked to a 'state of emergency' and a 'widespread public alarm'. However, I

¹ See the Council of Europe *Factsheets on Roma History*: <http://romafacts.uni-graz.at/>.

welcomed the willingness of the Mayor of Rome to consult with Roma representatives and improve their living conditions, and the central authorities' commitment to addressing statelessness among Roma.

Last October I visited Hungary. In a letter I addressed to the Prime Minister of this country I expressed my grave concern at the rise of extremism, intolerance and racist manifestations that had targeted, in particular, members of the Roma population.

The cold-blooded murders of Roma, including a five-year-old child, in Hungary in 2009 were another illustration that the risk of anti-Roma violence is still present.

Of special concern to me was the public use of anti-Roma speech by certain public figures in Hungary and the lack of strong condemnation of and effective measures against the reoccurrence of such incidents.

The latest, widely publicized incidents of anti-Gypsyism concerns France. During the ongoing government campaign in France against crime, Roma from other EU countries have been targeted as a "threat against public security".

I am afraid that French government spokespersons have failed to make a clear distinction between the few who have committed crimes and the whole group of Roma immigrants.

One should not trivialise the consequences of negative statements by leading politicians. The unfortunate rhetoric by some candidates in the Italian election in 2008 was followed by ugly incidents of violence against Roma individuals and camps. Distorted minds had understood the political messages as an encouragement for action.

There is no doubt that the protection of the human rights of Roma in the context of their migration or exercise of freedom of movement in Europe is a major challenge.

Roma migrants are faced with a double jeopardy, in that migration makes life even harder for those who already face a plethora of serious, discrimination-related problems. The protection of the human rights of Roma on the move in Europe must be placed high on the European agenda.

For this reason in April 2009 I published, together with the High Commissioner on National Minorities of the OSCE, a study on "Recent Migration of Roma in Europe"². The study provides an analysis of the existing human rights standards concerning migration in Europe and highlights discriminatory practices that Roma migrants still face. It concludes with a set of recommendations for action by member states in order to enhance the effective protection of the human rights of Roma migrants in Europe.

I hope these recommendations will be discussed at governmental level now when this issue has been put on the European agenda.

A specific issue relating to the migration of Roma is the forcible returns of Roma to places where they are at risk of treatment contrary to Article 3 of the European Convention on Human Rights, which prohibits torture, inhuman or degrading treatment or punishment.

I have dealt extensively with forcible returns of Roma, Askhali and Egyptians to Kosovo.³ In July 2009 I published a report on the human rights situation in Kosovo in which it was concluded that the latter did not

² Available at: http://www.coe.int/t/commissioner/activities/themes/RomaRights_en.asp.

³ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

have the infrastructure to allow for sustainable reintegration of refugees. This was all the more true for the Roma, “the biggest minority in Europe subject to wide and systematic discrimination”.

Both UNHCR and the Council of Europe Parliamentary Assembly have called on European states to refrain from forcibly returning to Kosovo individuals who might still be in need of international protection. Roma from Kosovo have specifically identified by UNHCR as persons still in need of international protection. This position has my full support.

Of particular concern is the fact that a number of Roma forcibly expelled from Council of Europe member states (especially Germany, Sweden, Austria and Switzerland) had returned to the lead-contaminated camps of Česmin Lug and Osterode in Northern Mitrovica, inhabited for a decade now by Roma families, including children, with seriously negative effects on their health.

Another visit to Kosovo last February showed that the situation there remains critical. I follow up on the situation and continue to stress the need to close as soon as possible these camps and provide safe accommodation and decontamination treatment to all Roma inhabitants.

The issue of Roma without personal identification documents (de facto stateless), notably in the area of former Yugoslavia or in countries hosting Roma refugees and their children coming from this area, has been another major concern. I have put it on the table in discussions with a number of European governments.

It is not acceptable that people in Europe in 2010 are in effect deprived of their right to a nationality – a basic human right.

Since 1989, the issue has been particularly pronounced in countries that adopted new citizenship laws in the context of state succession (particularly Croatia, the Czech Republic, “the former Yugoslav Republic of Macedonia” and Slovenia), as well as where other large-scale transformations of the legal regime governing citizenship and/or personal documents has taken place (e.g. Russia).

An important EC-UNHCR project targeting in particular persons without personal identification documents in South East Europe is going on since February 2008. UNHCR has been successfully implementing this project in the region (‘Social Inclusion - regional support to Marginalised Communities’) which has so far benefited some 30 000 people directly and many more indirectly. I do hope that the European Commission will continue to support this project which is important for the lives of so many stateless persons.

The Council of Europe, through its international instruments and monitoring bodies, has clearly established the standards and obligations with which member states must comply in order to address continuing problems of statelessness and lack of personal documents among Roma.

I believe that the identification and effective implementation of durable solutions for the Roma refugees, wherever they are in Europe today, can no longer be postponed.

The best possible solution for Roma and their children unable to return home in safety and dignity is local integration through a process which will ultimately lead to the acquisition of nationality.

In conclusion, I firmly believe that the structural human rights problems that surround the question of protection of Roma in Europe pinpoint the need for states to adopt and implement a *systematic work* for the promotion and protection of human rights, including those of Roma.

Such systematic work can be based on the following guidelines:

European states should adopt comprehensive, coherent and adequately resourced strategies to improve the situation of Roma. These need to include positive measures and to tackle discrimination and anti-Gypsyism. States also need to firmly anchor change through adopting and fully implementing comprehensive anti-discrimination legislation and laws against racially motivated violence and hate speech.

Roma must be empowered as key partners in the implementation of their rights and must be allowed to take an active part in the administration of public affairs. Political participation, voter registration and civic education should be promoted, and mechanisms for equal, direct and open consultation with Roma representatives and communities should be established at European, national and local levels.

European states must take steps to put an end to the problem of de iure or de facto statelessness still affecting many Roma.

Authorities must take urgent steps to provide basic documents, as well as effective access to health care and social security, to Roma who lack them. Ensuring access for Roma to legal aid is one of the key measures in this context.

The education of Roma children should be inclusive and desegregated; this entails taking steps to increase the attendance of Roma children in mainstream schools and to prevent dropping out. Particular attention should be paid to promoting the education of Roma girls. Pre-school education should be encouraged and barriers to school attendance must be eliminated. Furthermore a range of positive measures are needed, providing additional support and assistance to Roma and teachers and improving mutual communication.

Authorities must guarantee the rights of Roma to live with dignity in adequate housing, including the provision of all public utilities. Roma settlements lacking recognised tenure should be formalised, and forced evictions carried out in violation of human rights standards and procedural safeguards must be stopped.

Sufficient short and long-term caravan sites in line with basic standards of decency should be provided for Travellers as well as other housing possibilities enabling them to live on private land in caravans.

Access to employment should be facilitated through effective anti-discrimination legislation, the identification and removal of discriminatory barriers and targeted financial help, including tax breaks. It is also important to further develop vocational training.

States must take firm action against all forms of police violence and abuse directed towards Roma, through adequate investigations and sanctions. Police training should be oriented towards non-discriminatory policing and members of Roma communities should be recruited into the police.

Vigorous measures are needed to combat racially-motivated violence against Roma, including unequivocal condemnation by political leaders, penalising such violence, systematically investigating and prosecuting all offences, and encouraging victims to report incidents.

Sustained efforts are needed to eliminate negative stereotyping of Roma from political discourse and the media. A message of non-discrimination, tolerance and respect for people from another background should be promoted. It is also essential to raise public awareness about Roma history and the diversity of their identities, as well as the persecutions and genocide that they have suffered.⁴

Such systematic human rights work at national level is absolutely necessary in order for states to put an end, some day soon, to the pariah status of Roma in Europe.

The challenge remains for decades in front of European states and possible solutions *are* available.

What seems to be still missing is the sense of responsibility and determination of Europe's political leaderships.-

⁴ See also Commissioner's Positions on the human rights of Roma, 30 May 2010, <https://wcd.coe.int/ViewDoc.jsp?id=1631909>.