

Various patterns of discrimination against Roma and other minority groups perceived as “Gypsies,” and violations of their basic human rights continued unabated in 2006. In the following summaries of a number of areas of concern in the OSCE region are addressed.

Coercive sterilization of Romani women

2006 was noteworthy for publication of a report by the Czech ombudsman, acknowledging that coercive sterilization was a problem in the *Czech Republic*, a fact that was first reported by Charter 77 in 1978 and regularly since then.¹ Czech law and policy-makers, however, remained silent following publication of the ombudsman’s report. No public apology to the victims was forthcoming, nor were any of the ombudsman’s recommendations implemented by the year’s end.

By contrast with the actions of the Czech ombudsman, Slovak officials continued to deny that there has been any wrongdoing in *Slovakia* in relation to the coercive sterilization of Romani women. In August, the United Nations Committee on the Elimination of Discrimination Against Women ruled that *Hungary* had violated the Convention on the Elimination of All Forms of Discrimination Against Women by failing to provide due remedy to a Romani women coercively sterilized by Hungarian doctors.

Forced evictions from housing

An escalation and intensification of forced evictions of Roma from housing in Europe was a major negative development in 2006. Countries including *Bulgaria*, the *Czech Republic*, *Hungary*, *France*, *Greece*, *Italy*, *Russia*, *Slovenia*, *Slovakia*, *Spain*, *Turkey* and others, continued to force thousands of Roma into segregated and extremely substandard conditions and deprived them from access to basic social



Young Romani boys collecting scrap metal and glass at the Novomoskovsk municipal dump, Ukraine.(c) ERRC/Leach

and economic rights by expelling them forcibly from housing. For example:

◆ Turkish authorities dramatically stepped up efforts to destroy Romani housing, including whole Romani neighborhoods. Forced evictions of Roma were sometimes reportedly accompanied by police violence and executed in contravention to due process and other housing rights guarantees. For instance, on 20 July, police and municipal officials demolished 120 houses of Roma in Küçükbakkalköy neighbourhood, in Kadıköy, Istanbul, as part of the urban transformation project of the Istanbul Metropolitan Municipality.

The housing issue became extreme enough to prompt the issuance of a statement on the matter by the Council of Europe’s Commissioner on Human Rights. In his “Forced Evictions of Roma Families Must Stop” statement, Commissioner Hammarberg said,

“National, regional and local authorities have to take action now. In a recommendation dating from 2005, the Committee of Ministers of the Council of Europe has given clear guidance to all member states on improving the housing conditions of Roma. Instead of evicting Roma families their right to adequate housing should be respected. One precondition is an effective consultation with the Roma themselves. 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. This makes it particularly important that governments are alert to the risk of unfair and degrading treatment of Roma – also by local authorities.”⁹²

Failure of justice systems to remedy extreme harms

Authorities throughout the OSCE region failed as a matter of systematic practice to provide due remedy for extreme hu-

man rights harms where Roma were victims, perpetuating a cycle of impunity for such violations and entrenching the weakness of persons stigmatised as “Gypsies”. For example:

◆ *Germany* carried out on an ongoing basis serial expulsions of foreign Roma and others regarded as “Gypsies.” They were expelled, inter alia, to *Kosovo*, disregarding a number of high-level recommendations by international organizations not to do so. No German authority managed to stop this practice, to provide remedy to victims, or to sanction perpetrators for violations of international law in this area. In *Kosovo*, courts failed to bring perpetrators of anti-Gypsy violence or other acts to justice and UNMIK officials reportedly actively attempted to block prosecutions against perpetrators in *Serbia*.

◆ In *Russia*, in most cases of serious breaches of human rights perpetrators remained totally or partly immune from prosecution, and victims remained as a



Roma in the village of Jesenj, Uzhgorod Province of Western Ukraine. (c) ERRC/Romani Yag

rule entirely precluded from just remedy. This happened in a climate and public culture of tolerance of or even promotion of racist harms. Russian authorities failed to condemn such harms publicly.

Racial discrimination remained a matter of near-complete impunity in a number of countries, despite strong European Union (EU) rules specifying detailed laws. Countries, which have never provided any form of justice to Romani victims of racial discrimination or where instances of redress can be counted on the fingers of one hand include *Italy, Spain, Greece, Slovakia, Poland, Ukraine, the Russian Federation, the Czech Republic, Austria* and a host of others.

◆ Ukrainian laws were not sufficient to adequately protect against or punish acts of racial discrimination. The absence of any comprehensive anti-discrimination law in *Ukraine* made it virtually impossible for victims of discrimination in Ukraine to use legal means to secure justice. Furthermore, even in areas where some legal provisions and mechanisms did exist, government authorities and the judicial system continued to be unable or unwilling to utilize them to bring about meaningful change for Roma in Ukraine. Haunting nearly all aspects of the human rights situation of Roma in Ukraine was a pattern of violence by public officials and private parties, rarely if ever provided with any form of adequate due legal remedy.

Racial segregation in education

The consistent failure of governments to implement school desegregation policies of Roma in the past decade demonstrates the need for introducing a legally binding obligation to desegregate Romani education and integrate the Roma and other excluded groups in mainstream education. Despite the fact that school segregation of Roma has been acknowledged

as a problem by several OSCE participating states, school desegregation actions so far have been non-existent or close to non-existent (*the Czech Republic, Slovakia*); such actions have been abandoned by the state to the domain of civil society (*Bulgaria*); or the effective implementation of such actions has been blocked by resistance at the local level and lack of accountability or enforcement (*Hungary*).

◆ In the case of Hungary, desegregation policy was made operative primarily through financial incentive mechanisms, with few or no sanctions applied to schools refusing to implement or otherwise opting out of the integration policy. The lacuna of enforcement provided leeway for educational authorities at local level to opt out of such policies.

◆ In *Macedonia*, violations of the right of Roma to education took the form of discriminatory and segregationist practices such as the segregation of Romani children into so-called “Roma classes,” in classes for the mentally disabled or even within classrooms; racially-motivated abuse in school; and the apathy of Macedonian school authorities in combating low attendance and high drop-out rates among Romani school-age children and, in particular, Romani girls.

To ensure that school desegregation is implemented, governments should adopt desegregation laws imposing a positive duty on educational authorities to integrate Romani children in mainstream education. Governments should adopt school integration legislation imposing a duty on educational institutions and other relevant authorities to eliminate segregated schooling of Roma and other groups in disadvantaged positions.

Systemic exclusion from employment

Access to employment for many Roma across the EU, and especially in Central

and Eastern Europe, was seriously impaired by raw and frequently open and explicit discrimination in recruitment practices. Working conditions and advancement prospects for employed Roma were also significantly constrained by direct and indirect discrimination.

Employers in the public and private sector alike were not under serious threat of financial loss in case of discrimination, because sanctions imposed by anti-discrimination laws were usually not dissuasive, especially for larger companies. Recent ERRC research indicated that despite existing equality legislation prohibiting discrimination on the grounds of ethnicity, many companies appeared unconcerned and took no positive measures to ensure that they comply with the legislation or to ensure that equality in employment was effective in their hiring and employment practices.³

Neither public nor private sector enterprises, particularly in Central and Eastern Europe, were making serious effort to apply equal opportunity or diversity policy.

◆ Discrimination played a very significant role in the systemic exclusion of Roma, Egyptians and Ashkalis (RAE) from employment throughout *Kosovo*. While unemployment in *Kosovo* was generally high, it was close to 100% in many places for RAE minorities. Apart from an insignificant number of individuals who worked in civil service and the municipal offices, very few

others had permanent employment. RAE (as well as minorities in general) reported that they were entirely or nearly entirely excluded from the workforce after privatisation of *Kosovo* enterprises. High levels of unemployment and lack of access to social benefits resulted in severe deprivation for many RAE families.

Governments should introduce legislation which provides a strong and regulated approach to achieving equality in employment.

Ethnic data

A major obstacle to measuring the magnitude of discriminatory treatment and social exclusion affecting Roma was the failure of governments in many states (including in the EU) to generate and make available in a form readily comprehensible to the general public aggregate data on the situation of the Roma and other minority groups in fields such as education, health-care, housing, social services and in other areas relevant for social inclusion.

Moreover, the lack of statistical data on the situation of Roma in various sectoral fields makes the design, monitoring and evaluation of policies and programmes difficult and unreliable. Local and regional data collection and evaluation mechanisms should complement national data collection strategies, in order to facilitate comprehensive analysis of the interplay between local and national strategies.

SOURCES FOR FURTHER INFORMATION:

◆ European Roma Rights Centre, www.errc.org

Recent ERRC publications in include:

- ◆ *Roma Rights*, quarterly, at www.errc.org/Romarights_index.php
 - ◆ *Ukraine: Proceedings Discontinued: The Inertia of Roma Rights Change*, in December 2006
 - ◆ *Ambulance Not on the Way: The Disgrace of Health Care for Roma in Europe*, October 2006
 - ◆ *Proceedings Discontinued: The Inertia of Roma Rights Change in Ukraine*, December 2006
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Endnotes

- ¹ Coercive sterilization of Romani women in the Czech and Slovak Republics have included cases of sterilization without any form of consent, with consent obtained by coercion, or following consent without providing information on alternative contraceptive measures.
- ² 4 September 2006, www.coe.int/t/commissioner/Viewpoints/060904_en.asp.
- ³ For a summary of the research see Ann Hyde. "Tackling the Systemic Exclusion of Roma from Employment". In *Roma Rights*, "Exclusion from Employment", 1/2006. Publication of the full research by the ERRC is forthcoming.