human rights *first*

30th ANNIVERSARY
CELEBRATE
ADVOCATE
PARTICIPATE

WRITTEN SUBMISSION OF PAUL LEGENDRE

FIGHTING DISCRIMINATION PROGRAM DIRECTOR

HUMAN RIGHTS FIRST

HEADQUARTERS
333 Seventh Avenue
13th Floor
New York, NY 10001
Tel: 212.845.5200
Fax: 212.845.5299

WASHINGTON D.C. OFFICE
100 Maryland Avenue, N.E.
Suite 500
Washington, DC 20002
Tel: 202.547.5692
Fax: 202.543.5999

www.humanrightsfirst.org

briefing on

"HARD TIMES AND HARDENING ATTITUDES: THE ECONOMIC DOWNTURN AND THE RISE OF VIOLENCE AGAINST ROMA"

before the

UNITED STATES COMMISSION ON SECURITY AND COOPERATION IN EUROPE

June 9, 2009

INTRODUCTION

I would like to thank Chairman Cardin, Co-Chairman Hastings, and Members of the Commission for convening this briefing and for the opportunity to share the perspective of Human Rights First on what must be done to combat the rise of violence against Roma.

Human Rights First is a nonprofit, nongovernmental organization that has worked since 1978 to protect and promote fundamental human rights around the world. Since 2002, Human Rights First's Fighting Discrimination Program has combated discrimination by seeking to reverse the tide of racist, anti-immigrant, anti-Roma, antireligious, homophobic violence and other bias crimes across the fifty-six countries of the Organization for Security and Cooperation in Europe (OSCE).

VIOLENCE AGAINST ROMA: AN OVERVIEW

Violent hate crime is one issue among many other forms of discrimination—both public and private—that Roma face throughout Europe. According to Human Rights First's *2008 Hate Crime Survey*, Roma—like members of other visible minorities—routinely suffer assaults in city streets and other public places as they travel to and from homes, workplaces, and markets. In a number of serious cases of violence against Roma, attackers have also sought out whole families in their homes, or whole communities in settlements predominantly housing Roma.

Cases—like the heinous murder on February 23, 2009, of Robert Csorba and his four-year-old son Robert Jr., who were shot dead as they were trying to escape from their house that had been firebombed in Tatárszentgyörgy, **Hungary**—reveal a widespread pattern of violence that is often directed both at causing immediate harm to Roma—without distinction between adults, the elderly, and small children—and physically eradicating the presence of Roma in towns and cities in several European countries.

There are multiple factors at work that can produce a context of violence against Roma: negative popular attitudes; police abuse; official and concealed discrimination in employment, housing, health care, and other aspects of public life; rhetoric of exclusion and expulsion used by public officials; and the failure of many states to address the challenges of the marginalization of Roma—this combination of factors creates a potentially explosive situation with dire human consequences.

INCIDENCE OF ANTI-ROMA VIOLENCE

Our 2008 report documented specific incidents of violence and other forms of intolerance against Roma in eleven countries during 2007 and 2008. The most widely reported incidents occurred in **Italy**, where mob attacks drove thousands of Roma from their homes, beating residents and burning Roma settlements to the ground, as police reportedly did not intervene

in several cases to protect the victims. Violent incidents have also been reported in **Bulgaria**, the **Czech Republic**, **Hungary**, the **Russian Federation**, **Serbia**, and **Slovakia**. In many of these cases, no one has been held accountable for the crimes. Recently, there have been a high number of brutal attacks against Romani people in parts of Europe. Some recent representative examples include the following:

- In **Italy,** Roma camps have been burned down. On May 11, 2008, attackers set fires with Molotov cocktails to a Roma camp in Via Novara, Milan. On May 13, a mob threw stones and Molotov cocktails at two Roma squatter camps in the Ponticelli district of northern Naples; many of the estimated eight hundred inhabitants fled. On May 14, attackers returned, including scores of young men on motor scooters, armed with iron bars and Molotov cocktails. They moved systematically through the area, burning the camp to the ground. According to press reports, local residents stood by applauding the arsonists, and the police presence did not stop the attackers. Other arson attacks followed. On June 9, according to local monitors, "a settlement of approximately 100 Romanian Roma in Catania, Sicily, was attacked and burned to the ground by unknown perpetrators."
- In 2008-2009, a violent wave of anti-Roma attacks claimed the lives of at least seven Roma in **Hungary**. On February 23, 2009, Robert Csorba and his four-year-old son Robert Jr. were shot dead as they were trying to escape from their house that had been firebombed moments before in Tatárszentgyörgy. No suspects have been apprehended in the murder.
- In November 2008, in the **Czech Republic**, a mob of 500 people armed with machetes, pitchforks and Molotov cocktails, threatening to attack a Roma settlement in Litvinov. The rally ended in clashes between extremists and police, in which at least seven riot police and seven demonstrators were injured.

It should be noted that the racist violence against Roma that is reported publicly tends to concern only the most serious crimes, while even these crimes are generally reported only where nongovernmental organizations are active in protecting the rights of Roma and their communities.

ECONOMIC DOWNTURN AND ANTI-ROMA VIOLENCE

The ongoing global financial crisis has led to an increase in xenophobic sentiment in many parts of Europe, as the hatred and prejudice against those perceived to be "outsiders" has intensified. Immigrant groups are often made scapegoats for social ills ranging from crime to unemployment. Roma are among those deeply affected by anti-immigrant prejudice because they are still often looked upon as "foreigners" in many European countries in which they are citizens.

During the economic crisis, local political leaders have become more assertive in their desire to expel Roma minorities. Even as police and local public authorities are in some cases complicit in driving Roma from their homes and seeking their relocation to other towns or

cities—or even their deportation—others holding national public office also characterize Roma as outsiders who are less than citizens and are unwanted. The presence of Roma in new places of residence, including as a result of migration within the newly expanded European Union, is often particularly precarious when anti-immigrant bias turns Roma into a scapegoat for broader societal ills.

Worsening economic conditions have led to increased resentment against Roma, as some public officials and extremist groups have blamed them for taking away jobs or engaging in criminal activities. The rise of violent hate crimes against Roma and the inadequate responses of governments are manifestations of a broader framework of anti-Roma discrimination that extends to nearly every area of life. Even as public policy and private violence conspire to drive Roma from the shelter they make in camps and abandoned buildings, pervasive discrimination denies them access to legal remedies for the loss of homes and property and access to housing that could provide an alternative.

While the economic downturn has exacerbated some of the most serious manifestations of anti-Roma prejudice in Europe and the former Soviet Union, the general pattern of anti-Roma violence and discrimination is not new. Shocking cases of hate crimes targeting Roma have been documented by nongovernmental agencies since the early 1990's.

INADEQUATE GOVERNMENT RESPONSE TO ANTI-ROMA VIOLENCE

In its advocacy with European governments, Human Rights First has consistently called for the establishment of official systems to monitor and publicly report on violent hate crimes. While some governments have made progress on this front in recent years, there is still not a single country that systematically includes disaggregated public data on violence against Roma among its data on hate crime. Data collection efforts are also hindered by the high levels of mistrust that many Roma experience toward the local authorities. Overall, only 13 of the 56 participating states of the OSCE are fulfilling their basic commitments to monitor hate crimes.[1]

Human Rights First has also called on European governments to recognize the particular harm caused by violent hate crimes and to enact laws that establish specific offenses or provide enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities. There are still 22 out of 56 participating States of the OSCE that have no express provisions

[1] Austria, Canada, the Czech Republic, Denmark, Germany, Finland, France, Ireland, Poland, Slovakia, Sweden, the United Kingdom, and the United States.

defining bias as an aggravating circumstance in the commission of a range of violent crimes against persons.[2]

Even with systems of monitoring and an adequate legal framework, efforts to better respond to violent hate crime against Roma will be hindered as long as there remains a high level of mistrust among Roma toward the police and other local authorities. In seeking to better combat hate crime, police should reach out to local community groups. Governments must also ensure a thorough investigation into and prosecution of any instances of abuse committed by the police forces themselves.

RECOMMENDATIONS ON COMBATING VIOLENCE AGAINST ROMA

Combating anti-Roma violence must coincide with programs directed at improving the socio-economic status and social inclusion of Roma across Europe. Governments must step up efforts to combat discrimination, marginalization, and scapegoating of Europe's largest ethnic minority.

In combating violent hate crimes, including against Roma, Human Rights First recommends that the U.S. government: 1) urge OSCE participating States to implement HRF's Ten-Point Plan, 2) support the strengthening of mechanisms of the OSCE to combat violent hate crimes, and 3) enhance its own bilateral engagement with governments to improve their response to hate crime.

Ten-Point Plan for Combating Violent Hate Crimes

The United States should encourage governments to implement HRF's **Ten-Point Plan**. It is available in the Appendix.

Strengthening the OSCE

The United States should advance the OSCE's tolerance and nondiscrimination agenda by advocating the following:

- The fulfillment by participating states of their OSCE obligations to combat racism, xenophobia, antisemitism, and other forms of intolerance and discrimination, in particular the obligations to collect hate crime data, including disaggregated data on violent hate crime against Roma, and to report that data to the Office for Democratic Institutions and Human Rights (OSCE/ODIHR).
- Efforts to ensure that the Law Enforcement Officer Program on Combating Hate Crime (LEOP) has the support it needs and that participating states, including those where violence against Roma is a particular problem, are taking part in this program.

---

[2] Albania, Bosnia and Herzegovina, Bulgaria, Cyprus, Estonia, Germany, Holy See, Hungary, Iceland, Ireland, Luxembourg, Lithuania, Macedonia, Monaco, Montenegro, the Netherlands, Poland, San Marino, Serbia, Slovenia, Switzerland, and Turkey.

- The ODIHR to convene regular meetings of the National Points of Contact on Combating Hate Crimes, with the full participation of civil society groups and representatives of specialized anti-discrimination bodies, and consider as a topic in 2009 the building of trust and cooperation between law enforcement agencies and victims, their communities and civil society groups.
- Wide dissemination of the ODIHR's legislative guidelines on hate crimes.
- Agreements between the ODIHR and participating states on programs of technical assistance to combat hate crime, including against Roma.
- Sufficient funding for the TnD unit and its programs and activities on hate crime through the regular OSCE budget and through extra-budgetary contributions.
- Immediate preparations for a high-level conference in 2010 in order to generate political support for the implementation of tolerance and nondiscrimination commitments, including those regarding combating hate crime.
- The provision of extrabudgetary contributions, secondment of personnel, and other in-kind support for ODIHR programs to combat violent hate crimes.

Bilateral Engagement and Assistance

The United States can promote stronger government responses to violent hate crime among OSCE participating states through U.S. reporting as well as the bilateral relationships of the United States with those countries, by:

- Maintaining strong and inclusive State Department monitoring and public reporting on violence against Roma—as well as other racist, antisemitic, xenophobic, anti-Muslim, homophobic, 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 abroad.
- Raising the problem of anti-Roma violence and other hate crime issues with representatives of foreign governments and encouraging, where appropriate, legal and other policy responses. United States Ambassadors and embassy staff must be fully aware of the extent of the problem of anti-Roma violence and discrimination and continue to raise these issues with their European interlocutors.
- Offering appropriate technical assistance and other forms of cooperation, including training of police and prosecutors in investigating, recording, reporting and prosecuting violent hate crimes as well as translation of Department of Justice and Federal Bureau of Investigation (FBI) materials on hate crimes. Moreover, the FBI's International Law Enforcement Academy should include a hate crime component in its training of law enforcement personnel in emerging democracies of Eastern Europe and the former Soviet Union.
- Organizing International Visitors Programs on combating bias-motivated violence for representatives of law enforcement, victim communities, human rights groups and legal advocates.

- Ensuring that groups working to combat all forms of violent hate crime have access to support under existing U.S. funding programs, including the Human Rights and Democracy Fund and programs for human rights defenders.

APPENDIX

Ten-Point Plan for Combating Hate Crimes

1. **Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send immediate, strong, public, and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance will be investigated thoroughly and prosecuted to the full extent of the law.
2. **Enact laws that expressly address hate crimes.** Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status.
3. **Strengthen enforcement and prosecute offenders**. Governments should ensure that those responsible for hate crimes are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system, and that the record of their enforcement is well documented and publicized.
4. **Provide adequate instructions and resources to law enforcement bodies**. Governments should ensure that police and investigators—as the first responders in cases of violent crime—are specifically instructed and have the necessary procedures, resources and training to identify, investigate and register bias motives before the courts, and that prosecutors have been trained to bring evidence of bias motivations and apply the legal measures required to prosecute hate crimes.
5. **Undertake parliamentary, interagency or other special inquiries into the problem of hate crimes**. Such public, official inquiries should encourage public debate, investigate ways to better respond to hate crimes, and seek creative ways to address the roots of intolerance and discrimination through education and other means.
6. **Monitor and report on hate crimes**. Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offenses, as well as prosecutions. Governments should consider establishing third party complaint procedures to encourage greater reporting of hate crimes and conducting periodic hate crime victimization surveys to monitor underreporting by victims and underrecording by police.

7. **Create and strengthen antidiscrimination bodies**. Official antidiscrimination and human rights bodies should have the authority to address hate crimes through monitoring, reporting, and assistance to victims.
8. **Reach out to community groups**. Governments should conduct outreach and education efforts to communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage improved reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.
9. **Speak out against official intolerance and bigotry**. Freedom of speech allows considerable latitude for offensive and hateful speech, but public figures should be held to a higher standard. Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities.
10. **Encourage international cooperation on hate crimes**. Governments should support and strengthen the mandates of intergovernmental organizations that are addressing discrimination—like the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance, and the Fundamental Rights Agency—including by encouraging such organizations to raise the capacity of and train police, prosecutors, and judges, as well as other official bodies and civil society groups to combat violent hate crimes. Governments should also provide a detailed accounting on the incidence and nature of hate crimes to these bodies in accordance with relevant commitments.