



**Violence towards the Roma people
in the European Union**

**Draft report of the European association for the defense of
human rights**

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PROJET

Preamble

In accordance with the priorities agreed upon during the General Assembly in Luxembourg in May 2011, AEDH has begun the interpellation and documentation of violence towards the Roma in the European Union. The first stage of this project consisted in the publication and widespread dissemination of a press release titled "Violence against the Roma in the European Union must stop" on November 24th, 2011. The seminar on the Roma people in Europe organised by AEDH in Brno on April 27th, 2012 is an important second stage; it indeed brings together AEDH member organisations and allows them to discuss this problem of major importance in the EU, in order to shape a common position.

In order to build a truly citizen-based human rights movement which represents the European civil society, from every Member State, it is crucial that AEDH take into account its members' experiences and points of view. This is why, in this draft report on violence against the Roma, as for every position-taking, AEDH deems that the consultation of its members and their agreement is essential, as they are the only guarantors of the veracity and relevance of the information collected by AEDH.

This draft report is therefore submitted to you as a basis for work and discussion during the seminar on the Roma in Europe on April 27th 2012, as well as during the General Assembly debate on AEDH priorities on April 27th and 28th, 2012. It is based on internal research and member contributions.

Meeting us and debating in Brno will allow AEDH to gather comments, thoughts and further information arising from this draft report, which will be included in the definitive version. Several points may be developed in depth if member leagues or seminar participants wish to do so. We ask all member leagues to correct, amend and complete this draft before editing a definitive report.

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Violence suffered by the Roma in Europe

The European Association for the Defense of Human Rights (AEDH) wishes to firmly condemn the violence suffered by the Roma in Europe.

The Roma¹ form the biggest transnational European minority, representing 10 to 12 million people. According to the European Commission, *"the Roma living in Europe are confronted to biases, intolerance, discriminations and social exclusion in their daily lives. They are marginalised and live in extremely poor socioeconomic conditions"*².

In its will to resolve this situation, the European Commission launched the European Union framework project for national Roma integration strategies. The goal of this strategy is to define national plans concerning the Roma, in order to improve their access to education, housing, health services and employment.

This positive initiative is to be commended, even if the implementation of these national plans is not obligatory, and no sanction is envisaged if the objectives are violated. What is however objectionable, is that this European initiative is incoherent: it tackles the question of economic and social rights without taking account of the defense of this people's Human Rights, even though they are referred to in the preamble. This incoherence was denounced by the European Roma Policy Coalition (ERPC) in July 2011.

In his last report on the rights of Roma, published in February 2012, the European Commissioner for Human Rights, Thomas Hammarberg, *"In order to be effective, the National Roma Integration Strategies will need to be human rights-based, and cover all thematic areas of relevance to Roma inclusion. The human rights situation of Roma and Travellers should be addressed as a whole and different fields addressed simultaneously. Wherever possible, targets should be defined which go beyond the four EU Roma integration goals relating to access to education, employment, health care and housing."*³

The facts included in this AEDH draft report are mere examples, and the purpose of this report is not to be complete or exhaustive. It aims to give an overview showing the seriousness of the situation. The report is divided into three chapters, the first one describing the crimes committed by states themselves, authorities or political organisations;

¹The term « Roma » is used here, as well as in other documents of the European Institutions as a generic term covering various populations which present more or less the same characteristics, like the Sintis (Gypsies), Travellers, Kales, and so on, would they be sedentary or not. According to the estimations, about 80% of the Roma are sedentary.

See *"Roma in Europe: The Implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report 2008-2010"*, Document SEC (2010)400 of the European Commission, 7 April 2010, p. 3.

the second chapter, those committed by individuals or groups of individuals, and the third describing economic and social violence.

It is apparent that all European states are concerned, in varying degrees, by some form of anti-gypsyism. Racist political speeches, expulsions, physical violence and human rights breaches can be found in every country. These crimes are committed by official authorities as well as by individuals.

European states' denial of these crimes is not new: the difficult recognition of the gypsy genocide during the Nazi period is the best example. The European Council's Commissioner for Human Rights has once more called for this recognition.

The avoidance of the Roma question is also underlined in the last OSCE/ODIHR report published in November 2011 on the status of racial crimes in the European area⁴. Sweden was the only country to supply information on racial crimes against the Roma. 55 countries chose not to divulge such information. Only nine NGO's from eight countries released information on racial crimes suffered by Roma.

Nonetheless, the report presented hereunder is clear in showing that these crimes take place in all European countries: the situation is one of emergency. It is instructive to study the map of these violences, which cannot be ignored as they continue to happen everywhere.

AEDH insists on the necessity of a global approach, taking account of the defense of Human Rights and condemning anti-Roma racism and xenophobia, as well as the defense of social and economic rights suggested by European institutions. Without such a global approach, the efforts already made could be rendered null: the defense of Roma's rights is an urgent matter, and their rights as citizens must be fought for as well as their socioeconomic rights. Human Rights form a whole and should be treated as such. AEDH's draft report describes the serious and critical plight of the Roma in Europe. The depicted situation is dramatic.

First part: State violence against the Roma

State violence englobes political authorities' actions against Roma populations. They are often linked to the stigmatisation of foreigners and migrants, used as scapegoats to explain problems related to the current social and economic crisis.

1. Anti-Roma rhetoric by extremist political parties, taken up by traditional parties and official State representatives

Racist and xenophobe statements aimed at the Roma people are issued by extreme right movements as well as official European State representatives. There are several anti-Roma movements among extremist groups. There are Neonazi, "skinhead" groups, in **Germany, Portugal**, in the **Czech Republic**, as well as in **Sweden** where the violent "White Power" movement has become very active⁵. There are also marginal extreme-right political parties; for instance, the **Bulgarian** ultranationalist Ataka, which repeated in 2011 its anti-Roman slogans from 2005⁶. Finally, there are ultranationalist parties which greatly influence their countries' policies: the Jobbik (Movement for a better Hungary), became **Hungary's** third major political party in pail 2010, with 47 seats in Parliament, It created the concept of "gypsy crime"⁷ and sends its Vedero militia to maintain order in Romani quarters⁸.

Anti-Roma racist statements from these extremist movements pollute political rhetoric and are unfortunately taken up by political leaders from parties which are considered normal, in every state of the European Union. Political parties have used anti-Roma slogans during municipal and legislative elections in the **Czech Republic**⁹, in **Italy**¹⁰, in **Sweden**¹¹, in **Slovenia**¹², and were very successful. The **Estonian** government refused the entrance of 47 Roma in 2001, in order to "*maintain order in the streets and lower the crime rate*"; according to authorities, "*many felonies were committed by Roma*" in Tallinn¹³. Political leaders did not hesitate to be more explicit: in 2010, Antonio Escamez, member of the **Spanish** Partido Popular, described the gypsy Roma as "*an itinerant race which likes to live in slums, surrounded by dogs, lighting fires and eating what they find in the trash*"¹⁴. The same type of racist remarks can be found in **France**: in his Grenoble speech of July 2010, the President stigmatised Roma people and travellers, triggering a multiplication of anti-Roma and racist comments. For instance, in October 2011, Arno Klarsfeld, president of administrative council of the French Office for immigration and integration, stated that "[Roma]should refrain from

having eight children. Parents must be able to care for their children if they are to integrate(...). [...] They have long been the Miserables, with a capital M, chased, hounded, but they are also their own victims, unable to form an elite other than this plutocracy which lives off trafficking and has no interest in bringing its people out of horror"¹⁵. It is not uncommon to find anti-Roma tracts being distributed during electoral campaigns or political meetings. In **France**, such a tract was distributed by UP deputy Longwy, which used racist terms to denounce the presence of Roma campsites¹⁶. In **Italy**, racist posters were displayed throughout Milan during the May 2011 campaign, and were condemned by the European Council Commissioner for Human Rights¹⁷.

European Union member states almost do not fight anti-Roma xenophobia. In **Hungary**, the Magyar Garda (the Jobbik's paramilitary organ) was dissolved by the Budapest Tribunal on December 17th 2008¹⁸; the **Czech** government has seized the supreme administrative Court in order to ban the labor party, the main extreme-right formation of the country, following violent clashes with Roma people in Litvinov in 2008. However, the Court turned this request down in May 2009¹⁹. For its part, **Romania** has put together action plans in order to fight Roma exclusion, but they are inefficient due to lack of political will and financial means²⁰. However, the great majority of states do not sanction racist statements against Roma. For instance, the **Latvian** television channel Panorama, which broadcasted a discriminatory documentary on Roma in 2000, was never sued²¹. In Norway, racist organisations are not prohibited²², and the **Netherlands** did not ban a website created in February 2012 by Geert Wilders, leader of the Freedom Party, which "*identified nuisances caused by central European populations based in the Netherlands*"²³.

States go as far as directly legitimising these statements by including them in laws or national decrees, disregarding European or international treaties, or violating their own laws. France and Italy are good examples: the 129/2011 law of August 2nd, 2011 allows the expulsion from **Italy** of European Union citizens which refuse to comply with an order to leave the country within a certain time span²⁴. The **French** Ministry of Interior, in its August 5th, 2010 circular, ordered the dismantling of 300 campsites considered illegal, "*in priority, the Roma ones*", in the next three months²⁵. This circular was replaced in September 2010, and the stigmatising terms were deleted, but the ends and means remained the same. In April 2010, **Germany** signed a binational agreement with Kosovo to send Roma people of Kosovo origin back²⁶; also in 2010, **Spain** adopted new laws, further restricting migrants' rights and criminalising immigration²⁷.

2. Violent expulsion of Roma by the police, destruction of personal goods and poor treatment by authorities

EU Member state authorities do not hesitate to use police force to expel Roma people from their territory. Some authorities expel them from occupied grounds without proposing other means of accommodation, as in **Switzerland**²⁸, **France**²⁹, **Portugal**³⁰ or in the **United Kingdom**, as was shown in the emblematic case of Dale Farm³¹. In other countries, Roma are expelled out of national borders, supposedly sent back to their countries when they have never lived in those countries, like the Roma of Kosovo origin expelled from **Germany**³² and **Luxembourg**³³ and sent to Kosovo since 2010, or under the cover of voluntary repatriation, like in **France**³⁴ or in **Spain**³⁵. During these expulsions, law enforcement teams do not hesitate to destroy the Roma's goods and to mistreat them. Roma inhabitations were demolished (in **Spain**- in Valencia, 2005³⁶, in **France** since 2002³⁷, in **Slovenia**³⁸, **Italy**³⁹, **Lithuania** -Vilnius⁴⁰) or burned down (**Greece**⁴¹, **Ireland**⁴²), their goods are confiscated by the police (**Poland**⁴³, **Ireland**⁴⁴) or destroyed (**Greece**⁴⁵); Roma populations, and especially children, are mistreated by the police (in **Ireland**⁴⁶, children were threatened with firearms, and in **Poland**, they were separated from their parents following police raids in Roma campsites⁴⁷). It should also be noted that **Italy**⁴⁸ and **France**⁴⁹ take the opportunity to record these campsites' inhabitants during the raids, and use biometric files (digital prints) in order to be able to know where they travel. A European Roma Rights Center (ERRC) inquiry made in **Italy** in 2011⁵⁰ revealed that 26% of the questioned Roma women had suffered police attacks including physical violence, degrading treatment, verbal abuse and sexual harassment.

National as well as Community law are trampled by these practices. Authorities do not respect their own legislation, as in **Romania**, where the Code of Civil procedure is not abided to when Roma are expelled "*without an irrevocable and definitive, valid court order*"⁵¹; or as in **Italy**, where the condemnation, on November 16th 2011, by the Council of State⁵², of the "*Nomad state of urgency*" of 2008 still has not been put into place by the government. Furthermore, European bodies can't seem to put a stop to illegal expulsions: in **Belgium**, 75 Slovak Roma people were expelled, disregarding the opinion of the European Court of Human Rights (ECHR) in 1999⁵³; in **France**, Roma expulsions (covered by the press during the summer of 2010) which violated Community law did not give rise to an infringement procedure by the European Commission; the modification, under European pressure, of the law n°2011-672 of June 17th 2011, does not fully transpose the European Directive 2004/38/CE⁵⁴. These violations are confirmed by the national consultative Commission on Human Rights, an independent French administration group under the authority of the Prime Minister: the group states that "*beyond the motives invoked [disruption of public order and residency amounting to an abuse of rights] in the notification of ousting procedures-which are disproportionate and not conform to Community law, as denounced above-it should be noted that these procedures are irregular in many ways*"⁵⁵. Only in **Lithuania** were these practices condemned by the Ombudsman in 2005 and sanctioned by the administrative Supreme Court in 2009⁵⁶.

When it does not directly use its police force, the State allows militias to takeover. The **Hungarian** government does not use the police to expel Roma, but the police remain inactive when far-right militia groups force Roma inhabitants to flee their homes⁵⁷.

3. Detention of Roma people

Roma are a special target for Member States' police, which do not hesitate to arrest them and detain them abusively. Racial profiling is popular among the **Spanish**⁵⁸ and **Slovenian**⁵⁹ police forces, as in **Finland** where police often carry out identity checks discriminating against Roma⁶⁰. Roma people can also be arrested with the motive that they are begging, for instance as in **Luxembourg**⁶¹, in **Sweden** where a law on foreigners states that those unable to financially support themselves "*through honest means*"⁶² can be expelled. Roma are also victims of armed forces' "*abuse of authority*"; in **Spain**, police officers arrests Roma if they presume, based on their "*intuition*"⁶³, that they are illegal aliens, and in **Poland**, several Roma are arrested against the law⁶⁴. Roma arrests are often violent or humiliating (for example, in **Portugal**⁶⁵), and detention placements can be abusive, as in **Cyprus** (abusive administrative detention)⁶⁶ or **Luxembourg** (the Luxembourg children's rights Committee denounced, in 2009 and 2010, the imprisonment of Roma children and teenagers in the Schrassig correctional facility during several weeks, sometimes months)⁶⁷. Once placed in detention, Roma are mistreated by the police and sometimes suffer inhuman or degrading treatment. In 1996, the Jevremovic couple was beaten by the **Austrian** police during their detention⁶⁸; in 2009, six young Roma boys were forced by **Slovak** officers to take their clothes off and beat each other⁶⁹; in 2010, Roma were beaten and fully body searched by **Luxembourg** police agents while in custody⁷⁰.

Several states have begun procedures defending Roma victims of police abuse. In **Belgium**, a young Roma woman who had been sentenced to 18 months of jail and a 4125euro fine for risking her baby's safety by taking him with her to beg was acquitted in 2011 by the Brussels court of appeal⁷¹; in **Slovenia**, the constitutional Court stated, in march 2006, that article 35 of the law authorising police to establish people's identities based on their "*appearance*" was unconstitutional⁷². However, most of these acts of condemnation are due to the European Court of Human Rights. Recently, in February 2012, the Court ordered **Czech** authorities to compensate the family of a young Roma man who died at the Brno police station in 2002, because of the "*absence of an effective investigation on the circumstances of his death*"⁷³. Similarly, **Romania** was condemned for mistreatment in the "*Stoia v. Romania*" case of March 4th 2008⁷⁴; also, in "*Natchova v. Bulgaria*" of July 6th 2005⁷⁵, the Court reminded the **Bulgarian** authorities of their duty to investigate on "*potential illegal acts motivated by hate, committed by agents of the public force*"⁷⁶. The ECHR also condemned **Greece** for the violation of article 2 of the Convention (duty of the State to protect its citizens' right to life) in the "*Karagiannopoulos v. Greece*" case of June 21st 2007⁷⁷, and for the

violation of article 3 (prohibition of torture, on inhuman or degrading treatment) in the "*Bekos and Eleftherios Koutropoulos v. Greece*" case of December 13th, 2005⁷⁸; **Croatia** was also condemned for the violation of article 3 in the "*Beganovic v. Croatia*" case of June 26th 2009⁷⁹. Elsewhere, as in **Austria**⁸⁰ or **Portugal**⁸¹, police violence remains unpunished and police forces remain protected by the justice system. Not only are investigations ineffective, they are sometimes biased as well, as in **Poland**, where Roma victims coming to report an aggression are sometimes accused of crimes or acts of misdemeanour that they did not commit⁸². Finally, detained Roma people are not protected against potential mistreatment from fellow detainees or from the penitentiary administration (**Finland**⁸³).

4. Segregation of Roma in European cities

In several European member states, Roma people are victims of "*ghettoisation*", meaning that they are made to live in campsites or in specific parts of town, away from the rest of the population. This is the case, for example, for 1500 Roma people living in Staracihelna, in the town of Presov, **Slovakia**⁸⁴, for two thirds of **Bulgarian Roma**⁸⁵, and for a third of Roma living in **Italy**⁸⁶. In the **Netherlands**, there is also a disproportionate concentration of Roma and other minority groups in certain parts of town⁸⁷. In **Cyprus**, camps such as Polemidia are emblematic of the Roma people's situation: they live in camps which are not accessible by public transportation⁸⁸. Some countries choose to further formalise these "*ghettos*". For instance in **Switzerland**, municipal authorities of Granges-Paccot and Bulle decided in 2006 to make sites available for Roma populations: the sites were next to a highway, and «*clearly outside of settlements*», for the project to be "*more acceptable for the population*"⁸⁹. Similarly, Roma in **Romania** suffer from residential segregation, and live in agglomerations which were created specifically for them⁹⁰. In **Greece**, the segregation and ghettoisation of Roma appear in a Ministerial Decree of 1983 titled «*Sanitary Provision for the Organised Relocation of Wandering Nomads*»⁹¹, which is still applicable today⁹². Elsewhere, walls of separation were built to separate Roma living quarters from the rest of the town. Two examples are the walls built in the Beja district in **Portugal** in 2010, and in Brasov, **Romania**, in 2008⁹³.

The policies of certain European towns are therefore clearly hostile towards Roma people. However, governments deny their responsibility in the "*ghettoisation*" of Roma in their country, like **Bulgarian** authorities which consider that "*the gravest problem to which Bulgarian Roma are confronted*" (according to the Council of Europe) is a "*heritage of the past*" and not "*a deliberate governmental policy*"⁹⁴.

5. Forced sterilisation of Roma women

Roma women as well as men have been sterilised in several countries since the beginning of the 20th century, as, for example, in **Norway**, where a eugenist law was voted in 1934 allowing the sterilisation of "Gypsies"⁹⁵, and as during the Second World War (**Germany**- eugenist sterilisation law of July 14th, 1933⁹⁶, **Austria**⁹⁷, **Romania**-since 1941⁹⁸, **Slovakia**). But the sterilisation of Roma women continued after the war in communist regimes of central and Eastern Europe, particularly between 1970 and 1990 (in **Slovakia** and the **Czech Republic**, for example, where according to former ombudsman Otakar Moteil, 90 000 women were sterilised since the beginning of the 1980's⁹⁹). Unfortunately, these practices still exist today in several states of the European Union: in **Slovakia**¹⁰⁰, in the **Czech Republic**¹⁰¹ and in **Hungary**¹⁰², new cases of Roma women sterilised without their consent appeared in 2007, 2008 and 2009.

In **Slovakia**, although the cases listed since the 1990's do not result from a deliberate governmental policy against Roma (doctors are the ones that sterilise their patients without their consent during abortions or cesarians)¹⁰³, the Slovak government does not take measures to stop these practices, and as of today, it has not answered the victims' complaints¹⁰⁴. The only recourse is then the ECHR: in 2011, V.C., a Roma woman, obtained compensation from the Court for her forced sterilisation which occurred in 2000¹⁰⁵.

The **Czech Republic** is the only country where the government gave an apology to victims of forced sterilisation. The government has expressed, in November 2009, its regret of these "mistakes"¹⁰⁶, and in 2007, Iveta Cervenakova was the first Roma woman to be compensated by the Czech Supreme Court for her involuntary sterilisation¹⁰⁷. Unfortunately, this case remains unique, and most victims are held back by the «*absence of extra-judiciary ruling mechanisms*» and by the "*difficulty in gathering proof*", as noted by Thomas Hammarberg, Council of Europe Commissioner for Human Rights¹⁰⁸.

6. The difficult official recognition of the Gypsy genocide

The Roma people, just like the Jewish, were a victim of the Nazi genocide during the Second World War. According the European Agency for Roma, 20 to 50% of European Roma were exterminated during the Second World War. In **Germany**, they were used for scientific experiments before being sent to extermination camps as soon as 1938. In **France**, the decree of April 6th, 1940¹⁰⁹, just like in Italy from 1940 to 1943, sends Roma to live in several internment camps destined particularly to Roma people, like those of Agnona, Boiano and Tossicia. In **Romania**, 25 000 Roma, half of which are children, are deported in Transnistria starting in 1942. 11 000 of them will die there¹¹⁰. In **Croatia**, 25 000 to 50 000 "Gypsies" are deported to extermination camps, like Jasenovac¹¹¹. In **Austria**, Roma were also victims of forced labour, and then deportation¹¹². These ancient practices started before

the Nazi period; for example, a law dating from 1912 already created a special regime for "nomads"¹¹³. In the 19th century in **Norway**, Roma children were removed from their parents, and some Roma people were lobotomised¹¹⁴. In **Sweden** and **Switzerland**, Roma children were also removed from their parents and "reeducated" by non-Roma, from the beginning of the 20th century to the 1970's¹¹⁵.

Yet the "Porajma", equivalent of the "Shoah" for Roma, practically not officially recognised in Europe. The Commissioner for Human Rights notes in his report on Human rights of Roma and Travellers in Europe of February 2012 that although "only a few thousand Roma survived" the genocide of their people during the second world war, «the mass killing of Roma people was not an issue at the Nuremberg trial"¹¹⁶. This is why he calls on all European countries to acknowledge this genocide, to commemorate it and teach about it in schools. Indeed, Europa, the website of the European Parliament, makes it clear that "Only a few EU member States have officially recognised the Roma genocide"¹¹⁷. **Germany, Austria, the Czech Republic, the Netherlands, and Ukraine** recognised their duty of remembrance and launched public education programs on the subject. The **Norwegian** government publicly apologised to the Roma people for the abuse it has suffered throughout the centuries¹¹⁸, and created a 10 million euro Fund for Roma in 2004 in order to remedy past injustices¹¹⁹. **Romania** has also taken a step in this direction thanks to the General Secretary of the European Roma democratic party, who identified 11441 Roma deported from the country during the Second World War¹²⁰. The Romanian government also created a commission on the Holocaust in 2003, in order to bear witness to the repression and massacre of Roma in Romania during the war¹²¹.

For their part, European institutions have asked member States to recognise the Gypsy genocide like they did the Jewish genocide. The **European Parliament** Resolution of April 28th, 2005 "reminds of the Gypsy genocide during the Nazi period"¹²²; and on February 2nd 2011, the president of the European Parliament, Jerzy Buzek, opening the Brussels plenary session, called for the official recognition of the Roma genocide by the European Union¹²³.

Conclusion

Everywhere in Europe, Roma people are faced with state-sponsored violence. By originating this violence, or by tolerating it when it comes from public, national or local institutions, or from far-right parties, States violate their own laws as well as Community law. Violent expulsions, destruction of goods, deprivation of liberty, and incitation to racism, forced sterilisation and segregation in public spaces form acts and policies which clearly breach the Charter of Fundamental Rights and the Treaty on the European Union (particularly articles 1 and 2¹²⁴). Tolerating these acts is inadmissible, and creates a climate of impunity and racism which contributes to the trivialisation of this racial violence and opens the door to more physical violence against Roma by non-Roma people.

Second part: physical violence against Roma from their fellow citizens

This violence is motivated by racism and the rise of anti-gypsyism observed everywhere in Europe. It is exacerbated by the rise of extremist populists in Europe.

1. Racist bias maintained by the media

Whether it be written press, television, radio stations or websites (**Finland**¹²⁵, **Netherlands**¹²⁶), in several countries, the media directly transmits the racist and anti-Roma statements of local and national political leaders; this was the case, for example, in **Spain**¹²⁷. More generally, they spread negative stereotypes of Roma (in **Denmark**¹²⁸, **Norway**¹²⁹, **Ireland**¹³⁰). In some countries, statements can be clearly discriminatory, as in **Slovenia** where the media divulges the Roma nationality of crime perpetrators even when their ethnic origin is virtually irrelevant to the case¹³¹. In **Estonia**, statements by the media about Roma "*associate them to many different offences, which favours their social exclusion*"¹³².

In addition, these statements are rarely condemned by authorities. For instance, in **Latvia**, the television channel *Panorama* broadcasted a documentary accusing all Roma of being thieves, following the implication of Roma in a jewellery theft. However, no legal proceedings were instituted against *Panorama*, even though the consultative Council to the Latvian national human rights office sanctioned the channel and asked for the broadcast of programs dedicated to the traditional culture of Latvian Romas¹³³.

The anti-Roma rhetoric is denounced by the Council of Europe Commissioner to Human Rights on his blog: "*Even media reporting which does not include outright hate speech can perpetuate stereotypes by, for example, only reporting on Roma and Travellers in the context of social problems and crime*"¹³⁴. Anti-Roma speech is found in all European countries, in **Romania, Italy, Spain...** and comes with such archaic stereotypes that it is surprising that they still exist. The Commissioner indeed wrote in the same blog: "*Another example comes from Bulgaria where hate-filled articles comparing the Roma to "cattle", "sheep" and "wolves" have been published*"¹³⁵.

The consequences of these media campaigns can be extremely serious. They bring people to be indifferent to shameful situations; furthermore, violence is rising fast and can result in direct clashes with populations. Indeed, the **Italian** media's anti-Gypsyism during the past years¹³⁶ has allowed authorities to develop, with the indifference or with the support of the population, a policy of expulsion and evacuation of Roma slums.

2. Roma, victims of violence from the people

Roma people are victims of physical and verbal violence from extremist groups. In the 1990's, neo-Nazi supporters and skinheads attacked Roma in **Poland**¹³⁷. These groups still exist in **Germany**¹³⁸, in **Hungary** (in April 2010, clashes between Roma and the Jobbick militia caused the death of four Roma people¹³⁹), in **Bulgaria** (six Roma were attacked by twelve skinheads in Fakulteta, near Sofiam in 2007¹⁴⁰), or in **Slovakia**, where Roma were attacked by a group of skinheads in a bus headed to Bratislava on April 5th, 2009, and three were hospitalised¹⁴¹. Roma people also suffer racist Molotov cocktail attacks, like in the **Czech Republic** (in 2009¹⁴²) or in **Italy**, where several Roma campsites near Naples, like Ponticelli, were set on fire in May 2008¹⁴³. Nationalist groups organise anti-Roma demonstrations: in **Bulgaria**, in October 2011, 2000 ultra-nationalists occupied a stadium to protest against Roma, accusing them of being responsible for crime in the country¹⁴⁴. In August and September 2011, in the **Czech Republic**, several anti-Roma demonstrations escalated into violence in the North Bohemia region¹⁴⁵.

States react inefficiently to this hate against Roma. During the 2011 **Czech** demonstrations, special forces were sent, but there were not enough means to stop all violence against Roma in the region¹⁴⁶. In **Hungary**, the police did not intervene to keep the Jobbick militias from harming the Roma in 2010¹⁴⁷. However, the **Czech** police did arrest ten participants to the Bohemia demonstrations for misdemeanour, and four for crimes, of which "propagation of Nazism"¹⁴⁸. Furthermore, the **Czech** government had promised, before its resignation in May 2009, to set a plan to counter far-rightism¹⁴⁹; in November 2008, it had seized the administrative Supreme Court to ask for the dissolution of the Labour party, the main far-right formation of the country¹⁵⁰.

Unfortunately, acts by these extremist groups as well as statements by the press or political personas encourage the general public itself to demonstrate against Roma, sometimes even to attack them violently. Following an incident involving Roma people, demonstrations were organised in fourteen **Bulgarian** towns in September 2011¹⁵¹. In **Spain**, a 2005 demonstration organised by the Las Eritas population of Cortagena escalated into violence towards the local Roma community: racial slurs, graffiti inciting to hate, rock throwing and torching of houses¹⁵². This type of aggression also occurred in **France** in March 2012¹⁵³, in **Italy** in December 2011¹⁵⁴, in **Poland** (since 1991¹⁵⁵), in the **Czech Republic** throughout 2011¹⁵⁶ and in the **United Kingdom** in 2009¹⁵⁷. In some countries, people responsible for these attacks were taken to court: the mayor of Las Eritas of Cortagena was held guilty, in June 2006, of organising the anti-Roma demonstration and allowing it to become violent. Fifteen participants to the demonstration were also held guilty of participating in a violent demonstration with the will to commit a crime against a group of people with racial, familial or ethnic motives¹⁵⁸. Similarly, in May 2006, the mayor of Ensisheim in **France** was condemned by the Strasbourg Court of justice for the illegal destruction of a Roma campsite, to which he had actually participated by throwing a flamed piece of textile in this «*veritable shantytown*»¹⁵⁹. However, not all countries choose to fight against racist violence: the **Italian**

government declared a state of urgency in several regions of the country in May 2008 (the "nomad emergency" decree) in order to tackle what was considered a "situation of great social alarm, with potentially grave consequences for public order and security"¹⁶⁰.

Other, more individual violence coming from the public must also be noted. Campsite directors, for instance, have refused the entrance of Roma families or have expelled them, as in **Austria** in 2005¹⁶¹ or **Norway** in 1999¹⁶². In **Italy**, in 2011 alone, the ERRC recorded four attacks by individuals, of which three arson attacks on Roma campsites and an armed attack¹⁶³. In **Austria**, in **February** 1995, a homemade bomb exploded in the entrance of the Roma campsite Oberwart, killing four people¹⁶⁴; in **Ireland**, a farmer killed a Roma person in 2004, thinking he was trespassing¹⁶⁵. In **Slovakia**, the ERRC studied eight cases of anti-Roma physical violence from 2008 to 2010. In three of the cases, racial motives were confirmed¹⁶⁶. Some of these acts were condemned by courts. **Austrian** courts have recognised the racial motive of the 1995 bomb attack, and the perpetrator Franz Fuchs acknowledged that he had made a mistake, before committing suicide in 1999 while in detention¹⁶⁷. For his part, the Irish farmer was sentenced to prison for the murder he committed in 2004¹⁶⁸. Several national courts have condemned acts of discrimination against Roma, like refusing entrance to certain establishments. In 2006, the Court of Appeal of Plovdiv (**Bulgaria**) condemned a nightclub manager for refusing access to Roma¹⁶⁹, and in 2005, the Bulgarian tribunal of Blagoevgrad ordered a restaurant owner to allow access to Roma people¹⁷⁰. In **Ireland**, four travellers won a court case and were awarded 4500€ in compensation for having service refused to them in a pub¹⁷¹.

3. Roma people particularly are victims of traffic and exploited by organised crime groups

3.1. Human trafficking :

According to the Commissioner for Human Rights' report of February 2012, "trafficking in human beings in Europe affects Roma disproportionately", especially women and children¹⁷². Roma are particularly victims of human trafficking in five European countries, where they represent more than half of victims of human trafficking: in **Bulgaria** (50 to 80% of victims of human trafficking), in the **Czech Republic** (more than 70%), in **Hungary** (40 to 80%), in **Romania** (50%) and in **Slovakia** (at least 60%)¹⁷³. Roma people are victims in these countries and are also sent to other European countries through trafficking networks, where they suffer the same treatment. This happens, for instance, in **Croatia**¹⁷⁴, in **Greece**¹⁷⁵, in **Poland** (where family members are involved in the trafficking of children¹⁷⁶) or in **Sweden** (where networks of Slovak traffickers operate¹⁷⁷). The Council of Europe and the ERRC also denounced, in 2011, the fact that Roma are also particular victims of organ traffic¹⁷⁸.

3.2. Children's situation:

Roma children in particular are victims of illegal adoption, and have been since the end of the 19th century (*see gypsy genocide in the first part of this report*). In 2012, this practice continues to exist and is now organised by networks of traffickers, as noted by the European Council Commissioner for Human Rights in his report, mentioned above.

Roma children are overrepresented among adopted. They are placed in institutions or foster homes on the grounds that "*homes are not suitable and stable or that economic and social conditions are unsatisfactory*"¹⁷⁹. Absenteeism or failure to enrol children at school are also potential motives for placing Roma children in out-of-family care in **Bulgaria, Italy, Czech Republic, Hungary, Romania and Slovakia**¹⁸⁰. These illegal adoptions lead to other abuse towards Roma children. In 2006, the OSCE was reporting that Roma children placed in "*charitable institutions*" or "*orphanages*" were sexually exploited or subjected to force labour¹⁸¹. A case of forced marriage was recorded in **Bulgaria** in 2002 by the ERRC: the adoptive parents of a 13 year old Roma girl wanted to force her to marry a Roma cousin in the **Netherlands**¹⁸².

Roma people are vulnerable to sexual exploitation, especially and young women. In 2011, the Council of Europe warned about the "*risks of [human] trafficking for the purposes of sexual exploitation [...]*"¹⁸³, and the Council of Europe Commissioner for Human Rights affirmed, in 2012, that Roma people are victims of "*sexual exploitation*"¹⁸⁴. Roma children—mostly girls—from **Albania** or **Serbia**, are forced into prostitution, in **Italy** and **Greece**¹⁸⁵. Roma women and children are also forced to prostitute in **Germany, Belgium, Italy, the Netherlands, the United Kingdom, Sweden and Switzerland**¹⁸⁶.

Other than prostitution, Roma people are used as workers and subject to forced labour. The Commissioner for Human Rights' report shows, in 2012, the "[Roma] *labour exploitation, domestic exploitation, [...] and begging*"¹⁸⁷. In **Romania**, organised groups offer money to Roma parents in exchange for their children's labour, and exploit them without the parents being informed¹⁸⁸. In **Serbia**, Roma boys are sold to carry out forced labour in **Italy**¹⁸⁹. In **Spain**, Roma people were sent to the Valladolid region in 2005 as farm workers for a paltry salary¹⁹⁰. In the **United Kingdom**, a Romanian network of traffickers forced 14 year old or younger handicapped children to beg during seven years¹⁹¹, and in **Switzerland**, a Roma Slovak was forced to beg by a group of traffickers who took any money she made¹⁹².

In Paris, **France**, Roma minors are in a dramatic situation. According to a report by the Juvenile protection service, they represent a quarter of the incarcerated minor population in Paris in 2011. Not only are they exploited by organised groups, but they are made to be victims by an unjust judicial system.

3.3. Action against human trafficking:

In order to fight human trafficking, some countries have set up national strategies. In **Bulgaria**, two activities from the national program launched in 2010 to fight human trafficking were aimed specifically to Roma trafficking¹⁹³. In **Slovakian** and **Romanian** national strategies, Roma are considered vulnerable to human trafficking and are involved in

prevention activities¹⁹⁴. In **Hungary**, a national strategy for the fight against human trafficking was drawn up for the 2008-2012 period, but still was not put into motion in 2011¹⁹⁵. In the **Czech Republic** strategies, Roma are only mentioned as the perpetrators of crimes in prostitution or of minor delicts¹⁹⁶. However, in 2011, the EERC had denounced the fact that very few Roma traffic victims could be identified by the police from different member states, as the Roma are afraid of suffering reprisals from traffickers, or authorities. Very few of them have access to prevention and protection services¹⁹⁷.

International legal instruments to fight human trafficking also exist. Within the Council of Europe, for instance, there is the 2008 Convention on Action against trafficking in human beings and the Convention on the Protection of children against sexual exploitation and sexual abuse of 2010. Legal standards have also been established at an international level, but European member states do not always respect them. **Bulgarian** and **Hungarian** authorities, for instance, do not respect international standards regarding human trafficking, and the term "*sexual exploitation*" does not appear in any Hungarian or Bulgarian law¹⁹⁸. Furthermore, although the first protection conferred upon victims of human trafficking is immunity from crime allegations, these laws, like the **Slovak** ones¹⁹⁹, do not confer such criminal immunity. Charges for forced labour and slavery do not appear either in **Hungarian** and **Bulgarian** laws²⁰⁰. The **Czech Republic**, **Romania** and **Slovakia** have signed treaties to act against human trafficking, but the application of these treaties remains problematic²⁰¹.

Conclusion

The exacerbation of racism by political parties and the media leads to great tensions between Roma and non-Roma throughout the European Union, and increases anti-gypsyism and day-to-day racism. In the worst cases, these tensions take the form of anti-Roma demonstrations, of racist attacks against Roma, and of murders. Roma, like many marginalised populations, are easier victims of traffic, particularly human trafficking. This "day-to-day" racism is an obstacle to the acknowledgement of the situation and to the creation of an efficient protection. Perpetrators of this violence are usually not pursued, and when they are, the racial motive is not seen as an aggravating circumstance. Often, Roma people are afraid of reprisals from those guilty of violence or from the police, and therefore do not denounce these violence. We can safely assume that anti-Roma is under estimated. Important measures must be taken by states throughout Europe in order to end this racism and violence, and to stop anti-Roma discrimination.

Third part: Social violence

Discrimination, exclusion and the impossibility of standing on one's rights almost automatically lead to the violation of fundamental rights in the field of housing, health, education and employment. These populations are pushed into a vicious circle: discrimination leads to the violation of their fundamental rights, which generates violence and exploitation which makes defending one's rights impossible, which leads to further discrimination. This vicious circle keeps these populations in situations of poverty and precarity.

1. Fragile and unsanitary housing

Being victims of discrimination in regards to housing, Roma are forced to live in unsafe and unsanitary housing.

Roma living in caravans (whether voluntarily or not) are victims of discrimination from EU member States. In **Belgium**, Walloon and Flemish housing codes do not recognise caravans as safe housing which confers housing rights and social protection²⁰². Roma living in caravans cannot establish residence in **Luxembourg** either, because a campsite address is not considered valid by communal authorities²⁰³. Some countries have reviewed these discriminatory legislations, like the **Netherlands** which repealed the 1999 law on trailers, therefore ending discrimination towards trailer inhabitants²⁰⁴. But others have taken the opposite road: in the mid-1990's, the **United Kingdom** ended the obligation for municipal authorities to provide parking areas for Travellers²⁰⁵. Many municipalities refuse access to social housing to Roma (**Romania**²⁰⁶, **Slovenia**²⁰⁷), and refuse to grant construction permits on land actually owned by Roma (**United Kingdom**²⁰⁸, **France**²⁰⁹). In **Finland**²¹⁰, Roma are discriminated against by landlords when they look to rent housing, and in **Sweden**²¹¹, they are harassed by their neighbours who want to see them leave.

Roma are therefore forced to install themselves in unsafe and unclean fields, away from urban centres, like the in Polemidia camp in **Cyprus**, located on an old dump and away from public transport²¹². From the Spata camp in **Greece**²¹³ to the Kirtimai quarter in Vilnius (**Lithuania**)²¹⁴, from the Slovenian region of Doljenska²¹⁵ to the Porto or Lisbon slums (**Portugal**)²¹⁶, there are too many examples of these campsites, unattached to clean water and electricity distribution systems. In 1999, the **Irish** association Southside Travellers Action Group denounced the precarious living conditions of Travellers from the Dun Laoghaire/Rathdown region: 49% of Travellers lived without running water, 25% had no access to basic sanitation, and 32% were not provided with trash collection services²¹⁷. These conditions directly threaten the life of Roma people; for instance, the fire in the Seine-Saint-Denis(**France**) campsite in 2009, which killed a 7 year old child²¹⁸, or the expulsion of Roma by municipal authorities of MiercureaCiu (**Romania**) to a site next to a water treatment

facility, with a high level of toxicity²¹⁹. In **Ireland**, 82.5% (2008 numbers)²²⁰ of Traveller campsites are in a dangerous place (electric towers, telephone poles, dumps, motorways, industrial pollution).

Some countries claim that they have brought solutions to these situations, but these remain insufficient. **France** has set up "*integration villages*" to help with the social inclusion of Roma migrants, the national consultative Commission for Human Rights has denounced the lack of financing and administrative blockage to which associations are confronted, and consider this response as one of urgency, and notes an "*ambitious Roma integration policy*."²²¹ In **Ireland**, in September 1998, the government passed a law on housing which forced local authorities to create parking areas for Travellers in the five years to come²²², but this legislation was rarely applied. For its part, **Switzerland** has recognised, in 2006, that the number of parking areas for Travellers was insufficient, however the government refused to build new areas and only accepted to convert old parade grounds into Traveller sites, as long as the cost was not too high²²³. In the **Czech Republic**, the town of Litvinov created a "*dormitory for the socially unfit*", a dormitory in a "*pitiful state*" that authorities charge a "*very high price*" for²²⁴. The FIDH has brought charges against the **Belgian** government in September 2010 before the European committee for social rights, in order to denounce the violation of the right to housing for Travellers by Belgian authorities²²⁵.

Other European Union Member States clearly refuse to improve the housing conditions of Roma living on their territory. **Cypriot** authorities did not implement the policies decided on in March 2000 to solve the problem of homelessness and unemployment within the Roma community²²⁶. In **Lithuania**²²⁷ and **Romania**²²⁸, authorities refuse to legalise Roma unauthorised housing, and in the **Czech Republic**, there are no parking areas to allow Traveller communities to stay²²⁹. In **France**, only half of communities over 5 000 inhabitants have fulfilled their legal obligation to build areas for travellers (Besson law of 2000)²³⁰. Finally, in **Portugal**²³¹ and in the **United Kingdom**²³², some municipalities have decided to cut water and electricity from Roma campsites which were near cities, in order to force them to leave.

2. Roma's bad health due to exclusion from the health system and life in an unsanitary environment

In his report on the state of Roma and Traveller rights of February 2012, the Council of Europe Commissioner to Human Rights states that the average Roma mortality rate is higher than for other European citizens, especially for child mortality. Roma life expectancy is inferior by ten years in **Hungary, Spain** and the **United Kingdom**²³³, and "*in many countries, [it is] inferior by 15 years* «according to the document "*Dosta! Assez!*" from the Council of Europe's Campaign for Roma and Travellers²³⁴.

Roma are also exposed to many diseases. **Bulgarian** authorities have recognised that Roma suffer disproportionately from lung disease "*due to their customary work*"²³⁵. In **Spain**,

an epidemic of tuberculosis was declared in 2008 in Roma campsites²³⁶, and measles and pertussis epidemics were declared in **France** in 2011; risks of pertussis epidemics were also noted by Doctors of the World. Roma children also suffer from lead poisoning²³⁷. In **Greece**, 60 Roma children from Komotini were hospitalised in 2007 for hepatitis A²³⁸.

This situation is due to unsanitary housing conditions, and also to the difficult access to health services brought by poverty and discrimination. In some countries, doctors refuse to receive Roma (**United Kingdom**²³⁹, **Ireland**²⁴⁰); elsewhere, Roma women are discriminated against in maternity wards (**Hungary**²⁴¹, **Bulgaria**²⁴², **Spain**²⁴³). Also, **Hungarian** and **Bulgarian** ambulance drivers have refused to go to Roma campsites, although they had been called for medical emergencies; this led to the death of several Roma people, including a four month old baby²⁴⁴. On top of these discriminations which harm their physical integrity, Roma are also victims of discrimination in the field of medical insurance. In **Bulgaria**, 46% of Roma (numbers from 2004)²⁴⁵ did not have medical insurance, and since 2008, Bulgarian legislation does not confer social assistance to unemployed workers who do not have sufficient resources; this affects Roma in particular. In **France**, Doctors of the World denounces the policy of automatic expulsion of Roma by authorities, which drives Roma people away from healthcare and renders the prevention of epidemics impossible. The national consultative Commission for Human Rights notes that "*a majority of Roma migrants in France has no medical coverage [because] their status as EU citizens [...] complicates access to State medical aid*"²⁴⁶ (this State medical aid (AME) is actually now 30€, since 2011). In several countries, access to social services, especially health services, is very difficult for Roma (**Romania**²⁴⁷, **Czech Republic**²⁴⁸, **Netherlands**²⁴⁹, **Finland**²⁵⁰, **Portugal**²⁵¹).

In order to help Roma people have access to healthcare, free medical consultations and "*medical visitors*" have been put into place in **Poland** in Roma campsites because they are too far away from public services²⁵²; in **Romania**, health mediator jobs were created for Roma healthcare²⁵³. The European Committee for social rights condemned **Bulgaria** in 2008 for the violation of article 13-1 (right to social and medical assistance) of the European social charter, judging that Bulgaria did not protect the health of its Roma population²⁵⁴. The Roma mediators at the Council of Europe put in place in October 2010 work to improve the access of Roma people to healthcare services²⁵⁵.

3. Segregation in the educational system

The schooling of Roma children is rendered difficult because their housing is so faraway, and so unfit (**Lithuania**²⁵⁶, **Portugal**²⁵⁷, **Cyprus**²⁵⁸), and because of the poverty they live in (**Romania**²⁵⁹, **Slovenia**²⁶⁰). When they are schooled, Roma children can also be victims of segregation.

In many countries, Roma children which suffer no handicap are placed in special classes meant for mentally handicapped children. In **Bulgaria** and in **Hungary**, in November

2011, Roma represented more than 60% of students in special institutions designed for mentally incapacitated children²⁶¹, and in **Latvia**, 28% of Roma students were enrolled in specialised classes or school during the 2003-2004 period²⁶². In **Estonia**, Roma children are placed in specialised schools for handicapped children, although they show no signs of physical or mental handicap²⁶³, as in **Romania**²⁶⁴, **Slovakia**²⁶⁵, **Poland** (20% of Roma children²⁶⁶) or the **Czech Republic** (a third of Roma children²⁶⁷), in **Slovenia** (where Roma children are nine times more likely than non-Roma children to be sent to a school for children with special needs²⁶⁸), or in **Hungary** (where a system of "*special classes for difficult and retarded children*"²⁶⁹ was put in place for Roma children). Roma are also sometimes placed in schools that are specifically designed for them (in **Bulgaria**, in 2006²⁷⁰, 70% of Roma children went to schools which welcomed only Roma; in **Denmark**, classes were reserved for Roma in the town of Helsingor up to 2004²⁷¹); in **Greece**, children from 28 communities were still, in November 2010, schooled in special establishments, despite a condemnation by the European Court of Human Rights on June 5th 2008²⁷². Roma children are sometimes refused from non-Roma schools (in Spain, non-Roma parents opposed, in 2004, the enrolment of Roma children in their children's school²⁷³; in **Portugal**, non-Roma parents from the Rebordinho school refused the enrolment of Roma children in 2003, carrying banners saying '*No to Gypsy children*' at the entrance of the school²⁷⁴). In **France**, the national consultative Commission for Human Rights noted in March 2012 that the right to education of Roma children was violated and noticed the absence of collaboration between communes to enrol these children in schools²⁷⁵. Despite this, two young Roma women were named best apprentices in **France** and were decorated by the Senate, one in 2011 and the other in 2012. Both of them had lived several years with no identity papers, in slums or trailers with no water or electricity. The 2011 contestant had to wait six months before obtaining a legal status, and the 2012 contestant still has not obtained such a status²⁷⁶.

Roma children are often insulted or injured, sometimes beaten, by other students or non-Roma teaching staff, for example in **Poland**²⁷⁷ or in **Spain**, where an 11 year old Roma girl who was attacked by eight other children had to change schools, because her aggressors were being defended by a teacher and by the other children's parents²⁷⁸.

These conditions result in a weak education level of Roma children, which often stops after the first cycle of education (**Latvia**²⁷⁹, **United Kingdom**²⁸⁰, **Slovenia**²⁸¹, **Sweden**²⁸², or **Bulgaria**²⁸³).

Several countries have taken measures to change school conditions for Roma children. Sometimes, this allowed the situation to evolve, like in **Spain**- where autonomous communities distributed foreign migrants evenly among public schools and publicly funded private schools²⁸⁴; in **Norway**, from 2004 to 2008, an institute which formed kindergarten teachers launched a program to sensitise the Norwegian society to Roma culture in primary schools²⁸⁵.

Furthermore, the Romani language is rarely taught. In **Finland**, there is a possibility to study in Romani, but qualified teachers and Romani schoolbooks are rare²⁸⁶. In **Poland**, there is one establishment which proposes classes in Polska Roma, a Roma dialect²⁸⁷; in Hungary,

subsidies given to schools which welcome children from minorities and which teach in Romani resulted in the creation of special classes with only Roma children²⁸⁸. In addition, segregation persists in **Denmark**²⁸⁹, **France**²⁹⁰, **Bulgaria**²⁹¹, **Poland**²⁹², **Romania**²⁹³, **Slovakia**²⁹⁴ or **Slovenia**²⁹⁵, and the ECHR condemned **Greece** ("*Sampanis and others v. Greece*" case in June 2008²⁹⁶, see above), the **Czech Republic** ("*DH and others v Czech Republic*" of November 13, 2007²⁹⁷), and **Croatia** ("*Orsus and others v Croatia*" of March 16 2010²⁹⁸) for cases of segregation against non-Roma children in schools.

4. Difficult access to employment

The low level of education of Roma people, as well as the discriminations against them exclude them from employment. In **Ireland**, 73% of Roma men and 60% of Roma women are unemployed²⁹⁹; in **Bulgaria**. The unemployment rate for Roma is from 70 to 80%³⁰⁰, and in the **Czech Republic**, it is up to 90%³⁰¹. In **Slovakia**, the **Czech Republic**, in **Poland**, **Estonia**, **Latvia** and **Finland**, Roma are discriminated against by employers because of their ethnic origin³⁰². In **Hungary**, many employers say they clearly did not employ Roma because of their ethnicity. The majority of complaints recorded by the Authority for equality of treatment since its creation are linked to the employment sector and often come from Roma³⁰³. In **Romania**, the Agency for fundamental rights of the European Union noted in 2010 that "44% of employers participating in [its] inquiry admitted that they would not hire Roma, because they were perceived as lazy and untrustworthy"³⁰⁴. Similarly, a poll made in **Spain** by the ministry of labour and social affairs in 2007 revealed that 47% of the questioned Roma stated that their main obstacle to finding a job was racism³⁰⁵. Even Roma people with a degree are discriminated against and have little perspective on the job market; in **Slovakia**, Roma people with a degree only find employment in fields linked to their ethnicity (work in Roma communities, in social development or in public services specialised on Roma questions)³⁰⁶.

Roma are also victims of indirect discriminations; a flagrant example is the transitory measures restricting access to employment for Romanian and Bulgarian citizens in nine countries of the European Union, which principally affects Roma migrants. In **France**, **Germany**, **Ireland**, the **United Kingdom**, the **Netherlands**, **Belgium**, **Luxembourg** and **Spain**, these measures have been extended up to December 31st 2013, governments saying that they do not want to worsen the unemployment rate in their countries³⁰⁷. In **France**, only 150 jobs³⁰⁸ are accessible by Bulgarians and Roma, on the condition that their employer pay a tax of about 900€ to the State. The High Authority to Combat Discrimination has judged that these measures held back employment and could "*incite Roma to work illegally or beg*"³⁰⁹. The national consultative Commission for Human Rights considered that "*these measures, although legal, present a discriminatory character, as they are extended in time, and they limit the movement of some European citizens on the basis of their nationality*"³¹⁰.

Only **Italy** decided to lift these transitory measures on December 29th, 2011³¹¹, following the direction of the European Commission which declares in its report from November 2011³¹² that the "*free movement of Romanian and Bulgarian workers has had a positive impact on growth and has had a neutral effect on unemployment*"³¹³. The Commission also asked Member States to justify their extension of the transitory measures, and Laszlo Andor, European Commissioner for Employment and Social affairs, explained that "[this decision] *must be accompanied by an analysis of problems of the employment sector or the threat of such problems in each country, and we will examine those on a case-by-case basis*"³¹⁴. However, the Commission sent a paper to Romeurope (**France**), confirming that "*France's notification fulfilled the conditions to apply transitory measures to support national measures*"³¹⁵. There is, therefore, little chance of seeing these measures lifted before January 1st, 2014.

Excluded from the market of employment, Roma are forced to turn to begging or illegal forms of work. In **Greece**, they live from collecting trash; in Portugal, they sell all sorts of goods in markets or fairs, and in **Finland** and in **Switzerland**, they have to beg to survive³¹⁶.

Several practices should be put forward, with the hope that all Member States will adopt them. In **Poland**, the Ministry of Internal affairs and Administration launched a program benefiting the Roma community for the 2004-2013 period; since 2006, many Roma people were able to build their business thanks to the European Social Fund³¹⁷. In **Bulgaria**, the Ministry of Labour and Social Policy adopted measures in 2009 to improve Roma access to employment³¹⁸. In **Spain**, the ACCEDER program was created in 2000 to improve access to employment. The NGO which coordinates this program, Fundacion Secretariado Gitano, had relaunched this program up until 2013 with the help of the State, of autonomous communities and of agglomerations. In the space of 10 years, 58000 Roma benefited from this program, and 40 000 employment contracts were signed³¹⁹. Finally, microcredit projects for Roma women were launched in **Bulgaria** and **Spain**³²⁰.

Conclusion

The level of discrimination Roma are victims of in all the European Union countries and in all the fields of their daily life (education, housing, health, employment) is that high that it can be considered as social violence. These discriminations, by their nature and their level, are threatening the physical and mental integrity of Roma: the wretchedness of their housing creates indecent, sometimes dangerous, living conditions (fires, illnesses), the obstacles in the access to health care and the precarious living conditions reduce the life expectancy of the Roma; segregation at school is deeply humiliating for Roma children and it seals the long-term inequalities;

the difficult access to employment market encourages exploitation of Roma and leads to a high unemployment rate and so a great precariousness among those populations.

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Conclusion

This draft report describing the violence suffered by Roma people in Europe speaks volumes. The situation is dramatic, violent, multifaceted and permanent, and exists in all European countries. The way in which Europe and its Member States treat their greatest transnational minority is scandalous. The means put in place to fight these injustices are weak and clearly insufficient, when the situation is so urgent that it should trigger reactions similar to the ones that occur when facing a humanitarian catastrophe.

Plans remain inefficient and unadapted. The European Commission's most recent initiative (framework project for the integration of Roma), although commendable, may not reach its objectives as it does not take into account the whole of fundamental rights, but only social rights. How can a Roma child be properly schooled when his family is expelled? How can access to healthcare be improved when doctors refuse to treat Roma? How can Roma families be properly housed when the rest of the population refuses to have them as neighbours? How does one find a job without a work permit? Human Rights form a whole. The respect for Human Rights requires a global approach including, in priority, action against anti-Roma violence. All NGO's, many different national and international formations which defend Human Rights, clearly affirm this.

The failures of the Commission's initiative are perceptible although the framework project has not yet been launched. Indeed, national strategies provided by the States to the Commission are deceiving, as admitted by Viviane Reding, European Commissioner for Justice: "*Although many things are said in national strategies, what is missing is concrete results, quantified and clear objectives, ambitious time spans for action*"³²¹. States do not want to tackle underlying problems, that is to say the violence suffered by Roma people.

The Commission merely verifies and confirms that State legislation respects European treaties, directives, regulations and common orientations. It unfortunately too often adopts a supple vision of States' engagements when they adhered to the Union and signed treaties such as the Lisbon Treaty. In a concrete way, in their daily lives, the majority of Roma people find great difficulty in standing on their rights. Facing different types of violence, Roma people have a difficult access to the justice system, and oftentimes the justice system proves to be inefficient. Regarding Roma people, States rarely enforce their legislation when they are not breaching it themselves. Violence suffered by Roma is a European, national and local scandal. It must be fought by all and at all levels; in this way, this fight is part of European construction and concerns all of us.

States' lax positions must be pointed out, when they are not voluntary, just like the so-called powerlessness of the European Commission when it comes to enforcing European treaties. Defending Roma rights is defending the rights of all European citizens. The violation of Roma fundamental rights throughout Europe shows the fragility of our democracies and the weakness of political leaders at local, national and European levels.

Reaction is important, as the impending economic crisis will exacerbate populist rhetoric and awaken nationalism, with the risk of even more serious racist violence. European history shows that this scenario is possible. By defending Roma rights, we strengthen the fundamental rights of all European citizens.

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