

**BUILDING BRIDGES—OR BURNING THEM?  
THE ESCALATION OF VIOLENCE AGAINST  
ROMA IN EUROPE**

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**HEARING**  
BEFORE THE  
**COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE**  
ONE HUNDRED TWELFTH CONGRESS  
SECOND SESSION

FEBRUARY 15, 2012

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# **BUILDING BRIDGES—OR BURNING THEM? THE ESCALATION OF VIOLENCE AGAINST ROMA IN EUROPE**

**February 15, 2012**

COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC

The hearing was held at 2 p.m. in room B-318, Rayburn House Office Building, Washington, DC, Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe, presiding.

*Commissioners present:* Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe; and Hon. Robert B. Aderholt, Commissioner, Commission on Security and Cooperation in Europe.

*Witnesses present:* Andrzej Mirga, Senior Adviser on Roma and Sinti Issues, OSCE; and Dezideriu Gergely, Executive Director, European Roma Rights Center.

## **HON. CHRISTOPHER H. SMITH, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. The Commission will come to order. And let me begin by expressing my apology for being so late. It's 45 minutes after we were supposed to start. We did have a series of votes—five votes—on the floor. And so I do apologize for that.

I'd like to welcome everyone for joining us this afternoon, particularly our witnesses who have traveled here from Europe to be able to testify today before the Helsinki Commission. We appreciate your dedication to the human rights and dignity of the Romani people, probably the most discriminated against and disadvantaged people in Europe today.

Roma, Europe's largest ethnic minority, has faced discrimination and worse for hundreds of years. In parts of Europe, they were even literally enslaved as late as the 19th century, when our own country was battling this evil, and in the 20th century were the victims of German genocide during World War II. An estimated 500,000 Roma were exterminated by Nazi Germany and its accomplices.

In 1990, hopes for the democratic transitions under way were enormous. And the OSCE was likewise optimistic that it would play its part in ensuring that Roma would be equal sharers in the benefits of freedom, democracy and the free economy that it would

bring. But the 1990s were difficult years for Roma, who were faced with murderers and other acts of violence and police brutality.

With a view to that violence, I wrote then-secretary—Assistant Secretary for Democracy, Human Rights, and Labor, Harold Koh, regarding Romani human rights and religious freedom, and urged the State Department to be sure that these issues were fully covered in the State Department's annual country reports on human rights practices. The Commission became increasingly active on Roma human rights issues. In 2002, we held a Helsinki hearing on the situation of Roma. In that same year, my resolution on improving equal opportunities for Roma in education was adopted by the OSCE parliamentary assembly.

Although about 10 years ago many countries began to implement measures to stem the violence, resulting in fewer attacks and more accountability when attacks occurred, the sad fact is that these positive developments have not—I repeat—have not been sustained.

To make matters worse, in recent years, there has been a terrifying escalation of violence against Roma, prompting the Helsinki Commission to hold a briefing on this issue in 2009. The current wave of violence has resulted in horrible fatalities like the murder of the 5-year-old, Robert Csorba, in Hungary, who along with his father was killed by sniper fire when they tried to flee their burning house, which had been set afire by a Molotov cocktail.

There are many cases of horrifying violence against Roma, people who have been maimed or disfigured for life, like the 13-year-old girl in Hungary shot in the face by the extremists who also killed her mother, or the toddler known as Baby Natalka in the Czech Republic who was burned over 80 percent of her body in a Molotov cocktail attack.

As we discuss today the anti-Roma mob attacks and demonstrations that continue to occur in several countries, we should ask what is the impact on families and children who huddle in their homes while a mob outside yells: "Gypsies, to the gas"? Exactly this sort of thing is really going on in 2012. The Roma still have to face such open savagery. It's beyond imagination.

Yet, at the same time, many governments are voicing serious concerns about this situation. One of the purposes of this hearing is to ask how well the solutions respond to the problem. Every EU country is now working up a national strategy for Roma integration. Do these strategies respond to the real gravity of the danger threatening the Roma?

Likewise our own State Department has prioritized the rights of the Romani people. And this has been implemented with real commitment by many ambassadors and human rights officers. Yet the country reports on human rights practices has been uneven. And so we will all have to continue to watch them carefully. They should be a touchstone of our government's commitment to the human rights of the Romani people.

Finally, we should also talk about humanitarian concerns. In the post-communist countries, Roma have been the absolute losers in the transition to market economies. Last year, the Hungarian minister for social inclusion, Zoltan Balog, said that their situation is worse today than it was under communism. Over the past 20 years,

Roma have been caught in a downward spiral, accelerating at exponential rates. While they were at the bottom of the social ladder during the communist period, they are often off the grid, living in shantytowns, urban ghettos, or segregated settlements that I and members of this Commission have visited. I remember one visit to a Romani ghetto that was right next to a dump, and the smell of garbage was overwhelming. And yet these individuals had to live there and raise their children there.

A UNDP report concluded that Roma in five Central European countries live in conditions more typically found in sub-Saharan Africa than in Europe. And I would note parenthetically, as chairman of the Africa subcommittee of the House of Representatives, I've been to many very, very poor places in Africa. And what I saw at some of these Romani houses or townships has clearly approximated what I've seen in some of the most destitute places in Africa.

But can governments really expect to make improvements with regard to other problems Roma face in housing, in employment, education and so on, if shocking acts of violence continue unabated? That is the open question and part of what we hope to at least to begin to address today.

We will begin by receiving testimony from our two distinguished witnesses, Andrzej Mirga, who is well-known in Washington. Mr. Mirga is the senior adviser on Romani issues to the OSCE's Office for Democratic Institutions and Human Rights or ODIHR. He first testified in Washington in 1994 and has brought his considerable experience and insights to the Helsinki Commission and to all the other governments of the OSCE. And we thank you for doing it for our Commission as well. We're grateful for his leadership he brings to the OSCE on these issues. Mr. Mirga, welcome back to Washington.

Our second witness will be Dezi Gergely, the Executive Director of the European Roma Rights Center. The ERRC was established in 1996 and has spearheaded some of the most important litigation to protect the human rights of Roma. Mr. Gergely, thank you again for being here today—and my fellow Commissioners—and you have to know and I know you know this, but this record will be very widely disseminated to many opinion makers, but especially to members of Congress—House and Senate—and to our Commissioners. So this record becomes information that very often is actionable and gives us a blueprint as to what we should do, as well as the lay of the land as of today as you present it. So I thank you again for being here.

Mr. Mirga.

**ANDRZEJ MIRGA, SENIOR ADVISER ON ROMA AND SINTI  
ISSUES, OSCE**

Thank you. Mr. Chairman, I would like my full statement to be included into the record.

Mr. SMITH. Without objection, so ordered.

Mr. MIRGA. Honorable chairperson, distinguished members of Helsinki Commission, ladies and gentlemen, I would like first to express my gratitude to the chairperson of the Helsinki Commission for organizing this hearing on Roma and Sinti today. I am grateful for the long dedication of Chairman Smith and Co-

Chairman Cardin to the protection of human rights of Roma. I also appreciate the statement made by Secretary of State Clinton about Roma human rights most recently in Sofia on February 5th.

It's a great opportunity to share with you our views and concerns regarding Roma and Sinti in the OSCE area with this important commission. It's the right time to address these issues as some developments in recent years are highly disturbing and we need to speak up about them.

I testified here with several Roma friends last time in mid-2009. It was a time when the financial and economic crisis has erupted. And we signaled the worrying developments that were evolving with regard to the Roma and Sinti. Today, with fiscal difficulties in a number of European countries and a second economic crisis looming, I have to report to you that some of these concerns unfortunately have become reality. No doubt the ongoing economic difficulties have intensified and exacerbated some of the negative trends I elaborated upon in the briefing in 2009.

On a general note, let me underline that most problems facing Roma and Sinti population have by no means been resolved. And for the most part, this minority has not yet benefited from lasting improvements in human rights and social inclusion. This is unfinished business in Europe that requires much stronger and long-term interventions at national—at European level. That was one of the conclusions in my 2009 briefing here, based on the finding of the so-called status report of 2008. This conclusion is more valid than ever today.

Currently, it seems the requirement for much stronger and long-term interventions is widely recognized. As all major international organizations and EU institutions are calling upon governments to step up their efforts to realize objectives regarding Roma and Sinti social inclusion, this is done partly as a response to a serious and dangerous rise in violence and intolerance against members of this minority in number of countries. It comes, however, at a time when European governments face real fiscal and economic difficulties, making it a bad time to approach them on other issues. Governments are facing tough decisions from the introduction of austerity programs to reduce public spending and keep national debt under their control.

In the past two years, in the context of deepening economic hardship, we have witnessed a number of disturbing developments. There was the crisis related to Roma migrants in France. We have seen the rise of tensions in extreme right or neo-Nazi groups in North Bohemia of Czech Republic. We have seen mass protests against Roma in number of cities in Bulgaria, following with the incidents in Katunitsa near Plovdiv.

In most of these situations, we have seen populist, extremist—extreme right or neo-Nazi groups—actively exploiting anti-Roma prejudice, sometimes generating hostility or instigating violence against the Roma and Sinti communities. We are concerned about current public discourse of Roma and Sinti that revives past anti-Roma rhetoric centered on the image of them as a nomad, viewing them as a burden to social system, or as a danger for public security and order based on alleged gypsy criminality.



Roma and Sinti migration has become a key challenge. And it will likely remain so for some time. The social stigma associated with Roma and their visibility as migrants will continue to heighten the risk of discriminatory practices and social exclusion in countries of destination. The rise in open and often radical anti-Roma politics and policies at local level is another challenging and new phenomenon.

We witnessed local authorities and mayors actively pursuing policies aimed at forcing Roma and Sinti from their communities. Exclusion or separation is openly advocated in some municipalities, including in the segregation of children in the educational system. There are also cases of refusal by local authorities to accept or request state aid aimed at supporting Roma communities. In the past have been focused on providing assistance to newer democracies and states in crisis or post-crisis situation. Today and likely over the near future, such assistance will be provided to consolidate it in young democracies in instances of hate crime targeting Roma and Sinti—as instances of hate crimes targeting Roma and Sinti may become a recurrent issue there.

Parallel to this worrying development, we are witnessing more promising efforts and initiatives aimed at ensuring Roma human rights and social inclusion. The most important are the new agenda of the European Union of Roma. The EU has both the political and financial tools to enforce some measures on its members some think the other organizations don't have. Most recently on April 5th 2011, the Commission issued a communication on EU framework for national Roma integration strategy, which was endorsed by the council in June. The framework commits all 27 member states to develop of targeted policies that systematically tackle the socio-economic exclusion and of discrimination against the Roma people in the EU.

This complex EU agenda on the Roma and Sinti has been overshadowed, however, by the euro crisis itself. Much of the response to the question of how this new effort of the EU regarding Roma can be successful and lasting will depend on the response to other question, how will the EU resolve the present crisis and how long it will take to recover from it? Surprisingly little has, however, appears to have been paid to its possible negative impact on the most socially and economically disadvantaged group in societies, like Roma and Sinti.

There seems to be a somehow parallel discourse of Roma disconnected from ongoing debates and concerns. The report recently commissioned by the EU on use of its financial and policy instruments with regard to Roma are in most parts critical. Minimal progress has been achieved. Disproportional funds were used to produce short-living outcomes. The effective use of this has been also questioned.

To conclude this part, prospects in short terms appear poor in fields where there has been some constant, if minor, improvement in the past, such as in education, housing, political participation, or Roma representation in public media. A number of participating states that appear to have been set-backed into area mentioned as the gaps between standards for Roma and Sinti and the majority population have been in fact widening. With few social and eco-

conomic indicators showing improvement in situation of Roma, the evidence of increasing hostility toward the communities among Roma in some states, these disturbing trends might not just continue, but could very well worsen.

The last part of recommendation I may leave for later. And in discussion, I may elaborate more on this. Thank you.

Mr. SMITH. Mr. Mirga, thank you very much for your testimony and the comprehensiveness of it and the longstanding nature of your commitment on this and other issues, but specially the Roma. Thank you so much.

Mr. Gergely?

**DEZIDERIU GERGELY, EXECUTIVE DIRECTOR, EUROPEAN  
ROMA RIGHTS CENTER**

Mr. Chairman, I would like to take this opportunity to extend my gratitude on behalf of the European Roma Rights Center to be invited to this prestigious event in order to testify about the human rights situation of Roma in Europe. And with your approval, I would like my full statement to be included in the record.

Mr. SMITH. Without objection, so ordered.

Mr. GERGELY. Distinguished representatives of the Commission, ladies and gentlemen, a recent European Union survey on minorities and discrimination highlights that on average, one in five from our respondents were victims of racially motivated personal crime at least once in previous 12 months. Eighty-one percent of Roma who indicated that they were victims of assault, threat or serious harassment considered that their victimization was racially motivated. Between 65 percent and 100 percent of Roma in the surveyed European countries did not report their experiences of personal victimization to the police.

The main reason given by the Roma was that they were not confident that the police would be able to do anything. This lack of confidence is not surprising to someone familiar with Roma in Europe, and I will explain why. Two weeks ago, the Council of Europe's Committee of Ministers adopted an official declaration to express deep concern about the rise of anti-Gypsyism and violent attacks against Roma, which constitute a major obstacle to the successful social inclusion of Roma and a full respect of their human rights.

The fact is that the racist or stigmatizing anti-Roma rhetoric has been on the rise in public and political discourse, including accusations that Roma, as an ethnic group, are engaged in criminal behavior. There are well-documented examples from France, from Italy, Hungary, Slovakia, Bulgaria, or Czech Republic. And in some cases, these words were understood as—as encouraging violent action against the Roma, such as mob riots or violence. Extremist groups, political parties, and politicians have sharpened their anti-Romani rhetoric and actions, galvanizing segments of the public against Roma in Hungary, Czech Republic, Lithuania in particular, or Bulgaria. Anti-Gypsy stereotypes also continue to be spread and perpetrated in the media across Europe, which reports primarily on Roma in the context of only social problems and crime.

Violence against Roma remains a serious problem not only because it harms Roma directly affected by the attacks, but because

Roma as an ethnic group are impacted by the lack of effective response by state authorities. In 2011, the European Roma Rights Center published a report examining the state response to 44 selected attacks against Roma in Czech Republic, in Hungary and Slovakia.

And a number of shortcomings in the state response to violence against Roma are apparent. Many Roma victims of violent crimes do not secure justice. A limited number of the perpetrators of violent attacks against Roma are successfully identified, investigated, and prosecuted. Even fewer are eventually imprisoned for the crimes they have committed against Roma.

At the time of publications, judgments finding the perpetrators guilty have been reached in nine out of the 44 selected cases. Of those nine cases, only six resulted in imprisonment; several are under appeal. And three resulted in suspended sentences or fines, including persons with known affiliations to neo-Nazi groups in the Czech Republic, for example.

Police investigations were suspended with no perpetrator identified in 27 percent of all the cases. Racial motivation was confirmed in only three out of 44 selected cases of violence against Roma. In 11 other cases, racial motivation is included in the indictment of impending cases, and in 50 percent of all the selected cases racial motivation of the crimes committed against Roma was ruled out or not confirmed.

The failure of law enforcement authorities to identify the perpetrators of crimes against Roma in a considerable number of investigations creates a climate of impunity and may encourage further acts of violence against Roma. The issuance by courts of only suspended prison sentences to persons found guilty of serious crimes against Roma reinforces the message that it is OK to attack Roma.

Recognition of racial motivation in such a small number of cases may indicate a low level of importance placed on aggravating circumstances of the crimes committed and may fail to account for the full nature of the attacks. These findings may have a serious negative impact of the will on the Romani individuals to report crimes committed against them to law enforcement authorities, and explains the results of the European Union survey on minorities and discrimination.

How can governments put an end to impunity and restore the confidence of Roma in law enforcement and reduce the level of violence? First, governments must adopt a zero-tolerance policy against racist speech uttered by public officials. All such racist speech should be immediately denounced and the responsible official removed from his or her job. Racist speech by private actors should be also vigorously condemned by government at the highest level.

It is important that the government distinguish between free expression, which must be protected in a democratic society, and acts of intimidation, which must be strongly suppressed through acts of law enforcement. The spectacle of neo-Nazis carrying flaming torches through Roma settlements, shouting anti-Romani epithets, preventing people from going to their jobs or to schools, as occurred

in several countries—Hungary or Bulgaria, for example—must not be allowed to recur.

Most important of all, governments must take a firm stance against racially motivated violence. They should guarantee speedy and effective investigations and prosecutions of all crimes committed against Roma, and identify any racist motives for such acts, so that the perpetrators do not go unpunished and escalation of ethnic tension is avoided. Governments should ensure full assistance, protection, and compensation for the victims of violence. Last year, the EU launched an important process to promote Roma integration, focusing on education, on health, employment, and housing. Member states of the EU are obliged to develop and implement strategies for such integration, but it is crucial that the states recognize the interdependence of inclusion and anti-discrimination. Any strategy developed to improve the social and economic integration of Roma must include measures combating discrimination and addressing anti-Gypsyism.

The United States has long been a leading global example in ensuring the inclusion of minorities in society. Last week, the U.S. announced its intention to become an official observer of the decade of Roma inclusion, another important European initiative designed to encourage Roma advancement. Here is how the U.S., from our point of view, can assist Europe as it tries to achieve true integration of Roma at all levels of society.

Offer assistance of U.S. law enforcement in addressing bias crimes against Roma. Offer good practices as examples of promoting minority inclusion in education, in housing, health care, or employment. Offer financial assistance to civil society organizations in Europe addressing anti-Roma discrimination and rights violation.

Thank you very much for your attention.

Mr. SMITH. Thank you very much for your testimony and your extraordinary leadership on this very, very important human rights issue. Let me ask you a couple of questions, starting off with the anti-Roma riots, which are increasing. The fact that they're occurring throughout EU countries is shocking in and of itself.

And then some have the gall to call it demonstrations—which is a misnaming to a huge extent. What proactive steps are the governments taking to mitigate this incitement that's occurring, and much of the violence that ensues from these demonstrations, these riots? Mr. Mirga?

Mr. MIRGA. The question you pose brings some challenges because we, in fact, do not have much to report as positive steps to counter such phenomena like extreme right and what they do campaigning against the Roma. We know about some steps taken, for example, into the public to imprison some of the leaders of the extreme right, but they are finding ways to get out, of course. And we know about some steps in Hungary to—for example, but they are reappearing under new name, so they are still able to organize marches.

I think that the main objective of these kind of groups is to benefit during the election time, because they are trying to get public support by staying up, at that time especially, anti-Roma slogans, rhetorics, because they believe this can give them votes. And as we

warned in 2009 when I was here, I said that one test case will be and just after we landed it became the—in the country. So that is a telling story.

We also know about some cases which were very positively handled, like in the case of Nataalka in Czech Republic, and the court sentence of the perpetrators. But after we had some statement of the state of issues which a little bit undermined—or trying to undermine the court sentence which, again, is something which should probably not happen in this situation.

So we receive something like ambiguous messages. On the one hand we see some reaction which is proper—as I said for example, court cases are highly appreciated, but again from the politicians we are receiving mixed messages, which as I said, should be here—the line should be kept and the message should be one: condemning such situations.

Mr. SMITH. Thank you.

Mr. GERGELY. I would only like to add the fact that even though we cannot name these proactive measures, what is extremely crucial is speed and effective response. Unless the government does not react to violent riots or mob riots attempting to attack communities, which happened in several countries—as long as there is no reaction in defending these communities, of course it would spread out. And this is the case of Bulgaria, where last year we could see in more than 15 cities mass protests against the Roma communities.

The state response was initially slow. When the law enforcement officials reacted, they could manage the mobs. In Czech Republic it was the same. It is even interesting that when the mobs were stopped by the police, the mobs were shouting: You are defending Gypsies. So law enforcement officials haven't defended Gypsies. This is what they have to do, to act and to ensure protection.

Mr. SMITH. Mr. Mirga, let me ask you, as you know, OSCE-participating States are charged with collecting hate crime data and providing that to ODHIR. Have the countries provided information on these hate crimes to ODIHR as it relates to Roma?

Mr. MIRGA. We—with TND and other departments—we are preparing such reports every year. There is a standard question of central governments who—to get some response to. In fact, we are receiving very few information from countries about the cases of irrational hate crimes

Mr. SMITH. Did they give an explanation? And could you provide to our Commission those countries that have responded and those that have not? And do you find the quality of that information is—are you encouraged that those that do respond are actually doing their due diligence?

Mr. MIRGA. Well, we are trying to encourage—

Mr. SMITH. I know you are, but I'm talking about the countries, in terms of their response.

Mr. MIRGA. Oh. Yeah. I think that governments who provide us information—there are few, yes; I don't want to name them here. But—

Mr. SMITH. Could you? It would be helpful if you would.

Mr. MIRGA. —they are few—yes? I'll be—

Mr. SMITH. Put you on the spot.

Mr. MIRGA. I—

Mr. SMITH. OK.

Mr. MIRGA. —at the moment, yes? But there are really few, yes? And they're—in general, we do not have much information. So we have to rely on other sources coming from the civil society mostly, yes? And this has to be checked.

Mr. SMITH. Exactly.

Mr. MIRGA. Yes. We have, for example, I am from Poland, yes? And I am closely monitoring the situation because I am Roma from Poland. And I have a good relationship with the minister of interior, and they are providing us in a letter if we wish to have, and they are providing. In some countries, it's more difficult to get such information.

Mr. SMITH. As the European Roma Rights Center has pointed out in a report on human trafficking, that research in Bulgaria, the Czech Republic, Hungary and Romania and Slovakia during early 2010 indicated that Roma represent 50 [percent] to 80 percent of victims in Bulgaria, at least 40 percent in Hungary, 70 percent in Slovakia, and up to 70 percent in parts of the Czech Republic.

Our own U.S. government TIP report, trafficking in persons report—and I would note parenthetically, I wrote the law, it's called the Trafficking Victims Protection Act that created our response, includes that TIP report—well, in the annual report country-by-country, it makes for very disturbing reading. Country after country, with regards to Roma—for example, in Hungary Roma victims are over-represented in trafficking victims from Hungary. Roma women and girls who grew up in Hungarian orphanages are highly vulnerable to internal sex trafficking.

With regards to Romania, that there are reports that ethnic Roma criminal groups in Romania throughout Europe. There is a very disturbing statement—and this runs through these—that some did not approach police out of fear of traffickers' reprisals. There's others who said they didn't want to go to the police because they're not sure which side the police were on.

In the Slovak Republic the comment is made that the government's poor relations with the Roma community resulted in significant problems in victim identification and prosecutions, including a government estimate that only one-third of all trafficking cases involving Roma are investigated. In other words, two-thirds are not. And it goes on and on, you know—you read country after country trafficking is modern-day slavery, whether it be labor or sex trafficking.

And as both of you know so well, the ODIHR and the OSCE is certainly absolutely committed, as are you are, Mr. Gergely. Could you speak to the issue of trafficking of Roma, and elaborate on some of those numbers if you would? And the fact that law enforcement ought to be absolutely, proactively and aggressively—as well as the governments that support law enforcement—on the side of these victims—please speak to.

Mr. MIRGA. As regards trafficking, ODIHR is involved in supporting some of the programs or projects on antitrafficking. And the focus is on the victims, We are trying to obtain some more concrete data from some countries. Recently we were very much focused provide some support to Albania, for example, and for some

activities there on Roma who were trafficked and brought. It seems to be one of the key issues for number of countries in Western Balkans, this ongoing process.

To obtain, however, data is one of the challenging things. We in fact are missing concrete numbers. In this regard that there is a number of agencies dealing with these issues and NGOs who are involved. I was recently visiting Italy, where we were supporting some civil organizations dealing with trafficked Roma families—children, mostly. And we visited a center for children trafficked in Rome where NGOs are taking care and taking them from the street there. We visited families who were victims of trafficking as well, and they were placed in some camps.

We are trying to obtain more information: What is the extent of the issue? How numerous are this population, for example, in Rome, and whether these countries from—aware they were trafficked? Most of them were from Western Balkan countries, and some of them especially from Romania. So that was what our findings was. But again, to obtain concrete data about numbers, it was quite difficult. When we are working with trying to talk to those agencies—state agencies, police—we do not, again, get something concrete. That is a main concern, that it's difficult to get something real.

The other issue which emerged also in Italy and France and other countries is about the expulsion policy of—or the treatment of women and children who are sometimes on the street begging or doing other things. We're trying to talk to some of the governments that—the effort to get rid of these people, from the streets, and to deport them may—should be maybe rethought because some of the women with children may be victims of trafficking. And for the second time you are just punishing them by deporting back in a very straightforward way; whereas those people may be a subject for care, because we have to recognize who is a real victim and who is not a real victim of the trafficking.

And here I think still there is very little understanding of the part of the enforcement bodies who would like to see these women, children as a—simply organized by mafia, and disregard that they consider that they are victims. They are expelling the women without due consideration for their situation. And it is something concerning.

Mr. GERGELY. I think that there are a couple of issues which we have to underline when we speak about trafficking, as well as when we speak about hate crimes or other similar, related areas. And on the first place, we have to be aware of the fact that the Roma minority—it is placing a major discrepancy situation in comparison with the majority of the populations in the European countries. In terms of social, economic, educational situation, this low level puts them in extremely high risks, in terms of being victims of trafficking or being victims of other sort of crimes.

There are two things which we have to underline here. First of all, there is a lack of disaggregated data on the basis of ethnicity, when we are speaking about minorities which are victims of trafficking. We do not have the information to what extent—and when I say information, I am saying official information coming from the

governments—on to what extent this phenomenon is affecting the Roma minority.

And secondly, due to this fact that we are lacking official data, we lack also policies targeting these particular groups which are affected by the trafficking, for example. So basically we do have policies which are targeting trafficking, but we do not have targeted policy to the victims of traffickings—in our case, the Roma women or children. So this is something which needs to be addressed.

Mr. SMITH. Are groups like IOM and others at least attempting working with governments?

Mr. GERGELY. There are several examples of cooperation—

Mr. SMITH. Yeah.

Mr. GERGELY. —of course. But the problem is that—when you have a state policy which is not targeting by its policy a vulnerable group, and seeing exactly the extent of the situation and trying to really tackle in a particular way that phenomenon—it's really hard to see improvement. And unfortunately we can see the same situation in other areas of concern. We are lacking data on health situation; we are lacking data on the unemployment situation; we are lacking data on several areas. And because of this lack of information, we don't know, first of all, to what extent we have the problems; and secondly, to what extent the governments are addressing the problems fully or not.

Mr. SMITH. Let me ask you with—the recent European court case which concluded that sterilization of a Romani woman from Slovakia violated the European Convention on Human Rights—called it cruel and inhumane. And I understand there are at least five more similar cases pending against Slovakia. Obviously forced sterilization is an egregious form of violence. Is it continuing? Is it systematic? Your view on that? And then I'll yield to my colleague, and then I'll come back to some additional questions.

Mr. GERGELY. First of all, of course, this is a major decision from the European Court of Human Rights. And it has a major impact on this topic. I have to say that there are several similar cases pending before courts in other countries as well. And I would only name the Czech Republic, for example, where there are a couple of cases pending before the national courts. Last year there was a successful case before the supreme court which acknowledged this. And a victim had received compensation. There is a similar situation in Hungary as well. There are cases before national courts pending until now. And also, as you mentioned, there are several cases pending before the European court.

Now it is quite difficult to state whether this phenomenon is systematic still. But what is clear is that, in several member states, there is a lack of ensuring a process of compensation for victims of sterilization. We have to say that many of these victims were sterilized during the communist regime, so before '89. And they could not raise those cases at the time.

Mr. SMITH. Like in China, where women are routinely forcibly sterilized.

Mr. GERGELY. So—yeah. We have to take into account and—that in several countries, there are time bars. So for a victim, it's really difficult to raise a case now after 20 years. So I think that what we need here is from the governments to take a positive step in—



to ensure, on the first place, a compensation procedure for the victims; and secondly, to ensure that such acts will not be repeated anymore—meaning that you have to have a full and informed consent when you deal with such a situation. Without any consent, we cannot speak about—right.

Mr. SMITH. Well, you know, and just for the record, in places even like in Mexico, there are hospitals—they call them social security hospitals—where women, particularly indigenous women, give birth. Unknown to them, they—in some cases they've gotten tubal ligations. In other words, they've been sterilized. And I'll never forget—in work that I was involved in in Peru and still am—upwards of 100,000 women were sterilized, many of them at health fairs, when President Fujimori erroneously thought that one way to combat poverty was to eliminate the possibility of poor people giving birth to children who might be poor as well—a bit of a presumptuous thought to begin with.

And I actually held a series of hearings on it, and it was amazing: He took his impetus for that from the population conference in Cairo, that you need to adopt a sterilization mentality, and quickly crossed the line from voluntary sterilization to forced. And it was—it was awful. And so I'm glad you're very much on the forefront of trying to prevent and to provide compensation for those who have been so harmed by the government.

Oh yes, Mr. Mirga.

Mr. MIRGA. I will just say that we do not see that there is something like a systemic continuation of sterilization. I think that the cases which were brought up very much contributed to raise awareness, which is important. We still need to get to the compensation issue. This is another step to be made. There are some cases of the national courts which recognize also that sterilization against Roma women. And that is also very important, that it's not only from the European level court, but also from the national.

So I believe there is a step forward, but we have to push a little bit farther to fully have—those who are doing this responsible for these acts. And compensation should follow.

Mr. SMITH. Robert? Great. I yield to Commissioner Aderholt.

**HON. ROBERT B. ADERHOLT, COMMISSIONER, COMMISSION  
ON SECURITY AND COOPERATION IN EUROPE**

Thank you, Mr. Chairman. Thank you for your testimony here today and for your presence. One thing that we hear concerning this issue that was [inaudible] hearing is, we hear from a lot of extremist parties anti-Roma sentiment. But many examples of anti-Roma statements come from public figures associated with what we'd call normal parties or mainline parties across political spectrum. My question would be, has extremism against the Roma gone mainstream? And can you give us a more nuanced understanding of this phenomenon.

Mr. MIRGA. Thank you. Well, we see a danger that rhetoric—anti-Roma rhetoric which pays can be adopted also by mainstream parties. And this is kind of approach to pre-empt, maybe, the support for the extremists, so you are bringing in some kind of rhetoric to attract more voters during the elections. we observe that some of the mainstream parties or leaders or member of the mainstream

parties using the same, sometimes, language as it was in case of extreme-right parties.

So it becomes more tolerable to speak the language which usually we associate with extreme. And this is something really worrying. Whether this is a pre-empting something or new strategy to get more votes, or simply people feel more free to speak racist language because they do not meet a strong reaction from the public or condemnation—this is something to discuss. But we see this kind of phenomenon present.

The second thing is that we see in Europe a tendency or trend that extreme parties are winning. They are getting more votes. Finland, for example—

Mr. ADERHOLT. Did you say Finland?

Mr. MIRGA. Finland, yes; and nationalist extreme-right party made some winning. U.K., for the first time, extreme right get into Parliament. we already talked about. So in the number of countries, you can notice this trend that those who are playing with anti-immigrant, anti-minority, anti-Jew, anti-Roma, anti-Muslim—they are getting votes. This pays. And this may be attractive strategy for mainstream parties, because they may become losers. They will—if extreme will win, they will lose. So they have to think how to eventually—what kind of strategy they have to develop. The easiest seems sometimes for some of them to be a little bit radical and play for these voters who are in the crisis trying—maybe because of the crisis they are getting a little bit more sensitive to extreme rhetorics.

And this is worrying. And we saw first kind of test case in Hungary in 2000 during the last local—parliamentary election, when they get like 15 percent of votes. We are now approaching Slovakia's elections. SNS already is playing with anti-Roma rhetoric openly. But we are also hearing mainstream politicians who are talking similar language.

And this is really concerning. This is something which is a danger, because it's like a disease. You can maybe think that this virus—you are strong, you can overcome it. But maybe this virus will cause a damage to you. So we have to warn a little bit mainstream politicians about the way they think they can play at politics in future. This is a danger.

Mr. ADERHOLT. OK. Yes, could you?

Mr. GERGELY. If we would go back in time for 10 years or a bit more, we would see that what was different from today is exactly the political discourse or politics in general. If you are looking now into what is happening in several European countries, we would very clearly see that politics has been deteriorating a lot. Now, there are many things which we have to consider. Anti-Romani sentiment or anti-Romani prejudice was all there. Twenty years ago it was the same high level of anti-Romani sentiment.

But now we see a gap which has been widened between the situation of the Roma and the majority of the population. We have the economic crisis. The economic crisis in Europe has affected the majority of the population, but had a much greater impact on the vulnerable groups and in particular on the Roma communities. This widening of the situations, this big difference is fueling prejudice,

rejection, exclusion of this minority—the Roma minority in particular.

Now, the economic crisis is playing an important role in terms of the feeling insecure as a mainstream citizen. You cannot feel but insecure about what is happening. Having this situation, there is an erosion of trust in governments, there is a lack of trust in the political environment. So the parties have to find something in order to counterbalance this erosion. So what is that? It is exactly on minorities, immigrants, criminality, Roma.

Playing—putting this issue on the table in terms of political debate and mixing up with the insecurity of the majority of the people, it seems that it works, it pays votes. So we have the case of France, when mainstream government representatives have been involved in anti-Romani rhetoric. We have the case in Italy where the same—mainstream government representatives have been involved in anti-Romani rhetoric. And then we go to Central and Eastern European countries—Czech Republic, Hungary. In Slovakia now, for example, in the political debate—in the political campaigns we can find banners on the streets: “How long do we have to pay for the Gypsies?” This should stop. So it is an issue for political campaign. And if 15 years ago only extreme right parties or extreme right movements were playing this card, now it is played by the mainstream as well because, at the end of the day, it pays votes.

Mr. ADERHOLT. Thank you. Thank you, Mr. Chairman.

Mr. SMITH. Commissioner Aderholt, thank you so very much. Let me just ask a couple of final questions and then ask you if you have any final comments you’d like to make.

Mr. Mirga, you mention that there is a need for more Roma in police forces. I would just note, parenthetically, there may be a model that needs to be replicated throughout all of Europe, and that’s Northern Ireland. I actually chaired 11 congressional hearings, including—in the Subcommittee on Human Rights, which I chair, and our Commission here, on the need for integration of Catholics into Northern Irish police force.

It used to be called the RUC, the Royal Ulster Constabulary. And Mr. Patten, the foreign minister for the EU, former—very distinguished career—authored what was known as the Patten Report that made sweeping recommendations to London as to what they needed to do to make that police force more responsive. And I always argued that I felt that was the Achilles’ heel. You don’t get peace if you don’t have a police force that’s fair and unbiased, professionally trained, has a human rights focus to it.

And I’m wondering if there’s any attempt to try to take the Northern Irish model and replicate it elsewhere, because they have recruited very fine officers in the Catholic community. And now that force is working very cohesively. If you ring up a policeman you’re not going to get somebody who might commit a human rights abuse—although there are bad apples or bad policemen in any police force—but not based on sectarian issues, or at least it’s less likely now. And I’m wondering, has there been a look at the experience in Northern Ireland? And secondly, what countries are getting that right and bringing Roma into the police force?

Mr. MIRGA. Two years ago, together with SPMU from Vienna, we published a booklet on police and Roma—building trust between police and Roma. It contains a lot of good practices collected from various countries about what police can do in multiethnic society, how they can increase representation of minorities in the police forces. So a higher end example probably is also included there.

What we are trying now to do is to promote this booklet and to launch in national languages. We had already two such launches—one in Romania, one in Hungary. When we were on the field visit in Hungary we were paying attention to the issue of representation of Roma in police forces, especially because we had this number of killings there. And we were meeting with Roma as well who are police officers. At the time when we were in the field—on the field visit, the spokesperson for Roma—for national police was a Roma himself—a young, Roma police officer.

In Vienna where we were launching the book we had three Roma officers—one, and this spokesperson of the police from Hungary—policewoman from Hungary, and Roma officer from U.K., from metropolitan police. And he was a Czech Roma who migrated to U.K. And there he became a police officer—the first ever Roma officer in the police force in U.K. So we have some of their examples.

In Hungary, for example, there is around 300 Roma in the police force. It's a significant number. However, and paradoxically, in this country we had this series of attacks. During the elections, in this country, a trade union—the police trade union—has agreement with Jobbik to support Jobbik. So this is kind of a confusing messages, coming from police forces—kind of exceptional situation.

In some other countries—in Romania, there is number of Roma in the police forces as well, but less than in Hungary. Some Roma are in police forces in Bulgaria, but not much. So this is something which should be encouraged and bring in more and more—and to have Roma and career—open career for them to be done. And this can contribute, of course, to the improvement of the integration of Roma into society. So this is something still ahead.

Mr. SMITH. Let me just ask you, with regards to countries like Germany that continue to deport Roma to Kosovo 13 years later, where the prospects of reintegration—unless it's very carefully done could be a very, very painful experience, and especially when you have forced repatriation being a part of it—what is the status of that? Is Germany and others still doing that? And what happens when that person who was forcibly repatriated arrives in Kosovo?

Mr. MIRGA. Two years ago there was a briefing in the Bundestag. I was part of this briefing on the situation of Roma of Kosovo and about the policy of Germany vis-à-vis those who are in Germany and supposedly should be going back. Our official position was that while Germany has a right to do what they do, because there was agreement—temporary protection was provided after the conflict there—to victims of the conflict including Roma and when they considered that there are already safe conditions in Kosovo, so they should be going back.

We were saying that maybe it's a premature action. It's maybe not right timing. There are still tensions there, economic opportunities for those who return are very minor. So in fact, the decision to send them back, puts them in very bad situation after return

there; the second—those who are returned may not be going to Kosovo itself, because some of them were asked where they want to go—to Belgrade or to Pristina? Most of them are choosing to go not to Pristina, to Belgrade.

When we were trying, for example, to identify Roma who were returned in Kosovo, it was very difficult to find people because they were already not there. So maybe the policy of so-called voluntary or forced return is not effective at all, because people stay 10, 12, 13 years in Germany, living there, have their networks there, being with families, suddenly deported. They will try to find a way to go back.

We were visiting also Roma communities in Mitrovica—southern Mitrovica, which is rebuilt now. U.S. also leave some funding for rebuilding and closing in the—And again, we are trying to find the people there from Germany, whether they are there. We found one person, a young 20-years-old man who spent half of his life in Germany, spoke perfect German, and who suddenly was taken, put on the airplane and send back. And he was completely lost in this environment. All his family and friends are there. So what he is doing here.

So my conviction—my point—my view is that Germany should rethink its policy, disregard that there are some agreements they are entitled to do this. It might be not effective. On the other hand, in Germany there is a movement among the Roma and supporters to argue to have them stay in Germany. Romani Rose is one of the leading Roma activists in Germany who is advocating for this also with the government. So there is a hope maybe that some of them may stay.

Mr. SMITH. Commissioner Aderholt.

Mr. ADERHOLT. Yeah, Mr. Chairman, if I could interject for just a minute. I am between meetings, this is—I've been at a hearing all morning. It's really been a crazy day for hearings on the Hill today. But before I do slip out I did want to ask about two countries in particular, the next likely candidates for NATO membership: Montenegro and Macedonia. What is your assessment of the situation of the Roma in those two countries just briefly?

Mr. MIRGA. As regards Macedonia, there is a significant Roma population, contrary to Montenegro—there is very tiny Roma community, though in Montenegro you have a large number of Roma from Kosovo who left around—over 4,000. And they are still living in camp where are very bad conditions.

In Macedonia, you have, as I said, significant Roma population which benefited, paradoxically, from the crisis which was in beginning of 2000 with Albanians. There was the agreement, and agreement requires minority communities to benefit for equitable representation in public office, in employment. And that pays also to Roma, not only to Albanian minority have—I should not say minority.

So because of that, you may see Roma represented in many offices of the government and authorities. So in Macedonia there is actually a minister, a Roma, in the government; there is a deputy minister, another Roma; there are several directors in various departments. So in this sense, Roma benefited because of the agreement, because it goes to all the communities in the country.

Another thing is what is the situation of Roma in terms of social, economic, human rights and so on? This is a little bit different. We have a big municipality—Roma municipality in Skopje. It's over 30,000 people with a mayor, council, built up by the Roma themselves. So Roma, visible in the country. They are represented in some offices—not yet to the level they should because there's a percentage which it was not reached yet. But this is something progressing.

Comparing this with Montenegro, well, they started just now to have a Roma council. And there is a consultation process with the Roma. There was a new census which included Roma and we know a little bit more now how many Roma are there. This is important because of the representation eventually in the parliament. If you reach some threshold, you can have representation in the parliament. So this is something evolving also with regard to representation.

There are few educated people, though, in the country—around 20. They're educated and they are not working sometimes. So one of the issues which we raised with them—with the government is that as an example of positive, perhaps to act as a role model for others to follow in education, they should give some jobs to educated in the country. So we see some Roma who will be selected probably by the government to take some positions.

So as I said, main problem now for the Montenegro Roma population is Roma in the camp which is a big one in Podgorica—Konik camp, over 4,000 people living on the dump. You mention sometimes the dump; it is live at the dump and they are there of course surrounded by other people as well, but the conditions are dire. So there is an effort a little bit now to improve the living conditions there. A commission is ready to put some money for rehabilitation, but we have to see how it will evolve in next years.

Mr. ADERHOLT. That's very helpful, thank you. Would you like to add something?

Mr. GERGELY. Yeah, I would—just a few things about Macedonia. In terms of positive developments, we might mention that the government has acknowledged the situation, has adopted a policy for improving the situation of Roma. And another thing is that, as positive practice—is that Macedonia adopted a law for legalization of property rights, which might be of high importance for Roma, because that means legalizing informal settlements or providing recognition of property—land property for Roma. So from this point of view, Macedonia is a good example to be mentioned.

It would be very interesting to follow up on the process of the implementation of this law, to see exactly if the Roma would benefit from this law in terms of recognition of properties, because you may know that housing is an outstanding issue for Roma communities. They live in informal settlements. Most of the times local authorities, they do not recognize the properties, the land—in particular land properties. So this law could be of high importance for Roma.

On the other hand, in terms of the human rights situation, there are as well a couple of areas where Macedonia has to improve. It's not only the employment, education, health; but in terms of law reforms—for example, the legal framework for protecting against dis-

crimination still has to be improved. In education there are a couple of cases where the Roma children are enrolled in special schools for children with intellectual disability, even though they are not disabled. So there are a couple of issues where Macedonia has to still improve.

Mr. ADERHOLT. Thank you very much. Thank you, Mr. Chairman.

Mr. SMITH. Thank you. Mr. Gergely, can I just ask you—I chair the Autism Caucus here in the United States, and actually wrote the law in '98 and just did it again last year to put considerable money into autism best practices. And early intervention—beyond anything else that we might do, particularly in age two or three or four, and the earlier the better—can have a tremendous impact on whether or not that child has a better life as he or she grows into adulthood.

I'm working closely with some Europeans and the European Parliament on autism. It's a big problem there. I just chaired a hearing last year on global autism, and the estimates are that there are some 67 million people worldwide who have—are somewhere on the Asperger—either severely autistic or moderately. And it's just an emerging problem that we're not sure what the trigger is, and there may be multiple triggers.

But it seems to me that autism—especially as it is all over Europe, all over the United States, has to be a problem. And many kids, children in—who happen to be Roma, might be further disadvantaged because the early intervention initiatives are not available to them. And I'm wondering if there's been an effort to include them.

Education per se for Roma children is substandard because of inadequate response by governments anyway. But this is above and beyond because it—testing needs to be done. You know, just a general sense of, why is my child not behaving the way he or she ought to, may not trigger the response. And if those social services are not there—and if the educational establishment is not working to help those kids—they are further disadvantaged. Your thoughts on that?

Mr. GERGELY. Well, this is an outstanding issue for Roma children as well. European Roma Rights Center was involved in lodging several complaints on behalf of Roma children before the European Court of Human Rights. And we have some—a couple of decisions, one against the Czech Republic, one against Croatia. There is another decision against Greece. And there are several examples of cases before national courts—Romania, Hungary.

It seems that it is a practice to enroll Romani children in separate classes, separate schools or special schools for mental disabled children, in the absence of any medical record that this children would need a special education, a special attention, paid for. What we are advocating a lot is that Romani children have to be enrolled in mainstream schools. The practice of segregating Romani children—either in segregated classes, segregated annexes to the schools or special schools—has to be ended. And the decisions from the European court are in this regard.

The problem is that, in a lot of member states, there is a lack of reform in the educational systems. The governments are a bit re-

luctant in reforming systems. Czech Republic is maybe one of the cases where we had a decision from 2007, and the government—it's still struggling in reforming the educational system after five years from the decision, when the government had to reform its system on the basis of the court's decision. And still that is not the case. So we have several situations in other countries as well. Unfortunately it is a practice in Europe to put Romani children in segregated spaces, I would say.

Mr. SMITH. Could I ask you, with regards to autism, whether or not there has ever been a surveillance? And again, going back to 1998, I introduced a bill that was signed into law in 2000 that required the Centers for Disease Control to set up centers of excellence, as we call them. And it really came out of case work in my own district, where we thought we had a prevalent spike in Bricktown, New Jersey. And when we started, or they started, doing their data calls, they found out that other municipalities had a similar rise, inexplicable. And we went from believing that the prevalence rate in the United States was three out of every 10,000 children to one out of every 110.

And I'm not sure—if they're not part of the surveillance, large numbers of Romani children could be left further behind because their autism has not been discovered and early intervention and other—I mean, segregation for a severely autistic child is required, as long as they're getting service that is commensurate with the problems that they face, so that they can become better-functioning. But if it's done just to—as you are clearly saying—to separate in the way that African-Americans were separated in this country years ago, through laws that were just to set apart—that's prejudicial and discriminatory and certainly totally unethical. But I wonder if that's been even looked into the way it ought to be.

Mr. GERGELY. It was not substantially looked upon, but the other problem is also the lack of proper testing procedure when they are applied through Romani children, because this is where the problem starts. They are enrolled in special schools without being properly tested. So basically they are tested—they are enrolled on the basis of a social-economic disadvantage, not on the basis of a medical ground. This is what is happening.

Mr. SMITH. You know, just to—point for pondering: We're pushing more police understanding of what a severely or even moderately autistic child might be experiencing, because that child—as he or she becomes an adult—might fly off the handle, and a cop will respond in a way that then leads to an altercation.

The child gets—young adult—incarcerated, and they're dealing with a disability that made them prone or almost predetermined—given the right trigger—to respond negatively and then go to jail. So we have children—young adults, I should say—in our own jails who shouldn't be there, who are really—medical issues that went unaddressed. And I'm sure they've got to be occurring within the Romani community.

Let me just ask one final question, and then yield to Erika Schlager, our expert. You know, one thing about the—and you know this, I think—about this Commission is that we are blessed with very, very talented and effective staff who make it their business, 24/7, year in and year out, to know, understand and work the



issues, including the Romani issue—human rights issues. So I will yield to her.

I just want to ask one final question on trafficking. In your report, Mr. Gergely, you make it very clear that—and this is just one fact that you have in there—24 percent of the Romani trafficked persons interviewed in this study, the “break into silence” study, had been in contact with the police, and only one case resulted in the imprisonment of the perpetrator.

You point out in the study, the overwhelming lack of support available to Romani trafficked persons negatively impacts the ability of many to re-integrate, leaving them highly vulnerable to re-trafficking. And of course that is true anywhere; it’s true here. When they don’t get the kind of services that they need, soon as they’re back out on the street, if you will—even if rescued, the traffickers are waiting there to re-enslave them.

And you also in your recommendations say that there needs—and this would be to you, Mr. Mirga—to promote networking between Romani NGOs, Romani mediators and Romani community representatives to law enforcement and anti-trafficking authorities, to combat trafficking in Romani communities.

And I’m wondering, since all of our countries now have plans of actions—or at least almost all, including the OSCE space—are they looking to put that piece in, so that the Romani—who are disproportionately trafficked—have those re-integration services available to them, so they’re not enslaved a second and a third and a fourth time?

Mr. GERGELY. Well, as I said before, the problem is that, in several countries, this is not acknowledged as an issue. So therefore you do not have a policy which addresses this. That’s why we recommended in the report that there should be a networking in place—meaning cooperation between the communities and the law enforcement. This unfortunately is lacking because the law enforcement doesn’t see it as an issue which has to be tackled in a particular way. But this is apply-able to other areas, unfortunately.

Mr. MIRGA. Yeah. I think that one of the issues which should be raised here is neglect. Neglect, yes. And this goes in many other areas. Not only in the issue of law enforcement and care about something like victims of trafficking. Because if they identify something like a Roma, well, this is kind of less an issue. Similarly with education why Roma children are not in the school, and there is obligation for having them in the school. Sometimes school authorities just neglect their obligation to control and that they should be in school, not outside of the school.

So in this way, we can see that Roma are sometimes a second-class citizen whether in the situation of victims or in the situation of children who should be in school. And we see this in many places. And so something like—if we expect Roma to be included into the society, we should—and be treated equally or sometimes even positive discrimination applied—we have to of this kind of negligence—of neglect, closing eyes on the issues.

And we should apply strongly the existing law. If there is a convention of child protection—if there is a law which says, until secondary education a child has to be in school—authorities should enforce this, not just neglect—because you are Roma, we don’t care

what you do. So this is one of the source of being left out completely in many situations, including, trafficking.

The second about—thinking about trafficking, I think we already pointed out that there is a real lack or a little bit of real commitments to fight against. I know the situation in some of the countries where—because of the pressure from outside, and providing funding—there were many agencies created to deal with anti-trafficking. But when you try to push to get some data, what has been—how this was effective to prevent trafficking, you cannot get positive results. It's simply—the procedure is continued, and you do not see positive results. So that is what is concerning; multiplying agencies and institutions which absorb funding, various funding from donors, let's say—but you do not see a real progress in stopping the process.

Mr. SMITH. I'd like to yield to Erika Schlager.

Ms. SCHLAGER. Thank you, Mr. Chairman. Two years ago, at the time of the murders in Tatarszentgyorgy, in Hungary, there was I think quite a lot of shock at the brutality of the murder of the father and son there. And two prominent Romani Hungarian public officials spoke to this. Florian Farkas warned that Hungary could be headed towards civil war, and Viktoria Mohacsi said Roma would have no choice but to arm themselves or flee. Without limiting yourself to Hungary—that is, speaking more broadly to this phenomena in Bulgaria, the Czech Republic, elsewhere—how do you view the prospect of interethnic violence? Thank you.

Mr. MIRGA. I think that, in the situation like we had in Hungary, first reaction was to escape. You had a rise in people who were migrating. Similarly, in Czech Republic, we had a crisis where immigrants were going to Canada; Canada had to introduce visas. Now we have again similar things in Western Balkans, when you have significant number of Roma asking for asylum, claiming the situation.

So I think first reaction is to avoid something like being targeted by some groups, by extreme, and leave. The second—if this is not a way out, and you have to stay—so the potential for some—I would not say interethnic conflicts, but victimizing the weaker, because Roma are not strong enough to stand up. So more kind of a violence against the Roma may happen. And we warn that—against that, especially in the context of a continuing crisis, where you will see more austerity programs which will impact welfare transfers to Roma, who are mostly dependent on welfare.

So you may see this kind of situation where Roma can be victimized by majority, because there is a growing resentment against the Roma, built up by some elements in society. I would—in my view, I would not see this like a real conflict like we had with—let's say, between Albanians and Macedonians in Macedonia, or like a real civil war. But more like something which the weaker will be suffering more. So that's what I feel may happen more often.

Mr. GERGELY. What I would add is that the environment now is very critical. The economic crisis in Europe on one hand, the deterioration of the political environment, the gap in terms of social and economic situation of the Roma—these factors put the Roma community at a high risk. Of course that—when we see all these

manifestations against the Roma taking place in several countries, when the political environment is changing—unfortunately not in a very positive way, but rather on negative way—you cannot but wonder where it would lead to.

So I think that the sentiment of the Roma communities is not a safe and a secure sentiment. It's one of insecurity; it's one of lacking the feeling of being protected. So it is extremely important that when member states are addressing the issues of the Roma communities, they are not focusing only on economic or social perspective, but rather they see it as an interdependent process with assuring human rights.

If human rights are not protected, if you do not have a human rights-based perspective which is mixed with the social and economic perspective, and without having an inclusive approach, as long as we keep the Roma communities outside and the majority of the societies on the other side, we will never reach to a common ground, but we will be all the time parallel without reaching anything.

So I think that the member states has to really see this danger which is there. And they should really put together this economic and social perspective, ensuring human rights protection. That's the most outstanding issue now.

Mr. MIRGA. Just to add something with—to the question. We see something which is completely new—mass protests against the Roma. It never happened before. We had eventually a community of violence, local community was against Roma community. That happened many times in many places since transition. But to have somehow mobilized a large number of majority and have them going outside on the streets to protest against the Roma, this is something new. And this very worrying.

Something new is also how extreme right is organizing people. In North Bohemia, these groups are organizing protests and they are joined by normal citizens, young people. And these organizations are small, but they are mustering to have several hundred or thousand people going against the community against something—something new. And that never similar things were happening in the past. And this shows the direction of how things can evolve.

That, as I said, you may have this kind of victimization of the weaker in this relationship, Roma-majority. And we have to speak up about this. We have to raise awareness about this. We have also to ask U.S. to react to this. Governments have to realize that protection of the communities, the first, and to diffuse this kind of action which are undertaken by some elements of the—of the majority.

I would like to, for example, to appreciate steps made by Bulgaria when the riots started and these mass protests were organized in several cities, they arrested several hundred people. And after, we do not hear any more about such organized protests against the Roma. Also, what is positive thing—during the local elections, Ataka—they didn't do well, they lost. They had over 200-something councilors in the local elections in the previous time. Now, they have much less, like one-third of this.

So maybe either population or politician understood that such an aggressive anti-Roma politics is not anymore right and it's not so

society didn't buy it in general. So I would like to encourage this kind of freedom, unwavering opposition of the leadership of the government, of the president, leaders of the mainstream parties which stands on principles and they saying, "This is not acceptable; we condemn this," in a uniform voice. And that's also what we would like to see happening from the U.S., that these strong messages about the principles are—should be going straight forward to a number of countries.

Mr. SMITH. Mr. Gergely, is the United States—from the president to the vice president, secretary of state—speaking boldly enough, with enough specificity to—on the Roma issues—to our European friends?

Mr. GERGELY. Yes, they are. I mean, the state secretary, Hillary Clinton, has a history in taking firm standing on Roma issues. Of course, having a similar message from the President of the United States would be something which would very much have a very clear and outreaching message to the European countries—

Mr. SMITH. Has he mentioned it? Has the President of the United States mentioned it?

Mr. GERGELY. Not yet. But it would be something—

Mr. SMITH. Sure.

Mr. GERGELY. —which would give a strong message for the—for Europe, I think—

Mr. SMITH. Right.

Mr. GERGELY. —in terms of protecting human rights for minorities. We are looking very much forward for U.S. to have a similar standing and a position on Roma issues, as it was until now.

Mr. SMITH. Thank you. And I do have one final question. The World Bank in a report suggested that if there was full integration of the Roma community into the labor market, that about a half a billion euros per year—annually, obviously—for some countries would be the result, of positive consequences. So it's not just a human rights issue, a humanitarian issue, and a simple justice issue. It's also a very positive economic issue if full integration were to occur. And I'm wondering is that appreciated by governments, that they're missing out of a positive economic benefit for the rest of the community if they were to integrate?

Mr. GERGELY. What I would say is if we look around in Europe we would see that a lot of political commitments have been in place in terms of improving the Roma situation, a lot of governments have adopted policies for improving the Roma situation. But unfortunately, the governmental commitments which we're undertaking have been dissolved at local level, which shows that in practice having a commitment is not enough.

On the other hand, when the governments were adopting policies for improving the Roma situation, what they were missing to put there, beside the commitment, was the financial resources for implementing those policies. So of course, in order to ensure employment, you need resources for providing trainings, for providing education, skills, and so on and so forth—jobs, market, formal market. It's not—it's not easy at all. It is a long process. It takes time. But unfortunately, the governments are not committing their resources for implementing such policies.

Now there is a lot of expectation from the European Union, because the European Union has adopted the framework communication on the policies. Now all the member states are expected to develop and to have the policies for the next 10 years. There's a lot of emphasis on the financial resources, because the union has the financial resources in place. The only thing is that the member states have to apply for it. You have to request, have to have the capacity.

The reports from the European Union shows that the European funds absorption rates from the states are extremely low. With other words, the states are not able to absorb the financial resources which the European Union puts in place. So now the question is if the member states are absorbing less than 30 percent of the available funds, how would they be able to absorb funds for Roma strategies? So the outstanding question here is whether the states are able not to put their own money, but to get the money from the union in order to implement the policies for Roma.

Mr. SMITH. Mr. Mirga.

Mr. MIRGA. Just to comment on your question, I think it is very valid argument, financial one, that governments is losing and because of large work power which is not utilized at all, to some extent of course because still if there is no will, this argument will not work. Politicians, government may just listen to, but they are not ready to, first, to invest to get after what is the return. If you have a, let's say, sometimes 80 percent of people not working, so how to mobilize these people if they have no skills, no education?

So what we are saying, you have to adopt a long-term perspective. You have to start with early education of new generations, because if you will not start early and prepare the children to be equal with others in the school, they will never finish high school, they will never finish universities. And now education is a key to enter labor market. And there is a competitive labor market. Some place people are young, educated and they are without jobs. In some countries, it's like 40 percent, 50 percent of young people without jobs. So imagine now Roma, who have 1 percent educated and they are discriminated, how they can enter the—such a competitive field. So in order to really solve the issue, you have to have a long-term start from the beginning, invest this money and expect that maybe in 20 years there will be some return.

So the argument that now you can lose many money because they are not involved in may not work with many politicians at the moment. So our hope is that, especially in the time of crisis where Roma even more are limited to take income and jobs, what we can argue is do more with education, right, starting from the beginning—

Mr. SMITH. Are there countries that provide the proper incentives—scholarships, for example—that do better than other countries, particularly for higher education, so that those marketable skills can be learned?

Mr. MIRGA. Well, there are some countries who provide scholarships, yes.

Mr. SMITH. Who would you say is best? You may not want to say, I understand.

Mr. MIRGA. The best? Well, I can say some positive steps are taken in Poland, for example. We have a scholarship system since already for six or seven years. Each year we have like 50 students supported from the budget. They are receiving monthly, like, 150 euros. So this is a significant help. This is a significant support. We have in Hungary a scholarship system. We have in Romania reserved seats at the universities.

So there are a number of good—but it's still small-scale project. It should be more. But you have to do also not at the only at the level of university, you have to take care that there is more children going through the system and reaching university. Now is very small percentage which is able to pass through education and to reach university.

Mr. SMITH. You know, one of the greatest trainer of skills in the United States and I guess—I would suspect Europe as well—are the U.S. military, our armed forces. How accessible are the militaries of respective countries to Romani young adults who want to enlist?

Mr. MIRGA. I think—what I know about some countries is like, for example, in Central, Eastern Europe in former Czechoslovakia, yeah, army was a kind of a space where you can make a career. Some of the leaders, present leaders, were rank officers in the army. I don't know what is now at the moment, whether it's still such openness, but I don't feel that it not. At that time, it was much easier to be subscribed to army and eventually some prospects was—

Mr. SMITH. Is there any attempt on the militaries to recruit among the—

Mr. MIRGA. This I don't know. How it is—whether or they are active, yeah, they are reaching out the community, here I cannot say. It's similar probably like in police; you may have some declarations, but openness of the forces are sometimes not so. And there are also some inhibitions on the Roma side we have to be clear about as well to be in police, for example.

Mr. SMITH. I want to thank both of you. If you would like to make any last comment but—I'll give you the last word—but you certainly made many very important and incisive recommendations. Your commentary will be very widely disseminated. And it helps us to do a better job. And I am deeply, on behalf of my fellow commissioners, grateful to you for your leadership and for taking so much time out of your day, and really couple days, to be here to provide us that. So I thank you. If you would like to just make any final word or we'll just conclude.

Mr. GERGELY. I would just like to thank you for giving the opportunity of my organization to have this statement here.

Mr. MIRGA. I would like maybe to make some short statement about the ODIHR and our cooperation with the EU.

Last year, we were working closely with the [inaudible]. We had a number of high level meetings with the government there to raise awareness about the needs for concrete action regarding Roma in Western Balkans who are in the pre-accession. So the pre-accession has to be used differently how it was used in the past. But this opportunity was somehow missed, because this is at the right time to exert pressure on the governments and to do more.

We were also awarded with the EC grant to do project in Western Balkans. It's called Best Practices for Roma Integration. And we aim to work with all the countries there, including Kosovo, in identifying best practices in five areas and will try to implement them.

In this context, I would like to thank also U.S. for supporting financially this project, made some contribution. Germany made also some contribution to this money. And we are grateful for that. And at the end I would like to thank Erika Schlager, a professional staff member of the Helsinki Commission. I admire her as she is tireless in all her efforts, whether it's in promote Roma rights here in Washington and the OSCE area. This hearing is also thanks to her dedication. So thank you very much, Erika. Thank you.

Mr. SMITH. Thank you. On that last word, the hearing's adjourned. Thank you.

Mr. MIRGA. Thank you.





# APPENDIX

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## PREPARED STATEMENTS

## PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Good afternoon and welcome to everyone joining us this afternoon—particularly to our witnesses, who have travelled here from Europe to be able to testify today. We appreciate your dedication to the human rights and dignity of the Romani people, probably the most discriminated against and disadvantaged people in Europe today.

Roma, Europe's largest ethnic minority, have faced discrimination and worse for hundreds of years. In parts of Europe they were even literally enslaved, as late as the 19th century, when our own country was battling this evil, and, in the 20th century, were the victims of German genocide during WWII—an estimated 500,000 Roma were exterminated by Nazi Germany and its accomplices.

In 1990 hopes for the democratic transitions underway were enormous—and the OSCE was likewise optimistic that it would play its part in ensuring that Roma would be equal sharers in the benefits freedom, democracy, and the free economy would bring.

But the 1990s were difficult years for Roma, who were faced with pogroms, murders and other acts of violence, and police brutality. With a view to that violence, I wrote to then-Assistant Secretary for Democracy, Human Rights, and Labour Harold Koh regarding Romani human rights and religious freedom—and urged the State Department to be sure that these issues were fully covered in the Department's annual *Country Reports on Human Rights Practices*.

The commission became increasingly active on Roma human rights issues. In 2002, we held a Helsinki commission hearing on the situation of Roma. And that same year, my resolution on improving equal opportunities for Roma in education was adopted by the OSCE Parliamentary Assembly.

Although about ten years ago many countries began to implement measures to stem the violence, resulting in fewer attacks and more accountability when attacks occurred, the sad fact is that these positive developments have not been sustained.

To make matters worse, in recent years there has been a terrifying escalation of violence against Roma, prompting to a Helsinki Commission to hold a briefing on this issue in 2009. The current wave of violence has resulted in horrible fatalities—like the murder of five-year-old Robert Csorba in Hungary, who, along with his father, was killed by sniper fire when they tried to flee their burning house which had been set on fire by Molotov cocktail. There are many cases of horrifying violence against Roma: people have been maimed or disfigured for life, like the 13-year-old girl in Hungary shot in the face by the extremists who also killed her mother, or the toddler known as “Baby Nataalka” in the Czech Republic who was burned over 80% of her body in a Molotov cocktail attack. And as we discuss today the anti-Roma mob attacks and demonstrations that continue to occur in several countries, we should ask: what is the impact on families and children who huddle in their homes while a mob outside yells “Gypsies to the gas!”? Exactly this sort of thing is really going on—in the year 2012 Roma still have to face such open savagery.

Yet at the same time many governments are voicing serious concerns about the situation—one of the purposes of this hearing is to ask how well the solutions respond to the problem. Every EU country is now working up a “national strategy for Roma integration”—do these strategies respond to the real gravity of the danger threatening Roma?

Likewise our own State Department has prioritized the rights of the Romani people, and this has been implemented with real commitment by many ambassadors and human rights officers. Yet the *Country Reports on Human Rights Practices* have been uneven and so we will have to continue to watch them carefully—they should be a touchstone of our government's commitment to the human rights of the Romani people.

Finally, we should also talk about humanitarian concerns. In the post-communist countries, Roma have been the absolute losers in the transition to market economies. Last year Hungarian Minister for Social Inclusion Zoltan Balog said that their situation is worse today than it was under communism. Over the past twenty years, Roma have been caught in a downward spiral accelerating at exponential rates. While they were at the bottom of the social ladder during the communist period, today they are often “off the grid,” living in shantytowns, urban ghettos, or seg-

regated settlements. A UNDP report concluded that Roma in five Central European countries live in conditions more typically found in Sub-Saharan Africa than in Europe. But can governments really expect to make improvements with regard to other problems Roma face—in housing, employment, education and so on—if shocking acts of violence continue unabated?

PREPARED STATEMENT OF HON. BENJAMIN J. CARDIN, CO-CHAIRMAN, COMMISSION  
ON SECURITY AND COOPERATION IN EUROPE

Mr. President, at the end of January, something remarkable happened: Slovak Deputy Prime Minister Rudolf Chmel made a positive statement about Roma. Saying something nice about Europe's largest ethnic minority may not seem newsworthy, but it is and here is why.

The Deputy Prime Minister reacted to an escalation of anti-Roma rhetoric in the runup to Slovakia's March 10 parliamentary elections by calling on political parties not to play the "Roma card." But more than that, he welcomed a landmark decision of the European Court on Human Rights holding that the sterilization of a Slovak Romani woman without her consent had been cruel and inhuman. He welcomed the findings of a Slovak court that concluded Romani children had been placed in segregated schools in eastern Slovakia. And he commended the human rights organization that had helped litigate both these cases.

To say that statements like these are few and far between is an understatement. On the contrary, officials at the highest levels of government frequently perpetuate the worst bigotry against Roma.

For example, after four perpetrators were convicted and sentenced for a racially motivated firebombing that left a Romani toddler burned over 80 percent of her body, Czech President Vaclav Klaus wondered if their 20-plus-year sentences were too harsh. Romanian Foreign Minister Teodor Baconschi suggested that Roma were "physiologically" disposed to crime. Last year, President Silvio Berlusconi warned the electorate of Milan to vote for his party lest their city become a "Gypsyopolis." And French President Nicolas Sarkozy has explicitly targeted Roma—from EU countries—for expulsion from France. The common thread in most of this rhetoric is the portrayal of Roma as inherently criminal.

Nearly 20 years ago in the New York Times—Dec. 10, 1993—Vaclav Havel described the treatment of Roma as a litmus test for civil society. Today, Europe is still failing that test miserably. As Hungary's Minister for Social Inclusion Zolton Balog has argued, Roma are worse off today than they were under communism. While a small fraction of Roma have benefited from new opportunities, many more have been the absolute losers in the transition from the command-to-a market economy, and vast numbers live in a kind of poverty that the United Nations Development Programme described as more typically found in sub-Saharan Africa than Europe. Endemic discrimination has propelled economic marginalization downward at an exponential pace, and the past 20 years have been marked by outbreaks of hate crimes and mob violence against Roma that are on the rise again.

In the current environment, those who play with anti-Roma rhetoric are playing with a combustible mix.

In the near term, there is the real prospect that fueling prejudice against Roma will spark interethnic violence. Before Bulgaria's local elections last October, the extremist Ataka party parlayed an incident involving a Romani mafia boss into anti-Romani rioting in some 14 towns and cities. In the Czech Republic, the government has had to mount massive shows of law enforcement to keep anti-Roma mobs from degenerating into all-out pogroms; its worked so far, but at a huge cost.

Significantly, Roma are not always standing by while the likes of the Hungarian Guard mass on their doorsteps; they have sometimes gathered sticks, shovels, scythes, and anything else handy in an old-school defense.

Even without the prospect of violence, there is a longer term threat to many countries with larger Romani populations: if they fail to undertake meaningful integration of Roma, they will find their economies hollowed out from within. More than a decade ago, then-Hungarian Minister of Education Zolton Pokorni said that one out of every three children starting school that year would be Romani. Some economic forecasts now suggest that by 2040, 40 percent of the labor force in Hungary will be Romani. A number of other countries face similar trajectories.

A desperately impoverished, uneducated, and marginalized population will not serve as the backbone of a modern and thriving economy. But several studies have shown that the cost of investing in the integration of Roma—housing, education, and job training and the like—will be more than offset by gains in GNP and tax revenue. In order to undertake those integration policies, somebody has to build popular support for them. And that is where Mr. Chmel comes in.

Until now, most popular discourse about Roma seems predicated on the ostrich-like belief that perhaps they can be made to go away. Few politicians have shown the courage and foresight to reframe public discourse in any way that acknowledges Europe's future will definitely include Roma. Mr. Chmel has taken an important step in that direction. I hope he will inspire others.

## PREPARED STATEMENT OF ANDRZEJ MIRGA, SENIOR ADVISER ON ROMA AND SINTI ISSUES, OSCE

Honorable Chairperson, Distinguished Members of Helsinki Commission, Ladies and Gentlemen,

I would like first to express my gratitude to the Chairperson of the Helsinki Commission for organizing this hearing on Roma and Sinti today. It's a great opportunity to share with you our views and concerns regarding Roma and Sinti in the OSCE area with this important Commission. It's the right time to address these issues, as some developments in recent years are highly disturbing and we need to speak up about them.

I testified here with several Roma friends in mid-2009. It was a time when the financial and economic crisis had erupted and we signalled the worrying developments that were evolving with regard to Roma and Sinti. Today, with fiscal difficulties in a number of European countries and a second economic crisis looming, I have to report to you that some of these concerns, unfortunately, have become reality. No doubt, the ongoing economic difficulties have intensified uncertainty and exacerbated some of the negative trends I elaborated upon in the briefing in 2009.

On a general note, let me underline that most problems facing Roma and Sinti populations have by no means been resolved and, for the most part, this minority has not yet benefited from lasting improvements in human rights and social inclusion; this is unfinished business in Europe that requires much stronger and longer-term interventions at national and European levels. That was one of the conclusions in my 2009 briefing here, based upon the findings of ODIHR's 2008 Status Report on Implementation of the Action Plan for Improving the Situation of Roma and Sinti in the OSCE Area. This conclusion is more valid than ever today.

Currently, it seems the requirement for much stronger and longer-term intervention is widely recognized, as all major international organizations and EU institutions are calling upon governments to step up their efforts to realize objectives regarding Roma and Sinti social inclusion. This is done partly as a response to a serious and dangerous rise in violence and intolerance against members of this minority in a number of countries. It comes, however, at a time when European governments face real fiscal and economic difficulties, making it a bad time to approach them on other issues. Governments are facing tough decisions on the introduction of austerity programmes to reduce public spending and keep national debt under control.

In the 2009 briefing I mentioned ODIHR plans to conduct a field-assessment visit to Hungary. We spent nearly two weeks in the field there, produced a report with a set of recommendations, and have since organized follow-up activities with the Hungarian authorities. Our time in the different localities we visited, including those where Roma had been attacked, and some killed, provided us with a sense of what was going on at the grass-roots level, what people, both Roma and non-Roma, felt, and of developing trends. Clearly, the economic gap between the majority population and the Roma was not diminishing, there were underlying causes for tensions, and feelings of insecurity or being threatened by radical groups were high among Roma.

I claimed also that the next elections in Hungary would be a test case for the extreme right's quest for political power and for the effectiveness of their anti-Roma campaign. Regrettably, those campaigning using anti-Roma rhetoric attracted significant support. We see this development as part of a dangerous trend in Europe, with more such extreme-right, populist and nationalist groups entering into mainstream politics; examples of this trend can be found in a number of OSCE participating States. Another test case is approaching with Slovakia's parliamentary elections, where one party is already openly using anti-Roma rhetoric in its campaign.

Roma and Sinti migration has become a key challenge, and it will likely remain so for some time. The social stigma associated with Roma and their visibility as migrants will continue to heighten the risks of discriminatory practices and of social exclusion in countries of destination.

In the past two years, in the context of deepening economic hardships, we have witnessed a number of disturbing developments. There was the crisis related to Roma migrants in France, we have seen the rise of tensions with extreme-right or neo-Nazi groups in North Bohemia in the Czech Republic, we have seen mass protests against Roma in a number of cities in Bulgaria, following the incidents in Katunitsa, near Plovdiv.

In most of these situations we have seen populist, extreme-right or neo-Nazi groups actively exploiting anti-Roma prejudice, sometimes generating hostility or instigating violence against Roma and Sinti communities. We are concerned about current public discourse on Roma and Sinti that revives past anti-Roma rhetoric,

centred on the image of them as “nomads”, viewing them as a burden to social system or as dangers for public security and order based on alleged ‘Gypsy criminality’.

The rise in open and often radical anti-Roma politics and policies at local levels is another challenging and new phenomenon. We witness local authorities and mayors actively pursuing policies aimed at forcing Roma and Sinti from their communities. Exclusion or separation is openly advocated in some municipalities, including in the segregation of children in educational systems. There are also cases of the refusal by local authorities to accept or request state aid aimed at supporting Roma communities.

The Roma and Sinti, along with other disadvantaged minorities, are right now passing through ‘hard times’, facing ‘hardening attitudes’—just to recall the title of last year’s briefing. This sense of hardship for Roma and Sinti is well illustrated in OSCE documents. The Astana Declaration, the 2009 Ministerial Council Decision from Athens the 2010 Review Conference in Warsaw, OSCE Parliamentary Assembly Belgrade Declaration and the 2011 Human Dimension Implementation Meeting Special Roma Day all addressed concerns regarding rising levels of violence and intolerance against members of this minority. Most recently, on 1 of February this year, the Declaration on the Rise of anti-Gypsyism and Racist Violence against Roma in Europe was adopted by the Committee of Ministers of the Council of Europe; the Committee expressed its deep concern about this trend.

ODIHR in the past have been more focused on providing assistance to newer democracies and States in crisis or post-crisis situations. Today, and likely over the near future, such an assistance will be provided to consolidated and young democracies as instances of hate crime targeting Roma and Sinti may become a recurrent issue there. ODIHR has followed all of these developments closely and will continue to do so. The office managed to organize several field assessment visits to participating States and is preparing next one: all were led by the Senior Adviser on Roma and Sinti Issues.

Parallel to these worrying developments, we are witnessing more promising efforts and initiatives aimed at ensuring human rights and social inclusion of Roma and Sinti. The most important are the new agenda of the European Union on Roma. With EU enlargements in 2004 and 2007 that brought in a majority of Europe’s Roma population, the centre of gravity for Roma and Sinti issues has, quite understandably, shifted to the EU and its institutions. The EU has both the political and financial tools to enforce some measures on its member States, something that other organizations do not have.

Most recently, on 5 April 2011, the Commission issued a communication on an EU Framework for National Roma Integration Strategies, which was endorsed by the European Council in June. The Framework commits all 27 Member States to the development of targeted policies that systematically tackle the socio-economic exclusion of and discrimination against Roma people throughout the EU.

This complex EU agenda on Roma and Sinti has been overshadowed by the euro crisis itself. Much of the response to the question of how this new effort of the EU regarding Roma can be successful and lasting will depend on the responses to other questions: How will the EU resolve the present crisis, and how long it will take to recover from it? Surprisingly little attention however, appears to having been paid to its possible negative impact on the most socially and economically disadvantaged groups in societies, including the Roma and Sinti. There seems to be a somehow parallel discourse on Roma disconnected from ongoing debates and concerns.

The enlargement has been a matter of politics and not exclusively of standards and benchmarks. Pre-accession support programmes for Roma did not work to better integrate them; these programmes helped to design activities and establish offices for Roma policy, but were mere ‘window dressing’. Regrettably, expensive EU-funded projects have left few traces of outputs in Roma communities or a sense that these communities benefited. They remain socially excluded, with only a minimal chance of increased integration and improving their lives.

The reports recently commissioned by the EU on use of its financial and policy instruments with regards Roma are in most parts critical: minimal progress has been achieved, disproportional funds were used to produce short-lived outcomes; existing initiatives and programmes have been confronted with a lack of political will at both the national and local levels; the effective use of structural funds as, well as the possibility of funds being misused, have both come into question. The reports recommended setting benchmarks and improving monitoring and evaluation, as well as focusing on attaining results and outcomes.

To conclude this part: prospects in the short term appear poor in fields where there has been some constant, if minor, improvement in the past, such as in education, housing, political participation or Roma representation in public media. In a number of participating States there appear to have been setbacks in the areas

mentioned above, as the gap between standards for Roma and Sinti and the majority populations have been, in fact, widening. With few social or economic indicators showing improvement in the situation of Roma, and evidence of increasing hostility toward their communities among non-Roma in some States, these disturbing trends might not just continue, but could very well worsen.

In the crisis like this one the greatest challenge is raising the level of employment and opportunities for income among members of Roma and Sinti communities. Both the lack of education and skills and well as discrimination in the labour market effectively hinder progress in this area. The issue is even more challenging with the rising level of unemployment among majority populations, including among graduates and the young.

Roma civil society has undergone difficult times as well. First, with accession concluded, donors and big private foundations tend to move their activities out from new EU countries. Within the EU space, Roma civil society, in particular, faces hardship in securing funding. Currently, the main sources for funding have become the state and/or EU financial instruments. Dependency on state funding brings limitations and disadvantages; funding may depend on the good will of a particular administration or other considerations. The weak development of human resources on the part of Roma organizations also impacts negatively on the securing of funding from EU sources; access to EU funding opportunities are a matter of specialized skills, knowledge and structures. As a result, Roma civil society may face difficulties in securing funds.

What therefore would I urge states to do?

Rising racism and extreme right pose a real threat to minorities, including immigrants and Roma and Sinti and, in consequence to social cohesion. Renewing commitments to teaching tolerance and preventing activities of neo-Nazi and extreme right groups is a most urgent need. The media can play a crucial role in combating discrimination and prejudices against minorities, immigrants and in particular Roma and Sinti. This is definitely an area where more attention and energy has to be invested in the future.

The best way to deal with the future consequences of today's economic difficulties is to invest in education. This is particularly the case for the Roma and Sinti, who suffer the most from a lack of education and skills. The key here is both to work with parents, particularly the mothers, of Roma and Sinti children to raise their level of commitment and determination to push their children through education.

I would recommend investing more in Roma and Sinti youth. The number of Roma and Sinti students at universities is rising. They need to be embraced and supported, as they can be the agents of change in Roma communities.

There is a need to empower Roma and Sinti organizations, which will increasingly face challenges in attracting funding right now. Such grass-root organizations will be needed to win over the local authorities that are key for Roma and Sinti inclusion. Municipal associations, mayoral offices and local agencies are of central importance.

Examples of good practices are tested by civil society, demonstrating which projects need to be scaled-up, adopted by the government, and introduced in a systemic way. I would stress, however, that the most important actors are ultimately Roma and Sinti families and individuals; they should play a key role in successfully overcoming disadvantages and become self-reliant and successful in their lives.

The EU and national governments have to adopt a long-term approach. Some of the problems are deeply entrenched, and there are no quick fixes to attain goals like raising the level of education among Roma to a level comparable to national averages, or reducing levels of Roma unemployment or effectively countering discrimination faced by Roma in all areas of life.

The implementation of various policies and measures has to be assessed and monitored. This work will be increasingly important for governments and the EU and other international stakeholders—there is a need for evidence-based policy design and accurate evaluation of outcomes.

Co-operation and co-ordination is required not only to limit duplication, secure better outcomes, and ensure greater impact, but also to ensure more effective use of available funding. Future EU Roma policy should endeavour to maintain a balance between the responsibilities of EU institutions and their instruments and policies, and those of Member States. Such a policy shall not be an alibi on the part of the states for inaction, neglect or the view that Brussels is responsible. Stronger involvement on the part of the EU and the financial resources it has to offer can provide a push in the right direction.

ODIHR continues to foster its co-operation with the European Commission. This year ODIHR has been one of the key partners for the EC's Directorate General for Enlargement, which held a series of high-level roundtables on Roma in the context

of the EU accession process in Serbia, Montenegro, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Albania. ODIHR has been awarded an EC grant of over three million Euros for a regional project on “Best Practices for Roma Integration” in the Western Balkans. The implementation of the project started in January, and the project will be carried out over 23 months in close co-operation with OSCE field operations.

This project demonstrates that the EU and the OSCE are increasingly co-coordinating and co-operating on issues of concern with regard to human rights and democratization.

I take the opportunity here to thank United States for its substantial financial support for the project, and Germany, which has also provided support.

Let me end by thanking Ms. Erika Schlager, a professional staff member at the Helsinki Commission. I admire her, as she is tireless in all her efforts to address and promote Roma rights here in Washington and in the entire OSCE world. This hearing is thanks also to her commitment and efforts.

Thank you.



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**STATEMENT BY SECRETARY CLINTON**

**International Roma Day**

On behalf of President Obama and the American people, I offer warm wishes to all Roma as they mark International Roma Day. This is an opportunity to celebrate the many contributions of Roma to the historical and cultural development of Europe. Romani influences on the fields of music, theater, literature, and **dance have added** to the richness of European culture, from the music of Brahms to the novels of Cervantes. Today we also remember and honor the brave acts of resistance by Romani men and women who refused to remain silent in the face of extermination by the Nazi regime.

Most importantly, International Roma Day is an opportunity to call attention to the challenges that continue to face Europe's ten million Roma. **Protecting and promoting the human rights of Roma everywhere has long been a personal commitment for me, and under the Obama Administration it is a priority of the United States.** Like all citizens, Roma should have the opportunity to live free from discrimination, enjoy equal access to education, healthcare and employment, and pursue their full God-given potential.

*Through a range of initiatives, including development assistance, international visitor programs, and constructive interaction between law enforcement and minority communities, the United States is working with our partners to make respect for the rights of Roma the norm across Europe. Working with governments, international organizations, civil society groups, and individual citizens, we seek to help Roma chart their own destinies, with opportunity, dignity and prosperity.*

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[Secretary of State Clinton's video address for 2009 International Roma Day  
is on YouTube with Romani translation.]

**EUROPEAN ROMA RIGHTS CENTRE**

for consideration of the U.S Helsinki Commission on Security and Cooperation  
in Europe, 15th of February 2012, Washington DC

**State Response to Violence in the  
Czech Republic, Hungary and Slovakia**

CHALLENGING DISCRIMINATION PROMOTING EQUALITY



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### FACT SHEET: State Response to Violence against Roma

In a significant number of countries, violence against Roma remains a serious problem. Not only because it harms the Roma directly affected by the attack, but Roma as an ethnic group are impacted by the lack of an effective response by State authorities. The results of the European Roma Rights Centre's (ERRC) monitoring in 44 selected cases of violence from 2008-2010 known to police in the **Czech Republic, Hungary** and **Slovakia** show that many Romani victims of violent crimes do not secure justice.

Of the 44 cases under examination

- Judgments finding the perpetrators guilty have been reached in **nine** cases: only **one** of those is considered final;
- Of those **nine** cases, only **six** have resulted in imprisonment (several under appeal) and **three** resulted in suspended sentences and/or fines, including persons with known affiliations to neo-Nazi groups in the Czech Republic; and
- Police investigations were suspended with no perpetrator identified in **27%** of all selected cases.

Racial motivation:

- Racial motivation has been confirmed in the judgments in **three** of the selected cases of violence against Roma;
- In **11** other cases racial motivation is included in the indictment in pending cases, including the group of **nine** cases in Hungary for which the same four perpetrators are standing trial; and
- In **50%** of all selected cases, racial motivation of the crimes committed against Roma was ruled out or not confirmed in the absence of identified suspects.

### State Response to Anti-Roma Attacks

Number of cases:	Czech Republic	Hungary	Slovakia
Examined	14	22	8
Closed without suspect	4	6	0
Treated as misdemeanour	2	0	1
Pending prosecution	1	12	2
Leading to non-prison punishment	2	0	1
Leading to imprisonment sentences	5	1	0
Racial motivation ruled out	4	8	3
Racial motivation pending	0	9	3
Racial motivation confirmed	2	0	1

The failure of law enforcement authorities to identify the perpetrators of crimes against Roma in a considerable number of investigations creates a climate of impunity and may encourage further acts of violence against Roma. Recognition of racial motivation in such a small number of cases may indicate a low level of importance placed on aggravating circumstances of the crimes committed and may fail to account for the full nature of the attacks committed against Roma. These findings combined may have a serious negative impact on the will of Romani individuals to report crimes committed against them to law enforcement authorities.

Clear and effective guidance in addressing hate crimes is absent in the countries involved in this study. In both **Slovakia** and **Hungary** relevant authorities reported that their only guidance for addressing hate crimes is the Criminal Code provisions. In the **Czech Republic** the General Prosecutor's Office has distributed methodological materials on addressing extremism to regional prosecutors; however the response to ERRC inquiries indicated that many prosecuting authorities in the country do not make use of this material.

#### **Czech Republic:**

In the Czech Republic the ERRC examined 14 known cases of violence against Roma. The cases involved a number of physical assaults, attempts of murder, riots against Roma, pogroms and arson attacks. The results to date of the State response to these attacks vary widely, from "perpetrator(s) not identified" to "22 years in prison."

#### **Hungary:**

In Hungary the ERRC examined the progress in 22 known cases of violence against Roma. In these incidents 7 people died, including a 5-year old boy, and a number of individuals were seriously injured. Ten Romani homes were set on fire with various levels of destruction. Guns were involved in 10 of the examined cases and in two cases hand-grenades were used. Out of the 22 attacks, nine, resulting in six deaths, are believed by police to have been committed by the same four suspects who are currently at trial.

#### **Slovakia:**

In Slovakia the ERRC collected information about eight cases of violence in which the victims were Romani individuals or groups. The cases involved police violence, police ill-treatment of minors, shootings, anti-Roma demonstrations and a number of physical attacks.

#### **Key Recommendations for Government Action**

1. Scale up or implement programmes to increase the number of Roma employed in police forces;
2. Develop community safety and policing programmes, with close cooperation between police, Romani NGOs and Romani communities;
3. Respective authorities should regularly collect, publish and analyse data disaggregated by ethnicity on violence against Roma, including hate crimes, and their prosecution;
4. Ensure full assistance, protection, prosecution and compensation to the victims of violence;
5. Senior government officials should publicly denounce every instance of anti-Roma violence and other kinds of hate crimes;
6. Draft and distribute to all respective authorities clear guidance on the investigation and prosecution of violence against Roma and hate crimes, in line with guidance available from the OSCE and countries such as the United Kingdom;
7. Provide systematic and ongoing training to police officers, prosecutors and judges on addressing violence against Roma and hate crimes; and
8. Prosecute to the fullest extent of the law all perpetrators of violence and hate crimes against Roma.

**EUROPEAN ROMA RIGHTS CENTRE**

for consideration of the U.S Helsinki Commission on Security and Cooperation  
in Europe, 15th of February 2012, Washington DC

**Roma Rights Records in Europe**

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

8 February 2012

### Factsheet: Roma Rights in Jeopardy

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**Violence against Roma:** In cases brought by the ERRC in **Croatia, Bulgaria and Macedonia**, the European Court of Human Rights has confirmed that the state is obliged to investigate and prosecute persons who commit violence against Roma, whether they are private actors or state officials. Despite this, most perpetrators of violence against Roma in Europe act with impunity. Since 2008, the ERRC has registered at least 48 violent attacks against Roma in **Hungary**, at least 40 attacks in the **Czech Republic** and at least 13 attacks in **Slovakia** resulting in a combined total of at least 11 fatalities. The attacks involved Molotov cocktails, hand grenades and guns, police violence, arson attacks, mob violence and demonstrations. ERRC monitoring of a selection of 44 of these cases found that, in the vast majority, no perpetrator has been punished; indeed, police suspended investigations without identifying any suspects in nearly one third of the cases. (See "Fact Sheet: State Response to Violence Against Roma" for a more detailed analysis.)

Attacks continued throughout 2011 and 2012. In March 2011 a Romani boy was attacked and insulted on the way to school by three men in **Serbia, which also witnessed several cases of police violence against Roma**. In Macedonia, in October 2011, a 17-year old Romani boy was attacked and stabbed at school by a non-Roma boy because of his Roma ethnicity. Starting in early August 2011, a wave of anti-Roma demonstrations took place in cities across the **Czech Republic** and Romani settlements were targeted by mobs. In **Bulgaria**, the death of a young man, who was hit by a vehicle on the night of 23 September 2011, triggered violent anti-Roma protests across the country. In 2011 the ERRC monitored four violent mass attacks against Roma in **Italy**: three involved setting Romani homes on fire; the other was an armed attack by non-state actors. In Northern **Italy** a false rape accusation against a Romani man resulted in a series of violent attacks on a Romani settlement in December. ERRC research carried out in **Italy** in 2011 revealed that 26% of the Romani women interviewed had suffered attacks perpetrated by the police including physical violence, degrading treatment, verbal assault and sexual harassment. In **France** several attacks targeting Roma were reported and complaints filed; however few have been investigated and prosecuted. Most common are arson attacks on Roma property, of which seven were reported resulting in at least one death and multiple incidents of property damage. In **Russia** several cases of police violence against Roma were reported. In January 2012 police carried out an organised raid on one of the Roma settlements in Uzzgorod, Ukraine. Romani individuals, including women and children, were beaten, verbally abused and had tear gas used on them.

**Freedom of movement:** **Germany** paid more than 100 Roma to return to Romania in June 2009. **Finland**, amid public outcries about public security, threatened expulsions in 2010 and also paid Roma to return to Bulgaria and Romania in 2010-11. In many cases, police action has been concurrent with statements by public officials that Roma as an ethnic group are predisposed to crime and antisocial behaviour.

In **France** the repatriation of **Romanian and Bulgarian** Roma is an ongoing issue of discriminatory practice, which is in violation of the fundamental rights of these European Union citizens. Throughout 2011 the ERRC monitored the situation of Romani communities with respect to expulsion orders and detention. During this period the ERRC found that Roma who had received expulsion orders were



being placed in detention centres even before their 30-day window to leave the country had expired. **Denmark** summarily expelled 23 Roma to **Romania** in July 2010, 24 hours after they were detained. ERRC appeals against these deportation orders were sustained by a Danish court, which ruled the deportations illegal. **Sweden** expelled 50 Roma to Romania in 2010. In both **Serbia** and **Macedonia** several hundred Romani individuals were illegally prevented from travelling outside the country, because of a perception they could be seeking political asylum in EU Member States.

**Extremist political parties and hate speech:** Extremist political parties and politicians have stepped up their anti-Romani rhetoric and actions in many European countries. In **Hungary**, the Magyar Garda (banned in 2009), Szebb Jövőért Polgár Egyesület and related organisations engaging in paramilitary activities with an explicitly racist agenda continue to operate openly. In Gyöngyöspata the groups patrolled a Romani neighbourhood for 16 days in March 2011, intimidating and harassing Romani residents. Shortly afterwards, the group was disbanded by order of Hungarian courts. Jobbik, an extremist party with an overtly anti-Romani platform, won four seats in the European Parliament elections in 2009 and 47 seats (17% of the vote) in the national parliament in 2010. In **Italy**, the Government has continued to use anti-Romani rhetoric to harden public opinion against Roma and Sinti and has moved aggressively to evict Roma from their homes and move them into controlled camps. Italy went so far as to declare a "state of emergency" with regard to the Roma in 2008. In a case brought by the ERRC, Italy's highest court last year ruled the state of emergency to be illegal. In **Slovakia** in 2010, the far-right Ludova Strana Nase Slovensko has been increasingly active with rhetoric, specifically referring to "Gypsy criminality". Before the upcoming elections (March 2012) the Slovak National Party, which is currently in parliament and was one of the coalition parties in the previous government, has put up billboards that target Roma, and perpetuate myths about the minority. Slogans include: "Let's not feed those who don't want to work" and "How long are we going to lose on the gypsies? Let's change it!" In the **Czech Republic** the Foreign Minister referred to the idea of moving Roma out of the country as a "solution for the evil". In February 2010 the **Romanian** Foreign Minister made public statements suggesting that Roma are genetically predisposed to criminality and media reported that the President defended the Minister. Romanian MPs also attempted to officially change the name of Roma to "Gypsies" to avoid confusion with "Romanians". During the media frenzy surrounding the expulsion of Roma from France, the **Bulgarian** Prime Minister and the **Romanian** President erroneously referred to the Roma as nomads.

**Systemic segregation in education:** The European Court of Human Rights has affirmed that school segregation of Romani children (in schools for children with disabilities and in separate schools or classes in mainstream schools) constitutes illegal discrimination in judgments against the **Czech Republic** (2007), **Greece** (2008) and **Croatia** (2010). Despite these rulings, educational segregation of Romani children is systemic in many European countries: **Bulgaria**, the **Czech Republic**, **Greece**, **Hungary**, **Romania** and **Slovakia** are noteworthy, with credible reports of segregation in **Macedonia**, **Northern Ireland (UK)**, **Portugal** and **Spain**. At the end of 2011, a district court in Eastern **Slovakia** confirmed segregation at one of the local schools and ordered the school to introduce measures to integrate Romani children into mainstream mixed classes.

**Widespread residential segregation and forced evictions:** An October 2009 report of the European Union Agency for Fundamental Rights, prepared by the ERRC, found that "segregation is still evident in many EU Member States, such as **Bulgaria**, the **Czech Republic**, **Greece**, **Spain**, **France**, **Cyprus**, **Hungary**, **Italy**, **Lithuania**, **Poland**, **Portugal**, **Romania**, **Slovenia** and **Slovakia**, sometimes as a result of deliberate government policy." In **Italy**, the placement of Roma and Sinti in "nomad camps", which offer substandard conditions and are located outside the city, constitutes an official policy to segregate Roma and Sinti from the Italian majority. Evictions of Roma, many of which violated international law, have been carried out in **Albania**, **Bulgaria**, **France**, **Italy**, **Macedonia**, **Romania**, **Serbia**, **Slovakia** and the **UK**. **Italy** has been particularly active in conducting hundreds of evictions, affecting thousands of Romani people in both Milan and Rome in recent years. Between April and December 2011 ERRC monitored 131 evictions in Italy. In Cluj, **Romania**, approximately 250 Romani persons were evicted from their homes in the centre of the city by the Municipality of Cluj and relocated to the site of a former dump on the edge of the city in December 2010. The housing provided is segregated, substandard and disconnected from public transportation into the city. In June 2011, the Municipality of Baia-Mare in Romania built a concrete wall in the town to separate the Romani community from the rest of the city. Since April 2011, forced evictions of Roma have continued in **Slovakia**: in July 2011, the homes of 80 Romani persons, including women, children and the elderly, were demolished in a Romani settlement on the outskirts of Kosice without

an offer of alternative accommodation. In November 2011, **Portugal** was found to be in violation of the Revised European Social Charter in regards to housing, in a case brought by the ERRC to the European Committee of Social Rights. In the **UK**, the Irish Travellers at Dale Farm lost a 10-year struggle before domestic courts for their homes, which were demolished in October 2011 by the authorities without an offer of culturally adequate alternative accommodation for the affected families. Systematic evictions of Roma in **France** are continuing. From April to October 2011, the ERRC recorded 46 forced evictions in **France** involving 5753 people.

**Trafficking in human beings:** Low socio-economic status, low educational achievement and high levels of unemployment, compounded with high levels of discrimination and racism, place Roma at an inordinately high risk of becoming victims of human trafficking. A 2010 US State Department report discusses the overrepresentation of Roma as victims of trafficking and their high vulnerability to sexual exploitation, forced labour and child begging in nearly half of the European countries covered. ERRC research in **Bulgaria**, the **Czech Republic**, **Hungary**, **Romania** and **Slovakia** during early 2010 indicated that Roma represent 50-80% of victims in **Bulgaria**, at least 40% in **Hungary**, 70% in **Slovakia** and up to 70% in parts of the **Czech Republic**.

**Failures in child protection:** In many countries, Romani children make up a disproportionate number of the children in state care, suggesting a failure of the state in preventing family break-up. In **Bulgaria**, Romani children account for around 50% of the children in the State-run children's homes and about 33% of the children in State-run homes for children with intellectual disabilities. In the **Czech Republic**, around 40% of the children in a sample of 17 children's homes visited by the ERRC in five regions were Romani. During research in five counties in **Hungary**, Romani children were found to represent 65% of the children in State care. The General Directorate for Social Assistance and Child Protection in **Romania** reported that Romani children constitute up to 80% of the population in children's homes in some regions. In **Slovakia** social workers and child protection officials report that Romani children compose at least 70% of the children in institutional care.

**Denial of access to health care and social assistance:** Discrimination remains a barrier to health care and social assistance for Roma in many European states. In a 2009 case brought by ERRC, the European Committee of Social Rights found **Bulgaria** in violation of the European Social Charter twice by failing to ensure that Roma have adequate access to the health care system and to social assistance, prompting the Government to amend the law on social assistance. In **Kosovo**, lead contamination of IDP camps housing Roma in Northern Mitrovicë/Mitrovica is considered one of the biggest medical crises in the region. Despite significant international and EU attention, Roma continue to live in one of the camps after more than 10 years, exposed to lead contamination which has reportedly resulted in dozens of deaths.

**Coercive sterilisation of Romani women:** In **Hungary** the ERRC has documented sporadic cases of the coercive sterilisation of Romani women, most recently from 2008. **Czech** cases have also been reported as recently as 2007. In November 2009 the **Czech** Government expressed regret about the individual sterilisation of Romani women, but no Government has adopted a comprehensive plan to compensate all victims or adequately reformed health care law regarding informed consent. Although numerous cases have been documented in **Slovakia**, there has been no Government response to date.



### State response to violence against Roma

Statement prepared for  
The U.S. Helsinki Commission Hearing,  
15<sup>th</sup> of February 2012

A recent European Union Survey on Minorities and Discrimination<sup>1</sup> highlights that on average **one in five Roma respondents were victims of racially motivated personal crime** at least once in the previous 12 months. **81% of Roma who indicated they were victims of assault, threat or serious harassment considered that their victimisation was racially motivated.**

**Between 65% and 100% of Roma in the surveyed European countries did not report their experiences of personal victimisation to the police.** The main reason given by Roma was that they were not confident that the police would be able to do anything.<sup>2</sup> Such statements are not surprising to someone familiar with Roma in Europe and I will explain why!

Two weeks ago (1 February 2012) the Council of Europe's Committee of Ministers adopted an official declaration to express deep concern about the rise of anti-Gypsyism and violent attacks against Roma, which constitute a major obstacle to the successful social inclusion of Roma and full respect of their human rights<sup>3</sup>:

**The fact is that racist or stigmatising anti-Roma rhetoric has been on the rise both in public and political discourse,** including generalisations about criminal behaviour. There are well-documented examples from France, Italy, Hungary, Slovakia, Bulgaria and Czech Republic. In some cases, these words were understood as encouraging violent action against the Roma, such as mob riots or violence.

**Extremist groups, political parties and politicians have sharpened their anti-Romani rhetoric and actions,** galvanizing segments of the public against Roma in Hungary, Czech Republic (North Bohemia) and Bulgaria.

Anti-Gypsy stereotypes also continue to be spread and perpetuated in the media across Europe, which report primarily on Roma in the context of social problems and crime.

Violence against Roma remains a serious problem not only because it harms the Roma directly affected by the attack, but because **the Roma as an ethnic group are impacted by the lack of an effective response by state authorities.**

<sup>1</sup> See EU-MIDIS, European Union Minorities and Discrimination Survey, 2009, Data in Focus Report, The roma, European Union Agency for Fundamental Rights.

<sup>2</sup> Idem.

<sup>3</sup> See Council of Europe, Press Releases, Declaration of the Committee of Ministers on the Rise of Anti-Gypsyism and Racist Violence against Roma in Europe, 1<sup>st</sup> of February 2012.

In 2011, the European Roma Rights Centre published a report examining the state response to 44 selected violent attacks against Roma in the Czech Republic, Hungary and Slovakia.<sup>4</sup> A number of shortcomings in the state response to violence against Roma are apparent:

**Many Romani victims of violent crimes do not secure justice.** A limited number of perpetrators of violent attacks against Roma are successfully identified, investigated and prosecuted. Even fewer are eventually imprisoned for the crimes they have committed against Roma.

At the time of publication, judgments finding the perpetrators guilty had been reached in **nine of the 44** selected cases. Of those nine cases, only **six resulted in imprisonment** (several under appeal) and **three resulted in suspended sentences** and/or fines, including persons with known affiliations to neo-Nazi groups in the Czech Republic. Police investigations were suspended with no perpetrator identified in 27% of all selected cases.

**Racial motivation was confirmed in only three of the 44 selected cases of violence against Roma.** In 11 other cases racial motivation is included in the indictment in pending cases. In 50% of all selected cases, racial motivation of the crimes committed against Roma was ruled out or not confirmed in the absence of identified suspects.

**The failure of law enforcement authorities to identify the perpetrators of crimes against Roma in a considerable number of investigations creates a climate of impunity** and may encourage further acts of violence against Roma. The issuance by courts of only suspended prison sentences to persons found guilty of serious crimes against Roma reinforces this.

**Recognition of racial motivation in such a small number of cases may indicate a low level of importance** placed on aggravating circumstances of the crimes committed, and may fail to account for the full nature of the attacks committed against Roma.

These findings may have a serious negative impact on the will of Romani individuals to report crimes committed against them to law enforcement authorities, and **explains the results of the European Union Survey on Minorities and Discrimination.**

Most important of all, **governments must take a firm stance against racially motivated violence;** they should guarantee in a speedy and effective manner the requisite investigations of all crimes committed against Roma and identify any racist motives for such acts, so that the perpetrators do not go unpunished and escalation of ethnic tensions is avoided; Governments should ensure full assistance, protection, prosecution and compensation to the victims of violence.

**It is crucial that states recognise the interdependence of inclusion and anti-discrimination** so that any policy developed to improve the situation and integration of Roma includes, in addition to measures promoting the social and economic situation, measures combating discrimination and addressing anti-Gypsyism.

<sup>4</sup> See "Imperfect Justice: Anti-Roma justice and impunity", a report by the European Roma Rights Centre, March 2011.

## Violence Against Roma in Hungary

### Introduction

Human Rights First applauds the Helsinki Commission for holding a 15 February 2012 hearing on "The Escalation of Violence Against Roma in Europe."

Human Rights First has been working for nearly a decade to both monitor and press for government action to combat all forms of bias-motivated violence – including violence against Roma. A summary of our report on "Violence against Roma in Hungary" is being made available for the record and for circulation.

### Violence Against Roma in Hungary

In Hungary, an alarming upsurge of racist violence has victimized many members of the country's Roma population, estimated between 400,000 and 600,000 people.<sup>1</sup> Violence is not a new manifestation of anti-Roma prejudice, yet there has been a sharp rise in serious—sometimes deadly—violent attacks, particularly between 2008-2009, inflaming social tensions and weakening the sense of protection from discrimination for minorities across the country. Although there are no official statistics on the number of cases of targeted violence against Roma, domestic and international organizations have documented a disturbing pattern of violent attacks that have struck the nation in recent years, ranging from severe beatings in broad daylight to murders by arson, shootings or the throwing of Molotov cocktail explosives.

<sup>1</sup> Hungarian Ministry of Foreign Affairs, "Gypsies/Roma in Hungary," Fact Sheet, 2004, [http://www.mfa.gov.hu/NR/rdonlyres/05DF7A51-99A5-4BFE-B8A5-210344C02B1A/0/Roma\\_en.pdf](http://www.mfa.gov.hu/NR/rdonlyres/05DF7A51-99A5-4BFE-B8A5-210344C02B1A/0/Roma_en.pdf).

According to the European Roma Rights Centre, fifty attacks against Roma and/or their property in Hungary—many believed to be racially motivated—were reported in the media between January 2008 and July 2011. Nine people were murdered—including two minors—and dozens injured. Perpetrators used firearms, Molotov cocktails, or hand grenades in at least twenty-four attacks. Ten incidents of property damage were also reported.<sup>2</sup> Intergovernmental organizations, too, have drawn attention to the problem in special reports.

### The Context

The violence committed against Roma has occurred against a backdrop of underlying factors. Persistent discrimination and negative societal attitudes have exacerbated the marginalization of Roma.

Roma are the victims of widespread discriminatory practices in nearly every area of life. According to the European Union Minorities and Discrimination Survey, 62 percent of Hungarian Roma surveyed in 2008 felt that they were the victims of discrimination based on their ethnicity in the twelve previous months—whether when looking for work, entering a shop, trying to open a bank account—revealing patterns of discrimination in housing, healthcare, or education services.

<sup>2</sup> <http://www.errc.org/cms/upload/file/attacks-list-in-hungary.pdf>

Tellingly, in a survey of 3,500 Roma across 7 European countries, 624 respondents (18 percent) claimed to be victimized by a racially motivated assault, threat or serious harassment in the last twelve months. Respondents were also asked to identify experiences of discriminatory treatment by the police. In that respect, 41 percent of Roma from Hungary indicated that they were stopped by Hungarian law enforcement authorities in the past year, of which 58 percent of those believed that they were stopped on the basis of their ethnic profile.

Furthermore, the perpetuation of the notion of "Gypsy criminality" (cigánybűnözés) is perhaps one of the most telling examples of the widespread anti-Roma stereotypes that have pervaded Hungarian society. It stems from the racist stereotyping of Roma as individuals prone to criminality—a view that continues to permeate in the Hungarian media, to slip clumsily in the public debate, or to be discussed more crudely in local pubs. Extremist groups, in particular the xenophobic Jobbik, have nurtured such anti-Roma prejudices. Jobbik's campaign call in the 2010 parliamentary elections, from which they emerged as the third largest party in the country, was based on the idea of "restoring order" and fighting "Gypsy criminality."

## Challenges and obstacles to better responses

### Underreporting of Hate Crimes

Although the most serious racist crimes have attracted media attention and resulted in police investigations, many lower-profile cases go unreported and thus unrecorded by the police. Enhancing the level of reporting of incidents lies at the very root of what needs to be done to address racist violence.

### Mistrust Rooted in Police Misconduct

Instances of police ill-treatment and discrimination against Roma—recognized by the Council of Europe's European Commission Against Racism and Intolerance (ECRI) as problematic in Hungary—contribute to the high levels of mistrust of authorities among Roma communities, and thus to the severe underreporting of racist and other violent acts. This sentiment of distrust was also confirmed in a survey published in 2009 by the European Union Agency for Fundamental Rights (FRA), in which the overwhelming majority of Roma respondents indicated they did not report hate crime incidents to the police. Police abuse have also included arbitrary arrests, repeated misuse of legal procedures or verbal abuse.

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### Inadequate Data Collection Mechanisms

At present there is no effective system for collecting data on violent hate crimes, or that permits even the identification of the ethnicity of the victim of a crime—a key factor in determining if the crime was motivated by bias. The absence of an adequate system for monitoring and public reporting on hate crimes impedes policymakers from seeing and understanding the full scope of the problem and developing adequate responses.

### An Inadequate Legal Framework for Hate Crimes

There is one provision of the Hungarian criminal code - Article 174/B—which does allow for certain violent crimes committed with a bias motivation to be prosecuted as a separate offense. The article relates to specific offenses, notably acts of violence, cruelty or coercion by threats committed against persons who are members of national, ethnic, racial or religious groups. There is, however, little evidence that this provision is systematically used. Even in cases where there is reason to suspect a bias motivation, police more frequently open their investigations with a view to pursuing non-hate crime charges.

General aggravating circumstance provisions also exist and, although rare, judges have handed down enhanced penalties on the basis of those provisions in cases where a crime was motivated by bias. However, such provisions could be strengthened by an express mention of bias as an aggravating factor that mandates such enhanced penalties in hate crime cases. The lack of an adequate legal framework means that ordinary offences committed with racist motivations are not systematically prosecuted or punished as such. It also renders monitoring of the state response to violent racist acts nearly impossible.

Adequate training is an important part of the successful enforcement of such legislation. It requires that police are adequately trained to gather evidence of racial and other bias motivations in the commission of a crime, that prosecutors are trained to present evidence of such motivations before a court and know to request enhanced penalties, and that judges are trained to hand down sentences that adequately reflect the more serious nature of hate crimes.

## Recommendations

### For the Government of Hungary:

#### I. The Political Response

- Senior government officials should speak out against violence against Roma or the members of any other group whenever such acts occur and ensure that there is a rapid response of the law enforcement and the criminal justice authorities.
- The Hungarian authorities should develop and enact provisions that establish enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities.
- The Hungarian authorities should establish specialized bodies or empower the appropriate existing bodies to diffuse community tensions as well as foster collaborative approaches between local government, local law enforcement, civil society groups, and community leaders to ensure effective responses to violence.

#### II. The Law Enforcement Response

- Law enforcement agencies should publicly commit to investigate all hate crimes, committed against any individual, including Roma, and to provide regular public updates into the investigation and prosecution of such crimes.
- The Ministry of Interior should ensure that law enforcement officials have clear guidelines to vigorously address crimes—including those committed against Roma—that are motivated in whole or in part by racism or other forms of bias.

- The Ministry of Interior, the Ministry of Administration and Justice and other relevant ministries should commit to collecting and publishing data on the incidence and response to all hate crimes. Data collection systems should include disaggregated data on violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities.
- Law enforcement officials should take steps—including by reaching out to community and other nongovernmental groups—to increase the confidence of crime victims from marginalized groups such as Roma to report crimes to the police.

#### III. The Criminal Justice Response

- The Hungarian authorities should ensure adequate training for prosecutors and judges in bringing evidence of bias motivations before the courts and in handing down consistent, enhanced sentences that reflect the more severe nature of hate crimes. Judges should use the opportunity of the sentencing process to clearly and publicly articulate when and how a bias motivation was factored into the sentence.
- With regard to arrests already made in August 2009 in the murder of six Roma and other hate crime attacks, the Hungarian authorities should move quickly bring the suspects to account through an open and transparent trial.



#### IV. Responding to Intolerant Discourse

Hungarian political leaders, government officials serving in public office as well as local mayors should:

- Pledge to refrain from using rhetoric that incites violence or promotes discrimination or other acts that curtail the enjoyment of rights by others.
- Consistently condemn such speech when it occurs; build political consensus—reaching out across political party lines—to encourage public denunciation and disapproval.

#### For the U.S. Government:

The U.S. authorities should:

- Consistently raise, both publicly and privately, the problem of violent hate crime, including against Roma, with representatives of the Hungarian government at all level of bilateral exchanges and encourage adequate legal and other policy responses, including those articulated in the above recommendations to the Government of Hungary.
- Maintain strong and inclusive State Department monitoring and public reporting on racist, antisemitic, xenophobic, anti-Muslim, homophobic, anti-Roma and other bias-motivated violence—including by consulting with civil society groups as well as providing appropriate training for human rights officers and other relevant mission staff.
- Offer appropriate technical assistance and other forms of cooperation, including assistance from experts in the Federal Bureau of Investigation in the investigation of individual hate crime cases, as well as the training of police and prosecutors in investigating, recording, reporting and prosecuting violent hate crimes, including against Roma.
- Support the goals of the Decade of Roma Inclusion, and maximize U.S. engagement in achieving the objectives outlined in Decade Action Plans, as part of the U.S.'s commitment to official observation of the Decade process.
- Consider inviting a group of law enforcement officials and civil society activists to the United States as part of the International Visitors' Program to learn about practices in the United States to combat hate crime.
- Consider extending targeted funding through the Democracy Fund and other initiatives to civil society organizations engaged in documenting hate crimes, providing victim support, and engaging in advocacy for better government responses.
- Continued support for the ODIHR's Tolerance and Nondiscrimination Unit (TnD), in particular to encourage efforts to ensure that the Law Enforcement Officer Program on Combating Hate Crime (LEOP) has the support it needs and that Hungary use this and other OSCE tools to enhance its response to hate crime.

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