

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



JUNE 9, 2009

**Briefing of the
Commission on Security and Cooperation in Europe**

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JUNE 9, 2009

Commission on Security and Cooperation in Europe Washington, DC

The briefing was held at 2:03 a.m. in room 1539, Longworth House Office Building, Rayburn House Office Building, Washington, DC, Erika B. Schlager, Counsel for International Law, Commission on Security and Cooperation in Europe, moderating.

Commissioners present: Hon. Alcee L. Hastings, Co-Chairman, Commission on Security and Cooperation in Europe; Hon. Joseph R. Pitts, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Darrell E. Issa, Commissioner, Commission on Security and Cooperation in Europe.

Panelists present: Katalin Barsony, Sociologist, Filmmaker, Project Manager, Romedia Foundation; Stansilav Daniel, Research Consultant, European Roma Rights Center; Isabela Mihalache, Senior Program Manager, Roma Initiatives, Open Society Institute; Andrzej Mirga, Advisor on Romani Issues, Office of Democratic Institutions and Human Rights, OSCE; and Erika B. Schlager, Counsel for International Law, Commission on Security and Cooperation in Europe.

Mr. HASTINGS. Ladies and gentlemen, if you don't mind, I'd like for us to come to order. Obviously this is a briefing and I'll say to our presenters, I'm very grateful that they have taken of your time to come here and be with us. I have to leave here and go to a Rules Committee meeting and so I'm going to be with you for a while. But in light of the fact that it's a briefing, if you would please continue and then staff will advise all of us of—and I believe the Ranking Member Mr. Smith is going to be here and perhaps he will carry on and any other Members that come.

I thank all of you for coming to this briefing. And I like this title: "Hard Times and Hardening Attitudes: The Economic Downturn and the Rise of Violence against Roma." In 2005, the European Parliament estimated that there are 12 to 15 million Roma in Europe. And as such, Roma constitute Europe's largest ethnic minority and unfortunately, they remain one of its most marginalized.

This year, we are making the 20th anniversary of the fall of Communism. In most respects, that's a very happy anniversary, but over the past 20 years, too few of the fruits of democracy have reached the Romani community. I accordingly know there's been some

progress. Significantly the lifting of the Iron Curtain has, I think, improved opportunities of Roma to have better contacts across borders. Eastern and Western Europe need to work together to meet the challenges that they must face in defending the basic human rights of Roma.

As a matter of fact, I had an opportunity to witness that firsthand about 3 months ago in Brussels; It was ironic. We were having a conference on African diaspora issues right next door to the Roma community that was having their conference. Today it seems those challenges are as great as ever. Two months ago in Hungary, Jeno Koka went out his front door to go to work at the same factory he had worked at for decades and was shot to death in front of his own home. His 84-year-old father is a Holocaust survivor.

In the Czech Republic, even as we hold this briefing, 2-year-old Natalie Sivakova is still fighting for her life in intensive care after her home was fire-bombed, leaving her burned on over 80 percent of her body. In February, also in Hungary, 5-year-old—and I've read another article where it said he was 4-year-old—but too-young a child, Robert Csorba and his father, were riddled with bullets to prevent them from escaping their fire-bombed home. These deaths are absolute tragedies and appear to be part of a larger and escalating pattern of deadly violence against Roma.

Now, I look forward to hearing from each of our panelists today on what they believe are the causes of this spike in violence, whether their countries or—in their countries, whether they witness the same spike and if not, what they can tell us about it and what the implications of these trends are and what OSCE countries ought to be doing about this.

I want to welcome and introduce our four witnesses and their full curriculum vitae are on the table outside, they all are going to appear single panel in this order. First we have Katalin Barsony from Hungary, who is a sociologist, filmmaker, and project manager at the Budapest-based Roma NGO, Romedia Foundation. Stanislav Daniel, from Slovakia, is a research consultant with the Budapest-based European Roma Rights Center, covering issues relating to the Czech Republic and Slovakia. Isabela Mihalache, from Romania, is Senior Program Manager at Roma Initiatives, an Open Society Institute program in Budapest; and let me express appreciation here to the Open Society Institute for facilitating the availability of these three witnesses.

Finally, we are joined by an old friend—not old in age, but old friend of the Helsinki Commission, OSCE and that's Andrzej Mirga. Mr. Mirga serves as OSCE's Office for Democratic Institutions and Human Rights' advisor with responsibility for Romani issues. In that capacity, he works to promote the full integration of Roma into the societies they live in, while preserving their identity.

In point of fact, Mr. Mirga was one of four Romani nongovernmental activists who testified before the Congress in 1994—15 years ago, before a committee and that was headed by my good friend Tom Lantos, whom we miss very much. It was the first time Roma had ever testified before any congressional body, but, thankfully, not the last. Mr. Mirga has appeared before for the Helsinki Commission as well and we are very glad to have you back; and I thank all of you for coming such a long way to be here.

I would also like to thank the Ambassadors who are here from the Hungarian Embassy. The Ambassador and I have had an opportunity to meet and began developing a relationship and getting to know each other. The Ambassador—the Embassy of Poland is represented, as well as the Embassy of Slovakia and the Italian Embassy are also here.

I would have wished that the Turkish Embassy had had an opportunity to be here. An article that came across my desk today—and I don't know whether you young witnesses are privy to it; it's not a particularly recent event, but it's reported on May 18th that Turkish bulldozers razed a thousand year-old Roma neighborhood, and I have some rather poignant pictures reflecting that series of events. And I'd like to add into the record, the statements of Senator Cardin, the Chair of this Commission and my statement condemning those actions as we do others.

This is a particularly important briefing and I'm hopeful that we will continue to be able to help our friends to get the point across about what is transpiring in these various areas. So Ms. Barsony, we will begin with you.

Ms. BARSONY. Thank you, Mr. Hastings. Thank you very much for inviting me to testify before you today. It's a privilege to speak to you about the situation of Roma in Hungary.

As the economic meltdown is gradually turning into a larger social crisis across Europe, insecurity is bringing dormant fears and prejudices out in the open, in often violent forms. In the past 2 years—there have been more than 50 violent attacks against Roma in Hungary, ranging from in broad daylight, to murders by arson or shootings, attacks which the Roma consider are based on racist motives. According to the most common NGO estimates, there are about 12 million Roma in Europe. In Hungary, there are about 800,000 Roma, meaning that one Hungarian citizen in 15 is Roma.

In Hungary, more than a 100,000 Roma live in slums on town and city outskirts, separated from the rest of the population. There are at least 630 segregated, Roma-only classes in Hungarian schools, where the quality of education is much lower than for other children. Statistically, the average percentage of "mentally challenged" children within the Hungarian population is 20 percent, while Roma children represent 60 percent of the "mentally challenged" young population and are consequently placed into institutions for the mentally retarded.

When it comes to employment, around 80 percent of Roma are unemployed and are therefore excluded from Hungary's employment market. Constant fear of discrimination, harassment and violent attacks mean that Roma from all strata of our society live in a state of constant terror and are forced to exclude themselves from mainstream society. Racism against Roma is widespread in public discourse. While there is only so much a state can do to regulate private actors, the public authorities are not without responsibility in creating this situation.

While Romaphobia is common in European societies, the outburst of its most violent forms on a regular basis is directly linked to the hardening tone of Hungary's political and social discourse regarding Roma. The murder of a popular handball player, Marian Cosma, by a few Roma men led to extensive media coverage stressing the ethnicity of the suspects and ultimately to the radicalization of the whole social discourse about crime in Hungary.

As the story of the murder itself progressively disappeared from front pages, the debate about "Gypsy crime" remained at the center of Hungary's public discourse. In a deeply polarized political climate in which extreme vilification of the "other," in terms of political choices, is the norm and with the effects of Hungary's economic crisis being increasingly felt on a day-to-day basis, the outburst of anti-Roma sentiments were set to take increasingly violent forms.

The debate about “Gypsy crime” was accompanied by the implementation, in a growing number of villages with many Roma inhabitants, of a regulation under which social benefits are granted only for a given amount of communal work. The debate about the constitutionality of the measures was accompanied by the wide appearance in the media of another division in our society: that one—the worth and the unworthy poor, the Roma being stereotyped as “welfare cheats,” Roma women being accused of breeding for profit.

The extreme polarization of our country’s political discourse and the effects of the economic crisis have resulted in everyday discrimination being accompanied by bouts of deadly attacks on Roma, including Roma children.

In the United States, you have known a militant organization whose avowed purpose was to protect the rights of and further the interests of white Americans by violence and intimidation, an organization which had a record of using terrorism, violence and lynching to murder and oppress African-Americans, Jews and other minorities. While Ku Klux Klan militants were wearing white costumes and conical hats, our country’s Hungarian Guards march through towns and villages wearing black military-style uniforms, professing to promote public safety by curbing “Gypsy crime” and defend the interests of “the physically, psychically and mentally defenseless Hungarians” against Roma.

In the past year alone, there have been seven deadly attacks on Roma in Hungary. The Ku Klux Klan used to burn crosses in public spaces to intimidate their victims. Two weeks ago, in Hungary, gasoline was poured and set on fire in the shape of a huge swastika in front of a Roma family’s house.

These intimidation tactics which have particularly traumatic psychological effects on the Roma, who were systematically persecuted and murdered during the Holocaust, accompanied by deadly attacks on private houses, typically occurring during the night, have thrown Hungary’s Roma into a state of hopeless terror. While it became clear to the authorities during the past months that the murders of Roma in different parts of the country were connected to each other, we still have no information whatsoever as to the backgrounds of the Tatárszentgyörgy, Tiszalök, Pátka or Nagycséc gun and Molotov cocktail attacks.

The failure of the authorities to effectively investigate these crimes and to protect the safety of villages and neighborhoods where death threats are constantly being issued against Roma are leading Roma communities to form their own defense and patrol the streets to protect their homes and their lives.

Mutual fear of the other on each side of this conflict and the feeling on all sides that the public authorities are unable to deal with a worsening social crisis are leading to a situation in which trust in Hungary’s politicians and even the country’s institutions is quickly disappearing.

But according to the most recent polls, the Hungarian Guard and its political wing, the Jobbik Party, with their growing support in the population, can rely on an extensive network of ideologically like-minded civil organizations; the Roma hardly have the means to organize and represent their interests on any institutional level. The increasing of social conflicts in Hungary means that we find ourselves on a slippery slope toward severe damage to Hungary’s democratic credentials.

And let me go over just shortly with my conclusions and recommendations. The trust of Roma in our institutions depends on the ability of Hungarian authorities to fully

enforce requisite legislation that underpins the democratic principles upheld in our constitution, and the proper functioning of Hungarian democracy depends upon a robustly vibrant Romani community representation with empowered Roma civil organizations that can hold governmental and state agencies accountable for the apparent deficits in doing their jobs properly.

To this end, Hungary must implement an effective law enforcement and political response to acts of violence and hate speech directed against Roma. Public officials engaging in hate speech must be dismissed. Private actors engaging in hate speech must be condemned. Hungary and the European Union have to take joint responsibility for ensuring the protection of the rights of Roma and their social and economic integration. The European Union must recognize that the problems faced by Roma communities are the legacy of hundreds of years of government policies fostering discrimination and exclusion, some of which continue to this day.

Hungary should end de facto segregation of Romani children in schools and end the segregation of Romani men and women in healthcare facilities. Hungary must design, fund and implement effective programs to ensure that school completion rates, employment levels and health indicators of Roma people rise to the same level as the majority population.

And now I ask the United States to consistently condemn acts of violence and hate speech directed against Roma. The United States should offer law enforcement support, investigate and prosecute hate crimes against Roma. And the United States should consistently refer to Roma issues in its bilateral discussions, particularly with regard to Hungary, Italy, Romania, and the Czech Republic. The United States should engage through USAID in the development of a stronger Roma civic society voice for an effective Roma representation at both national and pan-European level. Thank you very much for listening.

Mr. HASTINGS. Thank you very much, Ms. Barsony. We've been joined by representatives of the Romanian Embassy as well. And they certainly are welcome.

We go now to Mr. Daniel.

Mr. DANIEL. Honorable, Mr. Hastings, dear distinguished Ambassadors, representatives of embassies, ladies and gentlemen. As was mentioned before, I work for the European Roma Rights Center, and we get more and more work every day being informed of increased anti-Roma violence. I have a dream: One day there will be someone knocking on my door and saying there is nothing else to do; nothing more to do and I can go home and look for another job. Unfortunately, before that happens, we have to walk a long way.

In the area of the racism toward Roma, as in many other fears, the Czech Republic and Slovakia have a very similar history. The entire Romani attitudes are historically deeply rooted, and I can say with confidence that positive attitudes toward Roma are highly exceptional, and at the individual level. Both countries can be characterized by increasing acts of racism and extreme violence against Roma, including the practice of coercive sterilization, which continues to do this day, as well as persistent segregation in schools and housing, and discrimination against Roma in all aspects of life.

There are, however, some differences between these two countries, most significantly in the political dimension of the entire racism toward Roma. On the Slovak political scene, the spectrum can be more or less seen as a gray scale. Rarely do politicians make openly racist statements about Roma, but on the other hand, rarely do politicians defend Roma.

Even politicians speaking about Roma integration often try to find the root cause of Romani exclusion amongst Roma themselves. They are described as a group exhibiting negative social behavior needed to be taught positive social values and behavior.

But in April 2009, graphic video footage from Kosice, in Eastern Slovakia, was released of police officers torturing six Romani boys by forcing them to beat each other, strip naked, and kiss each other. Mainstream Slovak politicians responded publicly that such acts by the police cannot be tolerated. However the strength of their denunciations was tempered by repeated references to the alleged crime committed by the minors and statements that this type of treatment cannot be tolerated because 1 day it might happen to normal people.

In all such public acts, Slovak politicians contribute to the continuance of the negative image of Roma in society. Despite this, the extreme acts of violence against Roma that occurred in Slovakia in the '90s and early 2000 have not yet occurred.

In the Czech Republic, one can see parties and politicians being openly racist, as well as those defending Roma. And extreme acts of violence targeting Roma have recently occurred. The National Party has utilized clearly racist anti-Romani and inciteful messages in their European Parliament campaign, the most horrifying in light of Europe's not-so-distant history being spots aired on the Czech national television calling for a final solution to the Roma problem, as well as many other advertisements on getting rid of the parasites, using the symbolism of a white sheep kicking out the black sheep.

In January 2008, the party established a paramilitary national guard to protect the interests of the country. A second party, the Workers' Party, has increasingly been utilizing the image of Roma as dependent on social welfare, on the taxes of the working class, as a key component of its political propaganda in the last year and a half. The Workers' Party mostly campaigns in towns with Romani ghettos focusing on the non-Romani working class and where their meetings are often attended by members of the autonomous nationalists and neo-Nazi group National Resistance.

Expressions of hate speech against Roma and use of Nazi-era symbols are very frequent. Both parties appear to be strongly supported both by ordinary citizens as well as by the neo-Nazi skinheads and are growing in strength at the local and regional level. At a demonstration organized by the Workers' Party in 2008 during which police had to stop a sizable group of the neo-Nazis. Neo-Nazis attacked the Yaniv Romani neighborhood in the Czech town Litvinov—the non-Romani inhabitants of Litvinov cheered the neo-Nazis on, shouting at the police, let them go.

In an increasingly hate-filled atmosphere, violent racist attacks against Roma involving Molotov cocktails have taken place in two different locations in the Czech Republic. In one case a 2-year-old Romani girl sustained third-degree burns, over 80 percent of her body.

There is currently a tendency to relate the recently increased levels of anti-Romani violence to the global economic downturn. Yet the ERRC would argue that it is in the political sphere where the major responsibility rests, though the economic crisis likely is an environment in which ordinary people are more susceptible to the influence of racist politics. It is also clear that the growing strength of racist political messages, which gain substantial exposure at the national level create a climate conducive to more violent expressions of hatred.

At the same time, national governments appear unprepared or unwilling to respond with enough force to quell this frightening trend. Most significantly, investigations of violent racist crimes committed against Roma are ineffective and rarely lead to prosecution of the perpetrators. Indeed, the Czech media reported last week that no suspects had yet been identified in either of the Molotov cocktail attacks and that investigations were not going well, as the owner of the car linked to the first crime was cleared of any wrongdoing.

In contrast, the last week—three Romani men were found guilty of a racially motivated assault on a non-Romani citizen man—non-Romani Czech man, and sentenced to 4 years imprisonment. The ERRC highly appreciates Mr. Hastings' condemnation of the destruction of a thousand-year-old Romani settlement, Sulukule, in Turkey. We, however, need more such political commitment. Especially, we seek politicians to enforce and end the discrimination of Roma, especially by monitoring the current discrimination, implementing positive action to cope with existing inequalities, and looking for solutions on both European level and national levels.

We also seek for law enforcement and political response to acts of violence against Roma. I would like to use this opportunity to also speak about some recommendations to what the United States should do. First, the United States should consistently condemn acts of violence and hate speech directed against Roma. We would also like to see the United States offer law enforcement support to investigate and prosecute hate crimes against Roma. We would like to see Roma being—Roma issues being put on the bilateral political agenda, particularly with regards to Italy, Hungary and the Czech Republic; and we would like to see Roma issues put on the European agenda, not just through the OSCE, but more importantly through the E.U. Thank you for your attention. I'm ready to answer any questions. Thanks.

Ms. MIHALACHE. "You Gypsies."

Mr. HASTINGS. Please.

Ms. MIHALACHE. "You Gypsies, you get out," followed by strong beatings and kickings in the door of our apartment for half an hour until they realize there was nobody home. Me and my family could hear the mom's anger and feel her hatred toward us from very close—a neighbor's apartment who helped us escape the fury of some hundreds of Romanians who were reacting to the general anti-Roma sentiments throughout the country in the early '90s.

I was 14 and I could not understand why people had so much hatred against us, to the point that they wanted to see us killed, me and my whole family. I stopped going to school that week for fear that something bad could happen to me. When I started going back to school, I was looking at my colleagues and asking myself if some of their parents were part of the attackers because the police started no investigation on the matter.

Similar but more aggressive attacks in Kogolichano left some of my relatives without a house. They had to flee to various cities in the country for months before they returned and discovered their houses burnt down and destroyed. The European Court of Human Rights found Romania guilty of several violations in four cases concerning anti-Roma programs that took place in Romania at the beginning of the '90s, among them, failing to provide adequate redress to the victims of widespread, ethnically motivated violence.

One week ago, on Sunday night, May 31st, in a locality in Harghita County, Sanmartin, a few Roma allegedly beat up two Hungarian non-Roma in a dispute over

where the Roma were grazing their horses. One day later, one of the local Romani family's houses was set on fire. Approximately 100 Hungarian non-Roma started a protest loudly stating that the Gypsies steal from them. According to the mayor, 60 to 70 Roma persons left the settlement due to what happened last weekend. The national council for combating discrimination is investigating the case as we speak, and we do hope to have more information about the situation in a couple—in the next days.

But the point is that Romania doesn't seem to have learned from its recent history and legislation alone does not prove—it proves it's not a guarantee of human rights protection. Violence, attacks and hate speech against Roma are still often used as a common currency against Roma. The greater problem is that when Roma rights-violations occur, non-persecution of perpetrators is the norm. At the other end, when Roma commit crimes, the media is prone to identifying alleged perpetrators as Gypsies and the political discourse, likewise, regards the crime from an ethnic angle.

Roma remain to date the most deprived ethnic group throughout Europe. We have been living in a constant climate of human rights abuses and social exclusion. Institutional forms of racism, segregation, forced evictions and coercive sterilization and state impunity are atrocious human rights violations that are still being tolerated by the international community against clear rights and political commitments undertaken by governments.

According to the European Union Fundamental Rights Agency, data in a reported focus on Roma that was published in May this year on Bulgaria, the Czech Republic, Greece, Hungary, Poland, Romania, and Slovakia. On average, 1 in 4 Roma respondents were victims of personal crime, including assaults, threats and serious harassment at least once in the previous 12 months, while 1 in 5 Roma respondents were victims of racially motivated personal crime, including assaults, threats and serious harassment, at least once in the previous 12 months.

The recent increase of extremist attacks and incidents of racially motivated crime against Roma across Europe are alarming and serious, but making a simplistic causal connection between economic crisis and the degradation of Roma rights is dangerous and counterproductive. Evidence shows that despite change in political regimes and fluctuations in wealth, Roma rights and Roma economic situation have remained constant. Roma remain untouchable from economic reforms and human rights protection legislation.

I would rather say that the danger for minorities in times of economic crisis is from becoming scapegoats of government impotence and of a certain political climate. A real threat to Roma is not the economic crisis but the general climate of impunity which encourages and justifies by its nature further human rights violation against Roma and a failure of governments to effectively address the social exclusion of Roma to date.

The unpopularity of Roma in Europe, alongside with racial hatred and anti-Roma sentiment was magnified and gained legitimacy. Also inside the European Union and member states discriminatory legislation, and policies against Roma have been adopted. A referenced country in this respect remains one of the founding members of the European Union—Italy—which has sharpened its policies in Roma exclusion and discrimination.

The Berlusconi government introduced a new concept in anti-Roma political rhetoric: Roma equals security threat. Failing to integrate its Roma-Italian citizens under previous governments, Italy under Berlusconi adopted a new rhetoric relating rising crime to

uncontrolled immigration singling out immigration of Roma originating from Romania and exacerbating fear and hatred of Italians with longstanding prejudices and stereotypes with Roma while raising tensions among Roma from Romania and Roma from former Yugoslavia.

On 21st May 2008, the Italian Government adopted an emergency decree, the so-called Nomad Emergency Decree, proclaiming a state of emergency and enacting a series of measures targeting Roma and Sinti individuals, directly or indirectly. These measures were accompanied by racist political statements, which suggested that Roma, both Italian citizens and non-citizens, were criminals or should be expelled from Italy and that all Roma camps were to be closed down.

On September 14th, last year, deputy mayor of Treviso, Giancarlo Gentilini, a member of the right-wing Northern League party, at the festival of the people of Padania acclaimed before thousands of Italians, "I want a revolution against the Italian immigrants. I want streets cleaned of all of these ethnicities that are destroying our country. I want a revolution against the nomads, against the Gypsies. I have destroyed two camps of nomads. I want to eliminate all of the children of Gypsies that go and steal from the old people. I want double zero tolerance. Maroni says zero. I want double zero.

On February the 15th this year, the Italian Senate approved the draft law, number 733 dealing with public security. The draft law was amended by the Chamber of Deputies with Prime Ministers Berlusconi using a vote of confidence in order to ensure that the amended version was passed. The security package will return to the Senate where it is expected to be approved in mid-June which is in a couple of days. This new security package, together with other recently adopted legislation, contains provisions that are directly targeting migrants and minorities affecting them disproportionately.

This package and other new laws make immigrants' presence in Italy without appropriate legal status a criminal offense and encourages healthcare providers to report illegal immigrants seeking health care to immigration authorities.

It's obvious that Roma are being made scapegoats of government impotence, a lack of redressing the socio-economic status of Roma throughout Europe. The threat is becoming even greater with the recent EU election results where the far right made gains in 10 European Union member states. It is too early to predict its effects at this point, but it seems that extreme-right politicians have just bought themselves new "passports" to a new wave of democracies where a new form of Nazism and fascism are being made respectable by the European citizens.

I would say it is imperative for countries to respond promptly to cases of violence, crime and hate speech against Roma. Both Italy and Romania must implement an effective law enforcement and political response to acts of violence and hate speech directed against Roma. It is imperative for these countries to put an end to discrimination. Italy must end the deliberate policy of segregating Roma into ghettos, and other countries where ghettos exist, must implement adequate housing programs that put an end to spatial segregation. It is imperative for countries with significant Roma population to adopt and implement positive measures. Both Italy and Romania have to design, fund, or implement effective programs to ensure quality education, employment and quality health care for Roma.

It is imperative that the European Union acknowledges its responsibility to integrate Roma for the adoption of a common European policy for Roma. And there is a great need for joint international efforts to better integrate the 15 million Roma throughout Europe.

What the United States should do: The United States is committed to protecting and promoting the human rights of Roma through bilateral relations and through involvement in organizations such as the United Nations and the Organization for Security and Cooperation in Europe. And we think that immediate actions need to be taken by the OSCE and the United Nations to curb the new wave of extremism and Roma racism by supporting the establishment of an Intergovernmental Taskforce on Roma Racism.

The U.S. Congress has an important role to play in advancing human rights and promoting good governance and democracy. It should consistently condemn acts of violence and hate speech against Roma and should support law enforcement to investigate and prosecute hate crimes against Roma. The United States should hold the government of Italy accountable to their obligations against the universal human rights norms and international human rights instruments for failing to protect the human rights of their Italian Roma citizens and of other Roma immigrants and Roma EU citizens.

The United States should coordinate human rights activities with important allies, including the European Union and regional organizations; should address Roma issues in their bilateral meetings with government leaders and foreign ministers; should actively support through USAID the establishment and work of human rights NGOs in Italy, Czech Republic, Slovakia, Hungary, Romania, and Bulgaria. The United States should be involved in broad awareness-raising campaigns aimed at changing attitudes and stereotypes against Roma through promoting Roma role models and successful integration projects on Roma.

I think that Secretary of State Hillary Clinton has an important record in Roma diplomacy in Europe. Attitudes toward Roma in Europe might be improved if State Secretary Hillary Clinton would be involved in a Diversity Campaign supporting solidarity and a better cohabitation with minorities such as Roma throughout Europe.

Finally, I think it would make a great difference if the United States makes a reference to the plight of the biggest ethnic minority in the European Union, the Roma, at tomorrow's E.U.-United States summit in Slovenia, by pointing to the need to achieve greater human rights protection and integrate minorities within our societies. Thank you very much.

Mr. ISSA. Thank you. And our next witness will be the gentleman from Poland, Mr. Mirga.

Mr. MIRGA. Thank you, Mr. Chair, distinguished members of the U.S. Congress, Ambassadors, guests here.

My first testimony here on the Roma and Sinti issue was in 1994 when I was an associate of the Project on Ethnic Relations based in Princeton, NJ. Then, shortly after the fall of the Communism, Roma and Sinti faced troubling times in Europe. The transition toward democracy in market economy that was welcome by most and beneficial to many was accompanied by the rise in both ethnic consciousness and nationalist tendencies.

In some post-communist countries Roma and Sinti have been victims of both the often difficult transition to market economy, as the first to lose their livelihood, and of nationalist agendas that have often singled them out as scapegoats. In the early '90s,

Roma and Sinti were the target of a number of attacks, such as mob violence in the Romanian village of Hadareni that left three Roma men dead and led to the destruction of the homes and property of many others.

Such outburst of violence against Roma, coupled with their dire socio-economic conditions have created a strong impetus to migrate westward. But many Roma and Sinti who have sought asylum in the West have met with similar threats there and violence against them brought even more deaths.

Today, 15 years after my first appearance here, my testimony might seem very similar, but the point I want to make is that the situation has changed. As Senior Advisor on Roma and Sinti Issues, the situation at the OSCE's Office of Democratic Institutions and Human Rights in Warsaw today is different from that of the early '90s and in many respects more dangerous than what we were dealing with then. In the early '90s, there was a wave of mainly impromptu violence against the Roma and Sinti in Europe. The nature of the transition period contributed to this, as democratic institutions and the rule of law had yet to take root in the countries that had only just rid themselves of Communism.

What we are witnessing today is the deliberate and organized use of the hate speech and violence targeting Roma and Sinti in a number of countries. It is easy to identify those kinds of phenomenon as anti-Roma hate speech is promoted openly by a number of political groupings. There are those who think that violent acts targeting Roma and Sinti can also be traced to some of those parties and groups, although concrete evidence has been difficult to obtain in cases of a murder. The police and courts, which are usually slow or resistant to recognize the racial basis of these attacks often compound the problem.

Official data from the monitoring of hate crimes committed against the Roma and Sinti by participating States in the OSCE region remains limited. This is not of course meant in any way to disregard serious manifestation of discrimination and violence against the Roma committed by actors like public officials and law-enforcement offices, but this is not the focus of our discussion today.

In their submissions to ODIHR, the Czech Republic, Hungary, and Poland identified crimes committed against Roma as notable examples of hate crimes in their countries. The response from the Czech Republic even identified Roma as the group most vulnerable to hate crimes. But only nine participating States reported collecting data on hate crimes against Roma or Sinti: Croatia, Czech Republic, Latvia, Republic of Moldova, Poland, Russia, Serbia, Sweden, and Switzerland.

What characterizes the groupings behind these hate crimes? They deliberately use hate speech, and eventually violence as tools to attempt to gain a place in mainstream politics. While this approach has so far met with only limited success, anti-Roma elements were part of the platforms that helped a number of political parties gain seats in the weekends' elections to the European Parliament. These groupings revived demons from the past, like fascist symbols and language. They play on people's insecurities in hard times and manipulate their feelings by channelling their grievances against easily recognizable targets like Jews or "Gypsies."

They are more visible today than in the past, as they have learned that anti-Roma rhetoric can pay off politically and attract votes. These groups and parties are dangerous because their strategy is to mobilize the segments of society that may not be willing to

openly voice these ideas but agree with them all the same. The result of elections to the European Parliament demonstrate that parties can use anti-Roma rhetoric but also anti-immigrant, anti-minorities rhetoric to gain greater representation, a fact that could play an important role in future national elections and potentially pose a danger to social cohesion and stability.

There is no direct evidence of correlation between the current economic crisis and incidents of hate crimes. Eurostat, the European Union's statistical body, recently released data on the economies of the 27 member states that well illustrate this point: GDP across the E.U. fell by 4.5 percent year on year in the first quarter and countries like the Baltic States have seen an even more dramatic fall. But, despite the real economic difficulties faced by many countries, only in a few have we seen a rise in violence against the Roma. There must, therefore, be other factors behind what we are witnessing.

A key factor is the deteriorating social and economic situation of Roma and Sinti. This feeds anti-Roma prejudice and stereotypes that are easily exploited by groups and parties already mentioned. Second, political discourse has been deteriorating as more populist, racist and extremist views are allowed to circulate without raising an outcry or condemnation by public figures.

Finally, there is often a spark that ignites the fire—the rise in hate speech and violence against Roma and Sinti in Italy and Hungary can be traced back to concrete incidents sometimes promoted by Roma themselves. But the situation on the ground was already highly combustible. If the deteriorating social and economic situation of Roma and Sinti is one of the factors behind the rise of hostility, hate speech and violence, with which they are targeted, how has it happened? What has been done or not done to improve the situation of Roma and Sinti since I sat here 15 years ago?

ODIHR's recent status report, released in September 2008, on the implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area, provides a stark answer to this question. The general conclusion from our assessment is that there has been little tangible progress in most areas of concern; there is no sign of a positive breakthrough in any of the areas, and the movement in some areas has actually been backward.

Significant gaps remain between Roma communities and mainstream society in areas such as housing, education, employment, access to public services, and justice. There is a lack of proactive approaches by government at the national, regional, and local levels, as well as a lack of measures to ensure the sustainability of policies by providing adequate financial, institutional, and human resources.

Although there are some positive recommendations and good practices being piloted at the local level, these have not been translated into country-wide practices. The status report outlines disturbing trends with regards to racism and intolerance against Roma and Sinti, including against Roma and Sinti migrants. They face a growing dependency on social welfare, police violence, forced evictions and ghettoization.

Roma and Sinti issues continue to figure only marginally on governments' political agendas, and then often only when tensions threaten to escalate into violence. The clear conclusion is that neglect is no longer an option. States have to demonstrate real political will and take vigorous action to close the gap between the majority and this minority. Otherwise, the pre-conditions, will remain for continuing—or even escalating—tensions and violence against Roma and Sinti.

At the end, I would like to say what I as ODIHR's Contact Point am currently doing in this regard. Combating racism and discrimination is essential to what we—what the Contact Point does and this is an element of many of the provisions of the OSCE Action Plan. The Contact Point has paid constant attention to the issues—racist violence, hate crimes against the Roma, tensions and crisis situation.

To access such incidents and the human rights situation of Roma firsthand, the contact point has made a fact-finding visit to Romania in 2007 to look into issues of cases or incidents where police use arms against Roma and cause some deaths of Roma victims. A 2008 visit to Italy looked into the special emergency decrease in the situation against Roma violence there. It is currently preparing a field assessment visit to Hungary at the end of June following a number of attacks against killings of Roma there.

We are also concerned and we are looking into the situation of Czech Republic, Slovakia, and other countries of the region where we are facing or we are witnessing the rise in the extreme groups—anti-Roma rhetoric and violence. Thank you for your attention.

Mr. PITTS. Thank you for your testimony. Ms. Mihalache, at the end of your testimony, you enumerated several policies that you would recommend for the U.S. Government. I don't see that in your written testimony. Could you highlight the two or three most important policies to quell racism?

Ms. MIHALACHE. Well, the most important ones I would refer to is the fact that the United States has actually to hold countries accountable to their obligations under universal human rights norms and international human rights instruments and that there is a need for the United States to address Roma issues in bilateral meetings. I think this is very—would be—it's very important. And it's also important to involve in awareness-raising campaigns because of the increasing attacks of Roma lately throughout Europe. I think there is a need for changing attitudes through promoting successful integration projects and Roma role models. And this could be easily done through engaging in exchanges of best practices with other governments that have managed to have some successful projects.

Now, I'll give here the example of Spain. If you look at—Spain has the single integration initiative in Roma employment and it has been successful so far. And what they are trying to do now—through structural funding, what they are trying to do now is also add to that component and look at education, how to retain kids, Roma kids in education and to promote their higher education. So this is where I would see the involvement and support of the United States and the diplomatic level in trying to exchange best practices and to refer to the Roma issues at different meetings is the one that I mentioned, a very important one.

Mr. PITTS. Given the recent violence impacting Roma communities, do you know if there have been any attempts made by law-enforcement officials to ease the tension between the majority and the Roma communities?

Ms. MIHALACHE. Maybe my colleague, Katalin Barsony, would like to address that in relation to Hungary because this is the country where we had most recent and a lot of attacks against Roma to refer to the—

Ms. BARSONY. Let me highlight one case especially. I'm sorry to say that there is a growing tension between majority and minority population, for example, in the case of Hungary. And this is basically the result of—that we still don't know any clear testimony,

we don't know basically what happened in these cases, why these seven people have been killed. We don't know any kind of clear information about the—who committed these crimes.

And just a case—a case which happened in Pécs, in February 2008, that on the 9th of 18th November 2008, a hand grenade was thrown into a Roma house, which—killing the parents on the spot. The two children, a 3- and a 5-year-old, were taken into hospital in a state of shock and with major injuries. In this case, the Hungarian government saying in one case, in Pécs, the police have already produced results. This is the only case. The supposed offenders have been arrested recently. In the case—the racist motive can be excluded as the victims and the suspects belong to the same community.

I would like to highlight that there is still not finished judicial procedure that we are able to highlight that the suspects belong to the same community and this is racial profiling which is quite common from the side of the Hungarian authorities and the Hungarian police and public officials. So I would take this opportunity to say that I think as it was said in the Hungarian media many times in Hungary, that there is a kind of organized small group of militant people behind these attacks and that's the only thing that we know until now and we do not have any more information in the other attacks, like those in Nagycsécs and Tiszalök. We do not have any more information on these cases.

Ms. MIHALACHE. Mr. Chairman, if you allow me, I would like to add that in the case of Italy, with a program that have happened last year and the year before, the ones in Naples and throughout other cities as well, that has been no perpetrator that has been found to this date. So the law enforcement, basically, failed to come up with—with responses in those cases. And there have been 40 to 60 programs in Italy so far against Roma, but we don't have any single perpetrator that has been found guilty.

Mr. PITTS. Are there any specific government policies that you feel have encouraged racism against ethnic minorities?

Ms. MIHALACHE. In Italy, yes, indeed. The decrease on security that the government has adopted in 2007 targeting directly Roma and immigrants, I think that kind of fueled the anti-Roma sentiments and basically justified and legitimized programs and racist attacks against Roma. Not to mention that a lot of the politicians made a lot of statements against Roma and that elections have also been gained based on the populist and anti-Roma statements. So then the result is very clear, in my view, that the way government decided to deal with the Roma issue and with immigrants led to attacks and programs against Roma throughout Italy.

Mr. PITTS. Now, I think all of you are from post-communist countries. Have older so-called consolidated democracies provided any useful examples for respecting the human rights of Roma?

Ms. MIHALACHE. Unfortunately, this is something that we still look forward to. And we have, like, a reality check with old Western countries who are members of the European Union to actually see that same problems of discrimination and exclusion take place also in countries such as Germany, in countries such as France, where the integration of Roma—it's still a hope and an objective and also cases of violence happen and take place a lot in Germany.

So unfortunately there is now a best country that we could look at and then there is the Netherlands where the number of Roma population is up to 6,000 and that might be maybe, although it's a small number, you can see that the Dutch Government is very

much willing to be part of a process of Roma integration in what now exists in Europe. The Roma integrated platform, a process whereby the European Union is trying to put together governments to come up with coordination mechanisms in terms of policies for Roma and to assist through exchange of best practices.

But as I mentioned before, the only country that I could look at in terms of the ways they have been trying to integrate Roma is actually Spain. They still have problems of discrimination and exclusion, especially when it comes to access to health care, but they are trying to deal with that. And they are very much coming forward to say their best practices and also their less-good practices when it comes to Roma integration. And this is something that I think is very much useful when we discuss integration of Roma, also what governments did wrong, so we don't repeat the same mistakes all over again, but there is so less best practice of how to integrate.

But I still think there are examples of Western countries in Europe where we can look at—it doesn't—it does not relate to Roma, but it does relate to integration of minorities, where, for instance, integration of—or gender equality. If I look for instance to Sweden, I think Sweden has done a lot when it comes to gender equality, not to mention their institution of ombudsmen on discrimination and I think it's something that we could import from Sweden, the institution of the ombudsmen on discrimination and to actually look at how they manage to diminish the number of cases of discrimination against different minorities in Sweden.

In Sweden also Roma are actually part of the constitution as one of the national minorities, alongside with Sami and again I think could look at that country as a positive example of how they try to integrate minorities in general.

Mr. PITTS. Mr. Mirga, 15 years ago you participated in the very first hearing before Congress with Romani witnesses. Do you have any general observations on development since then? Have things improved for Roma? If so, how, or have things gotten worse?

Mr. MIRGA. Thank you. Well, first of all, over these 15 years, there have been introduced a lot of policies of programs by the governments in the center of Europe, but also in the Western part of Europe. And we have evidence of over 20—several governmental programs which were introduced in these countries. Hungary was one of the first countries to introduce such a program in '96. If you look to the record of Hungary itself, you can say that there was a lot of—kind of progressive efforts by the government since '93 when the minority law was adopted, which gave Roma self-government at the local and at the national level.

But over time, you can realize that many of these programs were kind of a window dressing. Governments learn to talk proper language. They were reflecting on the challenge and situations, but behind this rhetoric, there was no real action. And you may say, to have a public policy, you need to have funding—put it behind—because otherwise public policy without real funding is nothing. In many cases, governments remain at the level of issuing paper documents, but they were not committing themselves in a similar way with funding. In some countries, you have donor-driven policies. It's others who are paying for that, including foundations from America, USA and so on. This is not a real commitment of the government itself.

So what I see also is that there has been steps to institutionalize Roma policy. And you have—at many countries, you have offices to deal with Roma policy; you have officers. There are some state secretaries who are Roma. There are ministers also who are Roma.

So this, you can say, is a kind of a positive development. But still the challenge is that much more is needed, not just a window-dressing policy.

And also what I believe, now is, that there is a need to maybe prioritize [inaudible] with a strategy for changing of the situation of Roma. We are doing for over 20 years public policies which we say has to be comprehensive over everything. But we are still where are: less than 1 percent of Roma have higher education. How can we change the reality of Roma if we will not improve at that level and will not close the gap between the majority and Roma. If we will not do that, I strongly believe we will not progress because we will continue with this kind of a situation for the next 50 years or more because the challenge is that if you are not educated, you are an easy target also for discrimination.

So I think that this is a priority. This is the area where we should be focusing more to prepare kids at a very early stage to enter on the equal basis with others into education because if you will not ensure that, kids are falling out from the system and we are perpetuating all of the consequences of that, including easy target for racist and xenophobic—well, now, what we see in groups in the society. So that's what I think awaits now many governments, that they have to maybe refocus their policies should—not only maybe; they have to, to go beyond the rhetoric and do real public policy because this is a problem which will not disappear. Not all the Roma will leave; they will stay.

There are only a few countries who accept Roma—like Canada accepted certain asylum seekers from Hungary and from Czech Republic. Both countries are E.U. member countries. And Canada is accepting citizens of the E.U. who are begging for asylum. That's kind of—it's a kind of paradoxical situation. So I think we may wish America can support this kind of a reasoning and requesting really doing policy which is a real policy, not just a window-dressing policy. Thank you.

Mr. PITTS. Thank you. Thank you for your responses, your insights, your testimony. Thank you.

Ms. SCHLAGER. And at this point, if I may take the privilege of the Chair, I'm going to go ahead and ask one question. But I will also invite—since this is a briefing, this is a standard format for the Commission—if those of you who have come to this briefing would like to ask questions of your own, we have a microphone over here. You may come up and please identify yourself. Please ask a short question. If there—I know that we do have various individuals here who might like to make a comment and I think if you choose to do that, I will follow the rules that are followed at OSCE meetings, which is you have 1 minute for a right of reply and I'll enforce that strictly. But if you—after I ask my question, if others would like to ask a question, as I say there's a podium with a microphone here where you may wish to do so after identifying yourself.

My question is for Mr. Daniel and for Ms. Barsony and it has to do with election cycles. As we hold this briefing, its' right after the European Parliament elections, which has returned to office quite a number of extremist politicians who are in some cases anti-Roma, anti-Semitic, anti-immigrant, espousing quite intolerant views. And it makes me think ahead to the national elections that are coming up in Slovakia, the Czech Republic, and Hungary. I'd like to hear your views on the—the relationship between election cycles and the election process and maybe increases or decreases in extremism. Thank you.

Ms. BARSONY. So recently in the European Parliament elections, the right-wing Jobbik Party won 15 percent of the votes, no matter that there has been around 43—if

I'm not correct—around 43 percent of the people went to vote during for the elections. So there was a greater majority who decided not to go even to vote.

I do believe that the growing number of power from the right parties like Fidesz, which is a central-right party and the extreme right, Jobbik, shows that the whole Hungarian political scene went to the right. And we can have the effect that—as a sociologist, I can estimate that for the next elections there's going to be some kind of consideration, meaning that there are going to be more people who are going to vote against this block of right political power. But we cannot estimate because we still don't know that those people who didn't go to vote, what is their opinion and what was their reason. How do they vote if they would have a chance to go and vote. So that's my personal—

Mr. DANIEL. It's hard to answer that question without serious research on what the election mechanisms were, but—and Slovakia—Slovakia has 13 seats in the European Parliament. The most right-winged party is a parliamentarian party—Slovak National Party, which, actually, I would—in the current—nowadays, Slovakia, we could put the Slovak National Party into the gray scale. They stopped using anti-Romani, or in their case, anti-Gypsy statements. To get their points, they turned to anti-Hungarian statements. But they won two of the 13 seats in the European Parliament.

In the Czech Republic, where the tensions are much higher and racism is much more used in politics, none of the far-right extreme parties got into the European Parliament. They got something around up to 1 percent of the electoral—of the vote. However, I would like to make a link to what Katalin was mentioning and that there is very low participation in elections, especially in elections to the European Parliament and we do not know what—about 70 percent of the population who has a right to vote but doesn't go to vote, we do not know what their opinions are.

However, where the participation in elections is much higher, the regional and local level, that's where, for example, the Czech Workers Party is very strong. That's where they got several mayors and regional representatives.

Ms. SCHLAGER. Thank you. If there are questions, let me invite you to come up to the podium here.

QUESTIONER. Can you hear me? My name is Michelle Kelso. I am a sociologist and also a fellow here at the U.S. Holocaust Memorial Museum. I'm an American and I would like to have a comment on the record for our delegates who have since left. Twice I have been the recipient of a Fulbright grant. Twice I have been the recipient of a National Security Education Program fellowship and the subject of my research has been on Roma. Also, I have received moneys through the U.S. Government, the U.S. Embassy in Bucharest for civil society initiatives in Romania. I would like to see as an American citizen our government increase funding for Roma-related initiatives in Eastern Europe. And I think this can be done through already existing programming.

I want to commend our witnesses today for mentioning USAID. In 2007 it was pulled out of Romania because Romania is now an EU member country. In the year preceding its leaving Romania, USAID spent almost \$300,000 on programming directly affecting Romani—Romani students and education programs. So I think we can go back to what we already have had in the past and try to re-implement some of these programs, as well as continuing funding for Roma initiatives.

Ms. SCHLAGER. Thank you. Do we have other questions from the public right now? If not, I will proceed with a couple more questions of my own.

One question for the panelists in general: It is often observed that Roma are a trans-European minority. And in some cases it's then further added that the concerns relating to Roma must be addressed at the trans-European and pan-European level. So the first part of my question: I'm not aware of any other minority groups in Europe or in the United States or elsewhere where this kind of approach is taken, that the concerns of that group—because members of that group may exist in more than one country, they can only be addressed in a transnational way.

And I'd like to hear your thoughts on if there are other minority groups that are addressed in this way and in general, your views on this idea of Roma as a trans-European group. Thank you.

Mr. DANIEL. To answer—like, I see two questions there, to answer the question whether I know about any other minority that can be considered as transnational, I personally do not know. Roma are taken very specifically—intergovernmental bodies approach Roma-related issues as very specific—not putting Roma into groups of ethnic minorities. But these bodies understand that Roma have a very specific situation.

To answer the other question, whether we should seek solutions on the international level or on the domestic level, I would say we need to approach from both fronts. We need a common E.U. strategy on approaching the exclusion of Roma or enforcing inclusion of Roma. However, on the other hand, there are many issues that have to be targeted on the domestic level, on the regional level and sometimes even on the local level. The governments have to—cannot give up the responsibility for what's going on, on the local level.

And many municipalities, you can see two schools, two primary schools. One of them is attended only by non-Roma; the other is attended only by Roma. This is something that has to be changed in that municipality. We don't need to discuss this in Brussels; we need to discuss this in the municipality. The mayor has to know that this is something unacceptable, that segregation is a violation of human rights and cannot continue. So I would suggest trying to look for the solutions where the problems are.

Ms. MIHALACHE. Also, I would like—I will say the same thing that there is no other minority that would be addressed in a similar way and as Daniel said, there is a specific situation, but I would want to say that the specific situation is that Roma do not have a natural homeland and they are minorities in the countries where they live. And it has—because of the national state, what Roma activists and human rights activists try to do throughout the—beginning with the '90s was to push for an approach that was stronger, that would lead to some sort of state reaction toward the situation of Roma.

And only in 2005, we actually managed to convince members of the parliament within the European Parliament that Roma should be defined as a transnational or pan-European minority within one of the European Parliament's resolution addressing the situation of Roma. And I think that has—that's been the language that they continue to use and the European Union is continuing to use because it's only in this framework that they can actually find solutions, common solutions and learn from experiences of different countries.

And I would say that that approach has led in 2007 and 2008, the European Council to actually have three recommendations on the situation of Roma toward the European Commission and to actually—actually recommend to the European Commission that they should come up with some sort of coordination mechanism that would ensure an impact

of the existing EU policies on the situation with Roma because of the limited competence the European Union had after the enlargement on member states to actually punish human rights abuses.

And there was a formula, I think, also that the European Council found to say that there needs to be a comprehensive pan-European approach in regards to the Roma because their problems are exhibited in all of these countries, because their plight was similar in all of these countries. And solutions could also be common, but of course then looking at specificities for each country. So it was actually a mechanism to enforce efforts to address the situation of Roma and [inaudible, off mike].

Mr. MIRGA. Yes, I will make a brief comment about this. While representing our intergovernmental organization I have a little bit different perspective on the issue. What we are doing in the OSCE, yes, we are trying to promote, assist, persuade governments to do their job. That is our task. And why we are doing? Well, because Roma offers [inaudible] to their citizens. Even if you have a case that they are stateless, they have no IDs. They are citizens. And the government should not be somehow released from solving problems of their citizens. So the action plan is targeting member—a participating States. Every—and each—because they have to implement the policies and to improve the fate of Roma in their countries.

As regards the E.U., I think that there is no difference also in this kind of an approach. The E.U. is using or proposing its instrument to be used by member states for the sake of the situation in their countries, yes. Playing—elaborating something on the transnationality of Roma sometimes I think is not so helpful because it gives a kind of a—a refuge to the country to say, well, it's not our business—Brussels or some other institution will solve the problem. But this is not the way to do.

There can be common problems in many countries Roma face, but still the responsibility is particularly assigned to the given country of their own citizens. So that's sort of what we are trying, let's say, to persuade governments involved. Thank you.

Ms. SCHLAGER. Would you like to ask a question.

QUESTIONER. [Off mic.]

Ms. SCHLAGER. Identify yourself please and then—thank you.

QUESTIONER. I'm Jean Garland. I was formerly the Legal Director for the European Roma Rights Center. I am now a Human Rights Advisor for USAID. And I was 2 weeks ago in Strasbourg conducting a training workshop with the Council of Europe for lawyers working on Roma and Sinti issues. So I have a couple of updates.

I think the European Court of Human Rights, although it's a very slow and cumbersome process, it's—the Roma cases have actually done very, very well before the European Court. And there was a recent decision that the ECHR handled in a case called *Šečić v. Croatia*, where the violence was not done by a state actor; it was skinheads had attacked Roma. And the Croatian police just couldn't seem to find out who the perpetrators were. And in considering the case, the European Court said that ethnically induced violence or violence that may have an ethnic hate-crime link to it must be treated differently than regular violence, thereby imposing an enhanced duty on law enforcement in hate crime cases to track down the perpetrators. So that was a good development.

There was a Slovak case. People who are probably familiar with allegations of sterilizations of Romani women in the Czech and Slovak Republics—also Hungary—the actual case has not made it to the Court yet, but there was a decision by the Court in the case

involving documents. In the Slovak Republic, for whatever reason, the health authorities had refused to allow Romani women access to their medical records, which they needed in order to determine whether or not they had been sterilized while going in for Cesarean sections giving child birth.

And they couldn't prove their cases without the documents, but the Slovak health authorities said, no, no, you can look at them; you can't make copies of them and you can't come in with your lawyer to look at them and nobody but the actual patient can see the records, even though many of them were illiterate and could have made no sense of the records. So the European Court came down quite hard on the Slovak authorities and said that the refusal to allow them meaningful access to their medical records was a violation of their right to respect for private and family life. Those are the two that jumped out in my mind on updates.

There was just a very interesting case just argued to the Court—and we won't have the decision for a while—involving a Romani couple in Spain who had been married under Roma traditions, meaning not before the civil authorities, but in a Roma style. And six children and some 21 years of marriage later, the husband died and the wife was denied by the Spanish authorities the right to a widow's pension because they weren't officially married in the eyes of the Spanish Government.

So this will test the court's earlier statements that there must be recognition given to the unique Romani lifestyle. Discrimination—people in similar situations must be treated similarly. The Court also says in different situations, you must treat them differently. So this is a unique Roma lifestyle situation that must be recognized and proved. So we'll see what the court says but I'm pretty optimistic about it. Just a few updates.

Ms. SCHLAGER. Thank you for sharing those updates with us. And I think the decisions of the Court that relate to the obligations of states in instances of violence, whether it's state-perpetrated violence or violence perpetrated by non-state actors I think are particularly relevant to the discussions we're having here today. Governments may find somewhere down the road that if they have failed to investigate properly the cases that we're talking about today, they may find that somewhere down the road they have obligations that ensue under the European convention on human rights and indeed there may be damages that they may be obligated to pay.

Are there any other questions from the public at this point? In that case, I would ask my panelists if they have anything, any closing remarks they want to add or anything they feel they need to touch on.

Ms. MIHALACHE. I would just like to refer to the lack of Roma representation in all of the countries we have mentioned here and to say that that's one of the reasons why we are still in the same point, whereby we are still faced with the low access in education, with lack of employment and other similar issues. And I think that there is a great need for representation in public administration, be it at the local or a national level. And we also need to have representation in political life.

Now, here people have referred to elections—result of elections to the European Parliament and how would that affect the situation on the ground. And I would say, I don't know how exactly but what I would want to propose is that maybe one way to—because I—unfortunately, we don't have Roma now that have been elected as members of the European Parliament, we have had in the past mandate two Romani women from Hun-

gary represented in the European Parliament. And probably we still have one of them that has been reelected, Livia Jaroka.

And because of that—that there is a huge discrepancy in political representation of Roma and everybody else, I think that something to think of would be to have reserved seats for Roma in the European Parliament. Because you have right of—a lot of right-wing that are now in the European Parliament and you have that also at the national level, it's going to be difficult for Roma to actually get elected on mainstream part at least. And then maybe one way to ensure that that's going to happen is to have reserved seats for Roma in the European Parliament. Once that we had established that Roma are at the European level, a pan-European minority—so maybe the European Union institutions have to think of—have to try to integrate that also into the political life of the European Union.

And I would just say that there is a need for active citizenship of Roma. In many of the countries, we have been speaking about here, Roma do not yet have identity papers. And that's a situation that we still face but it's improving. And in Romania, we still face a lot in Serbia—a country that hasn't been mentioned here—we still face that problem in Bulgaria and we face that a lot in Italy, although you have the Italian Roma that are living there for 500 years and then you have the immigrants that are there for 40 years, they still might not have identity papers and their kids don't have identity papers, which means it is impossible for them to go to school, to get educated and get a normal life.

So unless we support active citizenship, you cannot then have, therefore, responsible Roma citizens that can take their rightful place within the society. So that's basically something we need to do together. And I just hope that by coming here, we manage to bring on your attention the fact that it is a joint responsibility, as Andrzej was saying here—definitely of the European Union and of the national states, but it's also a common responsibility of the Roma and all of the other actors that have something to say on the matter. And I just hope that we're going to see some progress in the future.

And next time, a Roma person is going to sit here, is going to say, well, we have some good news for you. So thank you very much.

Mr. MIRGA. Yes. Thank you. I would like—just like to ask—put the—put the request, yes, to the United States—to pay greater attention to these kind of developments which are going on now in some countries. And they are definitely linked to the present crisis. But as I said, there are many other factors which play a role, which altogether bring up the extremists who garner votes because of targeting some minorities.

It may fluctuate; it may disappear, maybe with improvements in the economy, recovery and so on. And we have also some examples like Poland when this kind of forces were discredited by themselves. And finally they didn't get any more support during these elections and hopefully there will be nothing such of a support—public support later in national elections, which will come sometimes in the future.

But here is something which also relates to the political climate and political culture, how political culture is devastated sometimes by fierce political fights, like in Hungary between left and right, yes. And when something like strict politics is encouraged, yes. So it means kind of the threshold is lowered and some extremist views are getting public attention but also they are—there are followers who would like to follow in this way.

So something which is about let's say code of conduct, which you cannot codified, but you may sensitize politicians about that, that something is improper. If you allowed these

kind of developments to go on, which can eventually because we cannot predict exactly whether, for example, the Hungarian Jobbik Party will repeat its success at the national level. It may if there will be still kind of a high attention to the Roma, what they say, criminality, what they fight for—if they—their marshes for the cities and places will be organized still. They may really get a strong power in Hungary.

So these are kind of worrying trends within the society which of course they are not characteristic only of Eastern European countries. You have winning far-right parties in Austria on ticket of anti-immigrant rhetoric, yes, but also in other countries. So this kind of a closer look may be something high-level conference, something which will bring politicians—policymakers and look into the issue and design something like that remedy to this because that's—I see danger and such weak political groups like Roma can be a very easy target for this. Thanks.

Ms. SCHLAGER. Thank you very much. As we close today's briefing, I want to reiterate the Helsinki Commission's strong, deep appreciation to all four of our witnesses who have come a very long way from various European capitals to be with us and to share their considerable expertise and insights. Thank you, Ms. Barsony. Thank you, Mr. Daniel. Thank you, Ms. Mihalache. And thank you, Mr. Mirga.

There are two children who are first and foremost in my mind as we're here. Robert Csorba and Nataalka Sivakova. I hope that for the sake of these children and for other Romani children, that more will be done to combat the kind of violence to which they were subjected and to which no child should be subjected. But there are other reasons I hope governments will pay attention to these issues—maybe some degree of self-interest that will come into play.

As it now stands, some governments are finding that their own citizens are seeking asylum in other countries. Some countries may be looking at the prospect of interethnic conflict. And finally, the failure to adequately integrate Roma and address their acute marginalization means that an enormously important and valuable human capital is being wasted. So I really hope that as we leave this briefing, maybe it will give some impetus to efforts to address not only the violence which has been so acute in recent months but the long-term marginalization that we have seen fester over recent years.

With those thoughts, I will bring this briefing to a close and thank—give my thanks to everyone who came here today. Thank you very much. [Applause.]

[Whereupon, at 3:43 p.m., the briefing ended.]

APPENDICES

HELSINKI COMMISSION TO HOLD A BRIEFING ON HARD TIMES AND HARDENING ATTITUDES: THE ECONOMIC DOWNTURN AND THE RISE OF VIOLENCE AGAINST ROMA

WASHINGTON—Senator Benjamin L. Cardin (D–MD), Chairman of the Commission on Security and Cooperation in Europe, and Co-Chairman Congressman Alcee L. Hastings (D–FL), will hold a briefing entitled, “Hard Times and Hardening Attitudes: The Economic Downturn and the Rise of Violence Against Roma.”

The briefing will be held Tuesday, June 9, 2009, at 2:00 p.m. in Room 1539, Longworth House Office Building.

Anti-Roma violence is escalating, dramatically illustrated by the gruesome murder of a father and his five-year-old son in Hungary in February and a fire-bombing in April that left a two-year child in the Czech Republic burned over 80 percent of her body. Such violence in the past has led to increased waves of Romani asylum seekers in North America.

The Commission will hear from four experts working on Romani human rights issues who will discuss how the down economy and recent spike in violence could combine for similar affects this year, possible inter-ethnic instability, and challenges to ending the marginalization of Europe’s largest ethnic minority.

The following panelists are scheduled to speak:

- Katalin Barsony (Hungary), sociologist, film maker and project manager at the Budapest-based Roma NGO Romedia Foundation
- Stanislav Daniel (Slovakia), Research Consultant, European Roma Rights Center
- Isabela Mihalache (Romania), Senior Program Manager, Roma Initiatives, Open Society Institute (OSI)
- Andrzej Mirga, Advisor on Romani Issues, OSCE Office for Democratic Institutions and Human Rights

The Longworth House Office Building is within walking distance of the Capitol South Metro stop: <http://www.aoc.gov/cc/cc—map.cfm>

Room 1539 is on the 5th floor.

PREPARED STATEMENT OF KATALIN BARSONY, SOCIOLOGIST, FILMMAKER, PROJECT MANAGER, ROMEDIA FOUNDATION

Mr. Chairman, Ambassadors, Distinguished Audience, Ladies and Gentlemen,

Thank you very much for inviting me to testify before you today. It is a privilege to speak to you about the situation of Roma in Hungary.

As the economic meltdown is gradually turning into a larger social crisis across Europe, insecurity is bringing dormant fears and prejudices out in the open in often violent forms.

The past two years have seen more than 50 violent attacks¹ against Roma in Hungary, ranging from heavy beatings in broad daylight to murders by arson or shootings, attacks which the Roma consider are based on racist motives.

According to the most common NGO estimates, there are about 12 million Roma in Europe. In Hungary, there are about 800,000 Roma, meaning that one Hungarian citizen in 15 is Roma.

In Hungary, more than a hundred thousand Roma live in slums on town and city outskirts, separated from the rest of the population. There are at least 630 segregated, Roma-only classes in Hungarian schools, where the quality of education is much lower than for other children. Statistically, the average percentage of mentally challenged in children within the Hungarian population is 20%, while Roma children represent 60% of the mentally challenged young population and are consequently placed into institutions for the mentally retarded.

When it comes to employment, around 80 percent of Roma are unemployed and are therefore excluded from Hungary's employment market. Constant fear of discrimination, harassment and violent attacks mean that Roma from all strata of our society live in a state of constant terror and are forced to exclude themselves from the mainstream society. Racism against Roma is widespread in public discourse. While there is only so much a state can do to regulate private actors, the public authorities are not without responsibility in creating this situation.

While Romaphobia/Roma racism is common in European societies, the outburst of its most violent forms on a regular basis is directly linked to the hardening tone of Hungary's political and social discourse regarding Roma. The murder of a popular handball player, Marian Cosma,² by a few Roma men led to extensive media coverage stressing the ethnicity of the suspects and ultimately to the radicalization of the whole social discourse about crime in Hungary. As the story of the murder itself was progressively disappearing from front pages, the debate about "Gypsy crime" remained at the centre of Hungary's public discourse. In a deeply polarized political climate in which extreme vilification of the "other", in terms of political choices, is the norm, and with the effects of Hungary's economic crisis being increasingly felt on a day to day basis, the outburst of anti-Roma sentiments were set to take increasingly violent forms. The debate about "gypsy crime" was accompanied by the implementation, in a growing number of villages with many Roma inhabitants, of a regulation under which social benefits are granted only for a given

¹ Hungarian Press Agency Report by Attila Hidvegi Balogh 2008–2009 attacks on Roma communities in 2008–2009 Annex I.

²The Cosma Case blogs http://forum.hirfal.hu/cosma_gyilkossag_ket_gyanusitottat_keres_a_rendorseg_20090208-535405.html, <http://www.timesonline.co.uk/tol/news/politics/article6457752.ece>,

amount of communal work. The debate around the constitutionality of the measures was accompanied by the wide appearance in the media of another division in our society: that of the worthy and the unworthy poor, the Roma being stereotyped as “welfare cheats”, Roma women being accused of breeding for profit.

The extreme polarization of our country’s political discourse and the effects of the economic crisis have resulted in everyday discrimination being accompanied by bouts of deadly attacks on Roma, including Roma children.

In the United States, you have known a militant organization whose avowed purpose was to protect the rights of and further the interests of white Americans by violence and intimidation, an organization which had a record of using terrorism, violence and lynching to murder and oppress African Americans, Jews and other minorities. While Ku Klux Klan militants were wearing white costumes and conical hats, our country’s Hungarian Guards march through towns and villages wearing black military-style uniforms, professing to promote public safety by curbing “gypsy crime” and defend the interests of “the physically, psychically and mentally defenseless Hungarians” against Roma, Jews and other minorities. In the past year alone, there have been 7 deadly attacks on Roma in Hungary. The Ku Klux Klan used to burn crosses in public spaces to intimidate their victims. Two weeks ago, in Hungary, gasoline was poured and put to fire in the shape of a huge swastika in front of a Roma family’s house.

These intimidation tactics which have particularly traumatic psychological effects on the Roma, who were systematically persecuted and murdered during the Holocaust, accompanied by deadly attacks on private houses typically occurring during the night have thrown Hungary’s Roma into a state of hopeless terror.³ While it became clear to the authorities, during the past months, that the murders of Roma in different parts of the country were connected to each other, we still have no information whatsoever as to the backgrounds of the Tatárszentgyörgy,⁴ Tiszalök, Pátka or Nagycséc gun and Molotov cocktail attacks.

The failure of the authorities to effectively investigate these crimes and to protect the safety of villages and neighborhoods where death threats are constantly being issued against Roma are leading Roma communities to form their own defense and patrol the streets to protect their homes and their lives.

³Let us take the example of the case of Robert Csorba and his 5-year old son. At half past 12, on February 23, in the middle of the night, a Molotov cocktail was thrown on the house of the Csorba family. Robert Csorba was holding his 6 year old daughter, Bianka, by the hand and holding his 5 year old son, Robi, in his arms as they were escaping the fire. Him and his son were shot dead in front of his daughter. The first to arrive to the scene were not the fire department, the ambulance or the police but a local TV network. Then the police arrived, followed by the fire brigade and, an hour later, an ambulance. All of these units knew that the neighborhood was a Roma one. According to the family, little Robi was still alive when the paramedics arrived and could have been saved, had the ambulance arrived earlier. The fire department’s first assessment on the morning following the attack was that the fire had been caused by an electric short-circuit. Neither the police nor the paramedics reported the bullet wounds on the bodies. In the morning, while the police was publicly excluding any suspicion of homicide, family members were drawing attention to clear signs on the scene that a Molotov cocktail had been thrown on the house and that bullets had been shot at Robert Csorba and his son. Only when Roma member of the European Parliament Viktoria Mohacsi pushed for an investigation to open were the authorities forced to act. For more information about this case, please read the detailed evaluation of the European Roma Rights Center.

⁴ERRC: REPORT on the circumstances of the double murder committed at Tatárszentgyörgy on 23 February 2009 and conduct of the acting authorities (the police, ambulance and fire services) 7 May 2009 Budapest Annex II.

Mutual fear of the other on each side of this conflict and the feeling, on all sides, that the public authorities are unable to deal with a worsening social crisis, are leading to a situation in which trust in Hungary's politicians and even the country's institutions is quickly disappearing. But while according to the most recent polls, the Hungarian Guard and its political wing, the Jobbik party,⁵ have growing support in the population and can rely on an extensive network of ideologically like-minded civil organizations, the Roma hardly have the means to organize and represent their interests on any institutional level. The increasing of social conflicts in Hungary means that we find ourselves on a slippery slope towards severe damage to Hungary's democratic credentials.

CONCLUSIONS AND RECOMMENDATIONS

The trust of Roma in our institutions depends on the ability of Hungarian authorities to fully enforce requisite legislation that underpins the democratic principles upheld in our constitution. And the proper functioning of Hungarian democracy depends upon a robustly vibrant Romani community representation with empowered Roma civil organizations that can hold governmental and state agencies accountable for the apparent deficits in doing their jobs properly.

To this end, Hungary must implement an effective law enforcement and political response to acts of violence and hate speech directed against Roma. Public officials engaging in hate speech must be dismissed. Private actors engaging in hate speech must be condemned.

Hungary and the European Union have to take joint responsibility for ensuring the protection of the Rights of Roma and their social and economic integration. The European Union must recognize that the problems faced by Roma communities are a legacy of hundreds of years of government policies fostering discrimination and exclusion, some of which continue to this day.

Hungary should end de facto segregation in schools of Romani children in schools; and end the segregation of Romani men and women in health care facilities.

Hungary must design, fund and implement effective programs to ensure that school completion rates, employment levels and health indicators of Roma people rise to the same level as the majority population.

United States should:

United States should consistently condemn acts of violence and hate speech directed against Roma.

United States should offer law enforcement support to investigate and prosecute hate crimes against Roma.

United States should consistently refer to Roma issues in its bilateral discussions, particularly with regard to Hungary, Italy, Romania, and the Czech Republic.

The United States should engage through the USAID in the development of a stronger Roma civil society voice for a effective Roma representation at both national and pan-European level.

Thank you.

⁵ Hungarian Radical Party Jobbik won (with the idea in their campaign fighting against "gypsy crime") 15% on the recent European Parliamentary elections.

PREPARED STATEMENT OF STANSILAV DANIEL, RESEARCH CONSULTANT, EUROPEAN ROMA RIGHTS CENTER

Hard Times and Hardening Attitudes: The Economic Downturn and the Rise of Violence
Against Roma in the Czech Republic and Slovakia

RISE OF VIOLENCE AGAINST ROMA

Washington, D. C.
9 June 2009

www.ertc.org

Protecting rights
of Roma in Europe
since 1996



ANTI-ROMA RACISM IN FORMER CZECHOSLOVAKIA

and its development, determinants and political dimensions in the Czech Republic and Slovakia

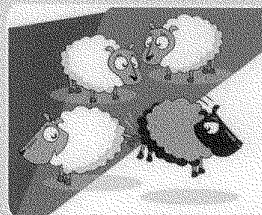
In the area of anti-Roma racism, same as in many other spheres, the Czech Republic and Slovakia have a very similar history. The anti-Roma attitudes are historically deeply rooted and we can say without any doubts, that positive attitudes to Roma are highly exceptional and are only individual.

Both countries can be characterized by increasing acts of racism and violence against Roma (including coercive sterilization), as well as persistent segregation in schools and housing and discrimination against Roma in all facets of life. There are, however, some differences between the two countries, most significantly in the political dimension. While in the Czech Republic the current political spectrum is rather wide and we can see parties and politicians being openly racist as well as politicians defending Roma, on the Slovak political scene the spectrum is more or less in the grayscale - rarely a politician expresses open racist statements but on the

other hand rarely a politician defends Roma and even those speaking about Roma integration are often trying to find the root cause of exclusion of Roma amongst the Roma themselves.

Many Roma-rights activists see the global economic downturn as a potential explanation for the increased anti-Roma violence. Even though there was no serious research about this issue, many believe the general tensions in the society caused by the global economic crisis have an even deeper impact on marginal groups, Roma are stigmatized as dependent on social welfare and thus on the taxes of working people, the easiest target in the Central and Eastern Europe.

Regardless of the strength of the link between increased anti-Roma racism and the economic downturn, the current developments need immediate action on all levels of the society.



Political level
The National Party in the Czech Republic in their campaign focuses on getting rid of parasites using the symbols of black and white sheep.

ANTI-ROMA RACISM IN FORMER CZECHOSLOVAKIA

and its development, determinants and political dimensions in the Czech Republic and Slovakia

oral presentation by Stanislav Daniel

In the area of anti-Romani racism, as in many other spheres, the Czech Republic and Slovakia have a very similar history. The anti-Romani attitudes are historically deeply rooted and I can say with confidence that positive attitudes towards Roma are highly exceptional and at the individual level. Both countries can be characterized by increasing acts of racism and extreme violence against Roma (including the practice of coercive sterilization which continues to this day), as well as persistent segregation in schools and housing and discrimination against Roma in all facets of life. There are however, some differences between the two countries, most significantly in the political dimension of the Roma issue.

On the Slovak political scene, the spectrum can be more or less seen as a grayscale - rarely do politicians make openly racist statements about Roma but, on the other hand, rarely do politicians defend Roma. Even politicians speaking about Roma integration often try to find the root cause of Romani exclusion amongst Roma themselves - they are described as a group exhibiting negative social behavior needing to be taught positive social values and behavior. When in April 2009, graphic video footage from Kocice in Eastern Slovakia was released of police officers torturing 6 Romani boys by forcing them to beat each other, strip naked and kiss each other, mainstream Slovak politicians responded publicly that such acts of the police cannot be tolerated. However, the strength of their denunciations was tempered by repeated references to the alleged crime committed by the minors and statements that this type of treatment cannot be tolerated because one day it might happen to "normal people."

In all such public acts, Slovak politicians contribute to the continuance of the negative image of Roma in society. Despite this, the extreme acts of violence against Roma that occurred in Slovakia in the 1990s and early 2000s have not yet recurred.

In the Czech Republic, one can see parties and politicians being openly racist as well as those defending Roma, and extreme acts of violence targeting Roma have recently occurred. The National Party has utilized clearly racist anti-Romani and inciteful messages in their European Parliament campaign. The most horrifying, in light of Europe's not so distant history, being a spot aired on Czech national television calling for a "final solution" to the Roma problem, as well as many other advertisements on "getting rid of parasites" using the symbolism of a white sheep kicking out the black sheep. In January 2008 the party established a paramilitary National Guard to "protect the interests of the country."

A second party, the Worker's Party, has increasingly been utilizing the image of Roma as dependent on social welfare - on the taxes of the working class - as a key component of its political propaganda in the last year and a half. The Workers' Party mostly campaigns in towns with Romani ghettos, focusing on the non-Romani working class and where their meetings are often attended by members of the Autonomous Nationalists and neo-Nazi group National Resistance. Expressions of hate-speech against Roma and Nazi-era symbols are frequent.

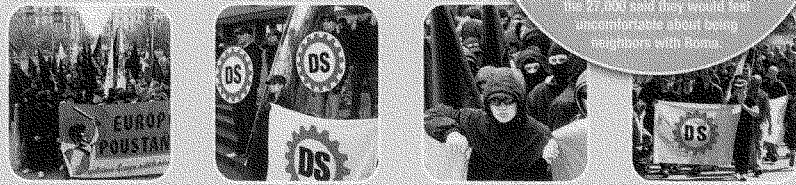
Both parties appear to be strongly supported (both by "ordinary" citizens and by neo-Nazi skinheads) and are growing in strength at the local and regional level. At a demonstration organized by the Worker's Party in 2008 during which police had to stop a sizable group of neo-Nazis attacked the Janov Romani neighborhood in the Czech town Litvinov, the non-Romani inhabitants of Litvinov cheered the neo-Nazis on, shouting at the police: "Let them go!"

In an increasingly hate filled atmosphere, violent racist attacks against Roma involving Molotov cocktails have taken place in two different locations in Czech Republic in the past several months. In one case, a 2-year old Romani girl sustained third degree burns to 80% of her body.

There is currently a tendency to relate the recently increased levels of anti-Roma violence to the global economic downturn. Yet the ERRC would argue that it is in the political sphere where the major responsibility lies, though the economic crisis likely contributes to an environment in which ordinary people are more susceptible to the influence of racist politics. It also seems clear that the growing strength of racist political messages which gain substantial exposure at the national level create a climate conducive to more violent expressions of hatred.

At the same time, national governments appear unprepared or unwilling to respond with enough force to quell this frightening trend. Most significantly, investigations of violent racist crimes committed against Roma are ineffective and rarely lead to the prosecution of perpetrators. Indeed, Czech media reported last week that no suspects had yet been identified in either of the Molotov cocktail attacks and that the investigation was not going well as the owner of the car linked to the first crime were cleared of any wrongdoing. In contrast, last week three Romani men were found guilty of a racially motivated assault of a non-Romani Czech man and sentenced to 4 years imprisonment.

According to the European Commission's public opinion survey Eurobarometer on ethnic attitudes, Slovakia and Czechia are historically the worst in Europe in their attitudes to Roma. The data from the recent survey show that in these countries about half of the respondents would feel uncomfortable if they had Roma neighbors. This is about a double compared to the overall European attitude to Roma, when every fourth European out of the 27 EU said they would feel uncomfortable about being neighbors with Roma.



FORGETTING THE PAST

Very shortly after Roma were recorded for the first time in Europe, in the early 14th century, not even two centuries later (in 1471) the first anti-Roma laws were passed in Switzerland, followed by similar legislation in other countries. The systematic persecution of Roma started all over Europe, in the form of exclusion, expulsion or slavery and killings.

In 1936 the Nazis started their genocide of Roma, killing up to 1,500,000 Roma persons for their ethnicity.

During the communist era in former Czechoslovakia, Roma cultural identity was suppressed, yet many Roma believe their rights were more protected than they are now. Twenty years after the Velvet Revolution, bringing democracy to Czechoslovakia, Roma often think about the pre-1989 era as the times when they all had jobs and when open racism was punished. On many occasions Roma speak about democracy and freedom of expression as something bad because wrongdoings to Roma are tolerated in the name of these ideals.

The Czech Republic does not show respect to the Roma persecuted during World War II and even though human rights activists protest and fight for their recognition, one of the most famous concentration camps in the Czech Republic (Lety u Písku) for the past 35 years has been used as a pig farm. In 1995 president Vaclav Havel inaugurated a memorial site near the mass graves. Only few things changed since then and the number of 1307 Romani men, women and children who passed through, 327 who died and more than 500 who were sent to Auschwitz from here are still disrespected in this manner.

The company owning the pig farm of about 20,000 pigs is willing to be moved away for a fair compensation, however, the no one from the government came with the offer so far. The pig farm still remains at its place and every year a commemoration of the victims takes place in the shade of the pig farm accompanied by the sound of 20,000 pigs.

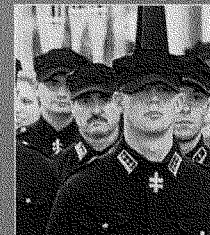


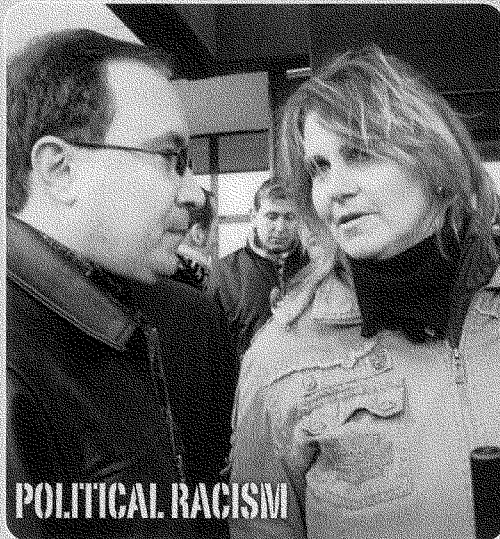
NEO-NAZISM TODAY



Nazi Symbolics Today

In both Slovakia and the Czech Republic the official Nazi symbols are prohibited to be used as supportive and promoting a movement aimed on suppression of fundamental rights and freedoms. However, the symbols are still present. Many far right extremist movements and even political parties use the modified Nazi symbols and the colors of the Third Reich, with the leaders usually dressed in typical clothes of Nazi leaders. In Slovakia the disbanded political party Slovenska Republikost (Slovak Greatnessness), currently registered as a non-governmental organization that celebrates the Nazi Slovak State (1939-1945).





Not only neo-Nazis

On the left: leader of the Workers' Party with one of the supporters Anna Franková, symbolizing that not only neo-Nazis are supporting the party. Below: leader of the Czech National Party Petrš Edemundovs (bank analyst in the newspaper article) saying "Respectful Bohemia has finished"



Anti-Roma Statements as a Political Capital

It is clear, that in countries where attitudes towards Roma are historically always the worst in every survey ever done - the Czech Republic and Slovakia, mainstream politicians only very rarely defend Roma against popular prejudice.

When a video circulated showing police abuse of Roma boys in Kosice, Slovakia, the mainstream Slovak politicians declared that such acts of the police cannot be tolerated, but the main message of their statements was not about the ill-treatment of minors or members of a marginalized ethnic group. Rather, the victims were characterized as criminals. Politicians warned that we cannot tolerate this ill-treatment, because it can happen to 'normal people' one day. Similarly dangerous is the approach of those politicians who are trying to help inclusion of Roma and speak about the Roma ethnic group as a group of people exhibiting negative social behavior, who need to be integrated by teaching them about positive social values and behavior. In both politicians contribute to the negative image of Roma in the society as being negative and not contributing to the development of the society in any aspect.

In the Czech Republic, the picture of Roma as dependent on social welfare, i.e. on taxes of the working class, is one of the key propaganda messages of two far-right extremist parties. The Workers' Party (Dělnická strana), mostly campaigning at meetings in towns with high concentrations of Roma in ghettos, focuses on the working class which is an easy target for their messages of Roma being privileged as the recipients of government benefits paid for by mainstream society. Their meetings are often attended by members of the Autonomous

Nationalists (Autonomní nacionalisté) and neo-Nazi group National Resistance (Národní odpor). The meetings are regularly accompanied by expressions of hate-speech against Roma and symbols resembling those of the Nazi era. Often there are conflicts with the police forces and attempts to attack Roma neighborhoods.

The other far-right political party - the National Party (Národní strana) became recently popular for their TV spot for the European Parliament (EP) elections, where they depicted Roma as living on "our" taxes and reminded viewers of the previously proposed "final solution" - sending Roma "back" to India. In January 2008 the party established a paramilitary National Guard to "protect the interests of the country".

Even though both parties still do not reach the criteria for being in the national parliament, they are getting stronger at the local and regional level. Both National Party and Workers' Party candidates were running for the elections to the EP and they had a lot of confidence. Their preferences are still very low (Workers Party - 1%; National Party - 0,26%). However, their current strongest asset is that they are no longer parties whose appeal is confined to neo-Nazi skinheads; there are a lot of "ordinary" people supporting them and attending their meetings. At one of the demonstrations last year, during which a sizable group of neo-Nazis were forcibly prevented by police from attacking a Roma neighborhood in Litvinov, the non-Roma inhabitants of Litvinov were cheering the neo-Nazis and shouting at the police: "Let them go!"

"the good [us] versus the bad [them]"

WHAT IS REQUIRED...

- a. An end to impunity: Countries such as Hungary and the Czech Republic must implement an effective law enforcement and political response to acts of violence and hate speech directed against Roma. Perpetrators of violence (including coercive sterilization) must be identified and punished. Victims of such violence must be properly compensated. Public officials engaging in hate speech must be dismissed. Private actors engaging in hate speech must be condemned.
- b. An end to discrimination: Countries such as Hungary, the Czech Republic and Slovakia must end the segregation of Roma children in schools and the segregation of Roma people in health care facilities. The Czech Republic must pass a comprehensive anti-discrimination law (it is the only EU member state without one, contrary to EU requirements).
- c. Positive action: Countries with significant Roma populations must design, fund and implement effective programs to ensure that school completion rates, employment levels and health indicators of Roma people rise to the same level as the majority population.
- d. A Europe-wide response focused on Roma needs: The European Union must recognize that the problems faced by Roma communities are a legacy of hundreds of years of government policies fostering discrimination and exclusion, some of which continue to this day. Migration of Roma across borders encourages member states to regard Roma as "someone else's problem." For these reasons, Roma are different from other minorities in Europe; it is therefore imperative for the EU to place a special focus on and devote special resources to addressing the challenges faced by Roma communities.
- The US should:**
- 1) Consistently condemn acts of violence and hate speech directed against Roma.
 - 2) Offer law enforcement support to investigate and prosecute hate crimes against Roma.
 - 3) Put Roma issues on the bilateral political agenda - particularly with regard to Italy, Hungary and the Czech Republic.
 - 4) Put Roma issues on the European agenda, not just through the OSCE but more importantly through the EU.

TIMELINE

Non-exhaustive summary of incidents, violence and Roma violence

November 1988

Bill of Communist in former Czechoslovakia, shortly after, increased number of incidents against Roma

February 1991 (CZE)

Emil Bendik beaten to death after a pogrom on a Roma family in Klatovy

August 1991

Radko Rudolf (age 8) was killed by skinhead (22) while playing in the park

November 1991 (CZE)

Vaclav Bajaz killed by the policeman who shot into a group of drunk Roma. The policeman was released from service without further charges.

September 1992 (CZE)

Frisk Vercit dies one day after being kicked to the back of the head by a neo-Nazi

September 1993 (CZE)

Jiri F. died after being beaten by the neo-Nazis for not agreeing with their opinions about Roma

September 1993 (CZE)

Tibor Daniel drowned in a river after running from the neo-Nazi attackers, who later threw stones at him and prevented the bystanders from helping him

June 1994 (CZE)

Martin Cervenak shot dead during the police interrogation. The policeman present at the interrogation remained with the police

May 1995 (CZE)

Tibor Benik died after being attacked by 4 neo-Nazis at his home

July 1995 (SVK)

Mario Goral burnt to death by a group of neo-Nazis

February 1996 (CZE)

Helena Bihatoeva beaten by neo-Nazis, thrown into the river, found dead after 2 days

August 2000 (SVK)

Anastaziá Balazova murdered at her home by the three men with baseball bats

July 2001 (SVK)

Karol Sordes killed by the police at the police station in Revuca

October 2002 (CZE)

Marek F. (12) brutally attacked by two adult neo-Nazis, holding him until he fell unconscious

April 2003 (SVK)

Two soldiers fined by the Military Court by approximately 122 EUR for racist statements saying that 97 per cent of Roma are unable to adapt and should be shot dead.

February 2004 (SVK)

After the cuts in social benefits the poverty of many Roma was deepened. Their

protest were pushed by more than 2600 mobilised policemen and soldiers.

March 2006 (SVK)

a political party Slovenska pospolitost disbanded for being contradictory with the constitution

September 2008 (SVK)

A teenager sent to prison for 6 years for beating a Roma teenager to death with an axe

November 2008 (CZE)

Neo-Nazi demonstration following the meeting of the Workers' Party in Litvinov, neo-Nazis trying to march through a Reformers' neighborhood

November 2008 - May 2009 (CZE)

A number of Workers' Party demonstrations, often with a lot of people taken by the police for promoting fascism; some demonstrations canceled by the local municipalities

April 2009 (CZE)

After a Molotov cocktail attack a small Roma girl (age 6) is burnt on 80 per cent of her body

April 2009 (SVK)

3 Roma boys are ill-treated by the police, threatened to hit each other and strip naked, videotaped by the policeman

May 2009 (CZE)

Another arsonist attack, this time no one is hurt

June 2009 (CZE)

Three Roma sent to prison for 4 years for a racially motivated attack

PREPARED STATEMENT OF ISABELA MIHALACHE, SENIOR PROGRAM MANAGER, ROMA INITIATIVES, OPEN SOCIETY INSTITUTE

We, the Roma remain to date the most deprived ethnic group of Europe. Almost everywhere, our fundamental civil rights are threatened. Grave cases of racist violence targeting Roma are recurrent despite governments' formal commitment to promote and protect human rights. Discrimination against Roma men and women in employment, education, health care, administrative and other public services is the most used currency throughout European countries. Hate speech against Roma by public officials and negative coverage by media deepens the negative stereotypes and encourages violence against Roma.

With the new economic context, sociologists as well as political scientists have started to link the economic downturn to a rise in extremism against Roma in countries such as Slovakia, Czech Republic, Romania and Serbia, considering it an important threat to Roma rights. It is true, that during the economic crisis, Roma racism has taken a more extreme dimension and that interethnic tensions have led to racist attacks against Roma. It is also true that economically, the crisis leaves visible marks on the most vulnerable and invisible minorities such as the Roma.

But the point I want to make here today is that Roma have been suffering from discrimination and social exclusion for centuries independent of economic prosperity or crisis and that the main threat has been the lack of real representation at every level of decision-making. Invisible from political debates, Roma been excluded from the labor market altogether; excluded from quality education, while being segregated in countries such as Czech Republic, Slovakia, Bulgaria and Romania; excluded from health care services, while forcibly sterilized in Czech Republic, Slovakia and Hungary; lacking ID papers and citizenship (Italy); lacking security of tenure—thus, the only impact the economic crisis is going to bring on Roma is if higher cuts in the social welfare systems are going to adopted.

Roma have been living in a constant climate of human rights abuses and social exclusion. Institutional forms of racism, segregation, forced evictions and coercive sterilizations and state impunity are atrocious human rights violations that are still being tolerated by the international community against clear human rights and political commitments undertaken by governments. According to the European Union Fundamental Rights Agency Data in Focus Report on Roma published in May this year, looking at discrimination experiences by Roma in Bulgaria, Czech Republic, Greece, Hungary, Poland, Romania and Slovakia, “on average—1 in 4 Roma respondents were victims of personal crime—including assaults, threats and serious harassment—at least once in the previous 12 months”, while “1 in 5 Roma respondents were victims of racially motivated personal crime—including assaults, threats and serious harassment—at least once in the previous 12 months. Between 65% and 100% of Roma, depending on the country surveyed, did not report their experiences of personal victimisation to the police. The main reason given by Roma for not reporting their experiences of criminal victimisation to the police was that they were not confident that the police would be able to do anything.”

The increase of extremist attacks and incidents of racially motivated crime against Roma across Europe are alarming but making a simplistic causal connection between economic crisis and the degradation of Roma rights is dangerous and counterproductive. To

explain a rise in anti-Roma manifestation by pointing to the economic crisis risks providing a justification for it. It is like saying that if the economic crisis is going to end, the human rights violations against Roma will end too. But evidence shows that despite change in political regimes and fluctuations in welfare, Roma rights and Roma economic situation have remained constant, Roma remaining “untouchable” from economic reforms and human rights protection legislation. I would rather say that the danger for minorities in times of economic crisis is from becoming scapegoats of government impotence and of a certain political climate.

A real threat to Roma is not the economic crisis, but the general climate of impunity which encourages and justifies by its nature further human rights violations against Roma and the failure of governments to effectively address the social exclusion of Roma to date.

An emblematic case is Romania, where immediately after 1989 pogroms would take place every month, throughout the entire country. Between 1990 and 1993, hundreds of mob attacks against Roma communities took place. Nevertheless, hardly any perpetrators were punished.

When Roma rights violations occur, non-prosecution of perpetrators is the norm. Cases in national courts are frequently denied justice because authorities do not open criminal investigations when Roma fall victim to human rights abuse; police conduct inadequate and purely formal investigations lacking even rudimentary substance; prosecutors intervene to cancel investigations or bring non-indictment decisions; authorities retaliate against Roma who file complaints by pressing charges against them. Where police officers are alleged to have perpetrated abuse, the likelihood that Romani victims can secure justice declines toward zero. At the other end, when Roma commit crimes, the media are prompt in identifying alleged perpetrators as “gypsies” and the political discourse likewise regards the crime from an ethnic angle.

The European Court of Human Rights found Romania guilty of several violations in four cases concerning anti-Romani pogroms that took place in Romania at the beginning of the 1990s, among them failing to provide adequate redress to the victims of widespread ethnically-motivated violence.

Nonetheless, Romania does not seem to have learnt from its recent history, and legislation alone does not constitute a guarantee of human rights protection. Attacks against Roma communities continued after the 1990s.

One week ago, on Sunday night May 31, in a locality in Harghita County, a few Roma allegedly beat up two Hungarian non-Roma, in a dispute over where the Roma were grazing their horses. One day later, one of the local Romani families’ houses was set on fire. Yesterday evening approximately 100 Hungarian non-Roma started a protest, loudly stating that the “gypsies steal from them.” According to the mayor, 60–70 Roma persons left the settlement due to what happened last weekend. The National Council for Combating Discrimination is currently investigating the case.

The economic crisis did not bring anything new to the lives of 60 to 80% of Roma who have been unemployed at different times in all Central and South Eastern Europe or of Romani women that have been invisible in national policies and programs, but it did manage to bring an increasing attention to their plight, by the recent extremist attacks against Roma in Czech Republic, Slovakia and Hungary.

Both the economic and human rights situation of the Roma started to become more visible in the European Union enlargement process which enabled a climate for a new reality check. Through the work of the Roma and other human rights activists it became clear that even the old Member States have done little to integrate Roma communities and even in countries with a small Roma population, Roma still suffer from the same discrimination reflected in poor or non-existent access to employment, health and education. Fortunately, in the old Member States, housing is less of an issue. However, Roma representation in decision-making structures and Roma self-organization is very limited as compared with the new member states.

The protection of human rights in the accession process has been downplayed to the cost of the social inclusion agenda and soon EU policy makers were confronted with the limited competence the Community has in addressing human rights violations such as forced sterilization, institutionalized segregation and other violations against Roma. As a result, these violations continue to take place even after joining the EU.

Moreover, the hopes of Roma from the newest EU Member States, Romania and Bulgaria, to a better life in the European Union allowed by the freedom of movement, have been crippled because of limitations on settlement imposed by countries like Italy, France and the UK. The unpopularity of Roma in Europe, alongside with racial hatred and anti-Roma sentiment was magnified and gained legitimacy also inside the European Union, and Member States adopted discriminatory legislation and policies against Roma.

A reference country in this respect remains one of the founding members of the EU, Italy, which has sharpened its policies on Roma exclusion and discrimination. The Berlusconi government introduced a new concept in anti-Roma political rhetoric: Roma = security threat.

Failing to integrate its Roma Italian citizens under previous governments, the Italy under Berlusconi adopted a new rhetoric relating rising crime to uncontrolled immigration, singling out immigration of people of Roma origin from Romania and exacerbating fear and hatred of Italians with longstanding prejudices and stereotypes toward Roma, while raising tensions among Roma from Romania and former Yugoslavia.

On 21 May 2008, the Italian Government adopted an Emergency Decree (“Nomad Emergency Decree”) proclaiming a state of emergency and enacting a series of measures targeting Roma and Sinti individuals, directly or indirectly. These measures were accompanied by racist political statements which suggested that Roma (both Italian citizens and non-citizens) were criminals or should be expelled from Italy and that all Roma camps were to be closed down. Using presidential decrees and implementing orders, the Government conducted a coercive “census” of all Roma in the regions concerned. At the same time there have been widespread physical attacks by civilians, which the government has failed to prevent or condemn. The legal measures adopted under the “Emergency Measures” (the Nomad Emergency Decree, the three Implementing Orders of 30 May 2008 and the Implementing Guidelines of 17 July 2008) allowed for the collection of personal data, fingerprints and photographs of Roma living in unofficial settlements, allowing the creation of a “Roma database”. The government initially stated that this information would be used in order to expel certain categories of Roma from Italy, and expulsions have taken place. More recently the government claims that the purpose of the information is to improve the living conditions of Roma, although no measures have yet been introduced to do so.

The Italian Government has recently clarified its explanation of the measures implemented within the Nomad Emergency Decree in its response to the Report by the Council of Europe Human Rights Commissioner, Thomas Hammarberg from 16 April 2009 following his visit to Italy. The Government claims that the purpose of the measures is to curb criminal behaviour (at para.26) and that no database has been created as the census was carried out “in accordance with national and international laws and regulations concerning the protection of privacy, through records that are used for all citizens, under the responsibility of authorized entities” (at para.37). They state that they considered it necessary to get detailed information about the number of the people living in the settlements in order to guarantee them a greater level of security and to improve their living conditions. As a consequence, a census was made to identify all the people, not only Roma and Sinti (at para.38).

On the basis of evidence collected in Italy, the Open Society Institute, European Roma Rights Center and OsservAzzione submitted a memorandum to the EU Commissioners of Justice and Employment, Social Affairs and Equal Opportunities urging the EC to start an infringement procedure addressing the noncompliance of the Italian authorities with European Community law, specifically Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (the EC Data Protection Directive). The Memorandum argues that contrary to the Italian Government’s contentions, the facts show that the measures and the way in which they have been implemented demonstrate that sensitive personal information has been collected and processed with respect to one targeted ethnic group—Roma and Sinti—allowing for the creation of a Roma and Sinti database. The Nomad Emergency Decree and its implementing orders and guidelines are not in compliance with the EC Data Protection Directive because (1) the census provided for allows for the processing of sensitive personal data based on ethnicity and (2) the specific criteria that may justify such a violation are not met. In addition, the emergency measures violate fundamental rights also protected by the Directive.

On 5 February 2009, the Italian Senate approved a draft law (No.733) dealing with public security. The draft law was amended by the Chamber of Deputies on 14 May 2009 (No.2180), with Prime Minister Berlusconi using a vote of confidence in order to ensure that the amended version was passed. The pacchetto sicurezza or ‘security package’ will return to the Senate where it is expected to be approved by mid-June 2009. This new “security package”, together with other recently adopted legislation, contains provisions that are directly targeted at migrants and minorities, affecting them disproportionately. This package and other new laws make immigrants presence in Italy without appropriate legal status a criminal offence; and encourage health care providers to report illegal immigrants seeking health care to immigration authorities.

CONCLUDING REMARKS AND RECOMMENDATIONS

It obvious that we confront ourselves with a major security matter, where Roma are made scapegoats of government impotence and lack of redress in the socio-economic status of Roma. The thread is becoming even greater with yesterday’s EU election results, where the far right made gains in ten European Union member states. It is too early to predict its effects at this point, but it seems that extreme right politicians have just “bought” new

“passports” to a new wave of democracies where new form of Nazism and fascism are being made respectable by the European citizens.

It is imperative for countries to respond promptly to cases of violence, crime and hate speech against Roma. both Italy and Romania must implement an effective law enforcement and political response to acts of violence and hate speech directed against Roma. Perpetrators of violence must be identified and punished. Public officials engaging in hate speech must be dismissed. Private actors engaging in hate speech must be condemned.

It is imperative for countries to put an end to discrimination. Countries such as Italy must end the deliberate policy of segregating Roma into ghettos, and other countries where ghettos exist must implement adequate housing programs that put an end to spatial segregation.

It is imperative for countries with significant Roma population to adopt and implement positive measures. Both Italy and Romania must design, fund and implement effective programs to ensure that school completion rates, employment levels and health indicators of Roma people rise to the same level as the majority population.

It is imperative that the European Union acknowledges that the problems faced by Roma communities are the results of hundreds of years of government policies fostering discrimination and exclusion, some of which continue to this day. It is therefore required that the EU places a special focus on and devote special resources to addressing the challenges faced by Roma communities.

There is a great need for joint international efforts to better integrate the 15 million Roma throughout Europe.

WHAT THE UNITED STATES SHOULD DO:

The United States is committed to protecting and promoting the human rights of Roma through our bilateral relations and through our involvement in organizations such as the United Nations and the Organization for Security and Cooperation in Europe.

Immediate actions need to be taken by the OSCE and the United Nations to curb the new wave of extremism and Roma racism by supporting the establishment of an Inter-governmental Task Force on Roma Racism.

The United States Congress has an important role to play in advancing human rights and promoting good governance and democracy. It should consistently condemn acts of violence and hate speech against Roma and should support law enforcement to investigate and prosecute hate crime against Roma.

The US should hold the government of Italy accountable to their obligations under universal human rights norms and international human rights instruments for failing to protect the human rights of their Italian Sinti Citizens and of the Roma immigrants and EU citizens.

The US should address Roma issues in their bilateral meetings with government leaders and Foreign Ministers.

The US should coordinate human rights activities with important allies, including the European Union, and regional organizations.

The US should actively support through USAID the establishment and work of human rights NGO's in Italy, Czech Republic, Slovakia, Hungary, Romania and Bulgaria.

The US should involve in broad awareness raising campaigns aimed at changing attitudes and stereotypes against Roma through promoting Roma Role models and successful integration projects on Roma.

Secretary of State, Hillary Clinton, has an important record in Roma diplomacy in Europe. Attitudes towards Roma in Europe might improve if State Secretary Hillary Clinton would be involved in a Diversity Campaign supporting solidarity and a better cohabitation with minorities, such as Roma, throughout Europe.

It would make a difference if the US makes a reference to the plight of the biggest ethnic minority in the European Union, the Roma, at tomorrow's EU-US Summit in Slovenia, by pointed to the need to achieve greater human rights protection and integrate minorities within our societies.

PREPARED STATEMENT OF ANDREJ MIRGA, ADVISOR ON ROMANI ISSUES, OFFICE OF DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS, OSCE

My first testimony here on Roma and Sinti issues was in 1994, when I was an associate of the Project on Ethnic Relations, based in Princeton, New Jersey. Then, shortly after the fall of communism, Roma and Sinti faced troubling times in Europe. The transition towards democracy and market economy that was welcomed by most and beneficial to many was accompanied by a rise in both ethnic consciousness and nationalist tendencies. In some post-communist countries, Roma and Sinti have been the victims of both the often difficult transition to a market economy, as the first to lose their livelihoods, and of nationalist agendas that have often singled them out as scapegoats. In the early 1990s, Roma and Sinti were the targets of a number of attacks, such as the mob violence in the Romanian village of Hadareni that left three Roma men dead and led to the destruction of the homes and property of many others. Such outbursts of violence against Roma, coupled with their dire socio-economic conditions, have created a strong impetus to migrate westward. But many Roma and Sinti who have sought asylum in the West have met with similar threats there, and violence against them has even brought more deaths.

Today, 15 years after my first appearance here, my testimony might seem very similar, but the point I want to make is that the situation has changed. As Senior Adviser on Roma and Sinti Issues at the OSCE's Office for Democratic Institutions and Human Rights in Warsaw, the situation I see today is different from that of the early 1990's, and in many respects more dangerous than what we were dealing with then. This is not, of course, meant in any way to disregard serious manifestations of discrimination and/or violence against Roma and Sinti committed by actors like public officials and law enforcement officers. But these are not my focus today.

In the early 1990s there was a wave of mainly impromptu community violence against the Roma and Sinti in Europe. The nature of the transition period contributed to this, as democratic institutions and the rule of law had yet to take root in countries that had only just rid themselves of communism. What we are witnessing today is the deliberate and organized use of hate-speech and violence targeting Roma and Sinti in a number of countries. It is easy to identify those behind the phenomenon, as anti-Roma hate-speech is promoted openly by a number of political groupings. There are those who think that violent acts targeting Roma and Sinti can also be traced to some of these parties and groups, although concrete evidence has been difficult to obtain in cases of murder. The police and courts, which are usually slow or resistant to recognizing the racial basis for the attacks, often compound the problem. Official data from the monitoring of hate crimes committed against Roma and Sinti by participating States in the OSCE region remain very limited. In their submissions to ODIHR, the Czech Republic, Hungary and Poland identified crimes committed against Roma as notable examples of hate crimes in their country. The response from the Czech Republic even identified Roma as the group most vulnerable to hate crimes. But only nine participating States reported collecting data on hate crimes against Roma or Sinti (Croatia, Czech Republic, Latvia, Republic of Moldova, Poland, Russia, Serbia, Sweden and Switzerland).

The monitoring and reporting of hate-crimes committed against this community has to rely on various sources. It also has to overcome a tendency on the part of Roma and Sinti victims not to report hate-motivated crimes at all, due to an inherent distrust in

the authorities. The real extent of the problem, therefore, cannot even be measured properly in those countries where data on anti-Roma hate crime are collected.

What characterizes the groupings behind these hate crimes?

They deliberately use hate-speech and, eventually, violence as tools to attempt to gain a place in mainstream politics. While this approach has so far met with only limited success, anti-Roma elements were part of the platforms that helped a number of political parties gain seats in the weekend's elections to the European Parliament.

These groupings revive demons from the past, like fascist symbols and language. They play on people's insecurities in hard times and manipulate their feelings by channeling their grievances against easy recognizable targets, like Jews or "Gypsies". They are more visible today than in the past, as they have learned that anti-Roma rhetoric can pay off politically and attract votes.

These groups and parties are dangerous because their strategy is to mobilize the segments of society that may not be willing to openly voice these ideas, but agree with them all the same. The results of the elections to the European Parliament demonstrate that parties can use anti-Roma rhetoric to gain greater representation, a fact that could play an important role in future national elections and potentially pose a danger to social cohesion and stability.

There is no direct evidence of a correlation between the current economic crisis and the incidence of hate crimes. Eurostat, the European Union's statistical body, recently released data on the economies of the 27 member States that well illustrate this point: GDP across the EU fell by 4.5 percent year-on-year in the first quarter, and countries like the Baltic States have seen an even more dramatic fall. But, despite the real economic difficulties faced by many of these countries, only in a few we have seen a rise in violence against Roma and Sinti. There must, therefore, be other factors behind what we are witnessing.

A key factor is the deteriorating social and economic situation of Roma and Sinti. This feeds anti-Roma prejudice and stereotypes that are easily exploited by the groups and parties already mentioned.

Second, political discourse has been deteriorating as more populist, racist or extreme views are allowed to circulate without raising an outcry or condemnation by public figures.

Finally, there is often a spark that ignites the fire—the rise in hate speech and violence against Roma and Sinti in Italy and Hungary can be traced back to concrete incidents provoked by the Roma themselves. But the situation on the ground was already highly combustible.

If the deteriorating social and economic situation of Roma and Sinti is one of the factors behind the rise in hostility, hate-speech and violence with which they are targeted, how has this happened? What has been done—or not done—to improve the situation of Roma and Sinti since I sat here 15 years ago?

ODIHR's recent status report, released in September 2008, on the implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area, provides a stark answer to this question. The general conclusion from our assessment is that there has been little tangible progress in most areas of concern; there is no sign of a positive breakthrough in any of the areas, and the movement in some areas has actually been backward.

Significant gaps remain between Roma communities and mainstream society in areas such as housing, education, employment and access to public services and justice. There is a lack of proactive approaches by governments at the national, regional and local levels, as well as a lack of measures to ensure the sustainability of policies by providing adequate financial, institutional and human resources. Although there are some positive recommendations and good practices being piloted at the local level, these have not been translated into country-wide practices.

Government-run Roma-related programs do not prioritize or focus enough on strategic areas that can ensure sustainable change, such as access to quality education at all levels. Significant challenges still remain to ensuring stronger participation and involvement of Roma and Sinti, both electorally and in civil society, in policy design and implementation.

The status report outlines disturbing trends with regard to racism and intolerance against Roma and Sinti, including against Roma and Sinti migrants. They face a growing dependency on social welfare, police violence, forced evictions and ghettoisation. Roma and Sinti issues continue to figure only marginally on governments' political agendas, and then often only when tensions threaten to escalate into violence.

The clear conclusion is that neglect is no longer an option. States have to demonstrate real political will and take vigorous action to close the gap between the majority and this minority. Otherwise, the preconditions will remain for continuing—or even escalating—tensions and violence against Roma and Sinti.

In the short term, it is essential for officials and opinion makers to mobilize, and publicly condemn the ideologies and activities of extremist parties and movements. The EU should play an important role in this process, by providing leadership in challenging any developments that endanger minorities or threaten social cohesion and stability. Another recommendation is for national courts to make better and more effective use of European Court of Human Rights jurisprudence related to hate crimes and racist violence.

Over the long term, governments should enhance their efforts and increase budgetary allocations for the implementation of Roma-related policies, ensuring that an impact is made at the local level.

Promoting the development and perpetuation of a political climate based on democracy and rule of law, respect for human rights and the protection of minorities should be a priority for all governments. Competent authorities should make full use of legal measures to prevent the emerging of and outlaw those political parties and movements of which statuses and /or activities are breaching law and conflicting with constitutions.

ODIHR CONTACT POINT ON ROMA AND SINTI ISSUES ACTIVITIES:

Combating racism and discrimination is central to what the Contact Point does, and this is an element of many of the provisions of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area. The Contact Point has paid constant attention to the issue of racist violence, hate crimes against Roma, tensions and crisis situations. To assess such incidents and the human rights situation of Roma and Sinti first-hand, the Contact Point has made fact-finding visits to Romania (2007) and Italy (2008). It is currently preparing a field assessment visit to Hungary (at the end of June) following a number of attacks against and killings of Roma that have occurred over the past year.

The situation of Roma in the Czech Republic is also of concern following anti-Roma protests by extremist groups in the town of Litvinov.

The Contact Point also supports OSCE participating States in implementing OSCE Ministerial Council Decision 6 (2008) on Enhancing Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area, with a special emphasis on early education.

MATERIAL SUBMITTED FOR THE RECORD BY H.E. FERENC SOMOGYI, AMBASSADOR OF HUNGARY TO THE UNITED STATES

I thank Chairman Senator Benjamin Cardin and Co-Chairman Alcee Hastings for holding today's Helsinki Commission hearing "Hard Times and Hardening Attitudes: The Economic Downturn and the Rise of Violence Against Roma". I would like to commend the Helsinki Commission on taking the leadership to address this issue of great importance and concern to Hungary and the Hungarian Government. The following statement gives members of the Helsinki Commission an overview of the Hungarian Government's efforts regarding the investigation of recent attacks against Hungarian Roma, Hungary's hate crime legislation, and the Government's measures facilitating the integration of the Roma.

ATTACKS AGAINST THE ROMA

Over the last year there have been several attacks against members of the Roma community. These deplorable crimes have been firmly condemned by the Hungarian Government. Prime Minister Bajnai has called the latest murder a "disgraceful, sinister and shameful assassination". A minister of the Government, several members of parliament, from both the ruling and opposition parties, as well as the head of Hungarian police were present at the funeral of the latest murder victim to demonstrate their solidarity. The Hungarian public, non-governmental organizations and the Hungarian Parliament and Government representatives joined forces at a demonstration against racism on May 16th in Budapest. Minister of Education István Hiller, Budapest Mayor Gábor Demszky, Hungarian Socialist Party President Ildikó Lendvai, and Former Foreign Minister and EP candidate Kinga Göncz were among thousands of people who protested against hate and intolerance in Hungary.

As far as the concrete attacks against members of the Roma community are concerned, law enforcement agencies consider finding the perpetrators expeditiously a high priority. A special police task force has been created to deal with these heinous crimes and the chief of the police has offered a reward of around 50 million forints (280.000 dollars) for any information that would lead to the arrest of the perpetrators. Currently 100 police officers are working on these cases and as a result of the investigation a couple of suspects have already been arrested. Police presence has been reinforced in the most vulnerable 180–200 communities/small villages to ensure public safety and prevent further violence. The Hungarian Government is very grateful to the United States for dispatching FBI experts to Hungary who will help their Hungarian colleagues to create the profile of the perpetrators.

In one case (Pécs), the Police have already produced results. The supposed offenders have been arrested recently. (In this case the racist motive can be excluded, as the victims and the suspects belong to the same community.) Obviously, until the court decision, the presumption of innocence is the legal due of all persons, and a final standpoint cannot be taken yet in this case either. In the other cases, the investigation is still under way. Although there was no sign (inscription, flyer, etc.) that would have indicated a clearly racist motive, the circumstances of these horrific attacks suggest that members of the Roma community were targeted by the unidentified perpetrators. It must be mentioned that extremist or illegal organisations have not "assumed responsibility" for these criminal acts.

The Prime Minister has pledged that the Government will do its utmost to help the investigation and to strengthen public safety, in particular the safety of the members of the Roma community so that no one in Hungary has to live in fear, and those who commit a crime are brought to justice. In the recent months, two regional conferences have been organized upon the initiative of the Head of the National Police. The purpose of this initiative was to inform the Roma communities about the results of the investigations and to start a dialogue about the possibilities of preventing discrimination against and crime against Roma people. Furthermore, it has also meant to demonstrate the cooperation between the police and the communities.

HUNGARIAN LEGAL FRAMEWORK REGARDING HATE CRIMES

All necessary legislation is in place to tackle so called hate crimes. According to Hungarian law, the “racist motive” cannot be considered as proven before the establishment of the identity of the offender and before the court takes its decision. Criminal law protection against non-violent conducts motivated by racism or xenophobia is provided under Section 269 of the Penal Code. According to that anyone inciting to hatred before the general public against the Hungarian nation or any national, ethnic, racial group or certain groups of the population, shall be punishable for a felony offence with imprisonment up to three years. In the past twenty years the Hungarian Parliament has made several attempts to modify this provision. The Constitutional Court, however, has always ruled that the proposed modifications are unconstitutional.

On November 10th 2008, the Parliament adopted Act No. 79 of 2008 amending certain laws to protect public order and the operation of justice, which modified Section 174/B of the Penal Code with effect from 1 February 2009. Based on the amendment, violence against a member of a national, ethnic, racial or religious group became extended so as to cover any group of the population, irrespective of the ground of discrimination (national, ethnic, racial, religious or any other). The name of the offence was also modified to violence against a member of a community. As a result of the amendment, persons engaged in preparation for violence against a member of a community shall also be held criminally liable.

ROMA INTEGRATION PROGRAMS IN HUNGARY

Even though serious and regrettable crimes have been committed recently in Hungary against certain Roma families, it would be misleading to judge the situation of Roma in Hungary exclusively from these crimes. Since the beginning of the democratic transition, the Hungarian Government has worked extensively to ameliorate the situation of Roma. Without aiming at completeness, it has to be mentioned here the setting up of around 1000 Roma minority self-governments, the establishment of the independent Roma radio, Radio-C, and many other governmental, civil, cultural and political initiatives.

It is important to point out that Hungarian ruling and opposition parties have a number of Roma minority representatives in the Hungarian Parliament and in the European Parliament as well. Within the Hungarian Government, Mr. László Teleki has been the Prime Minister's special envoy on Roma issues since 2002. The Roma Integration Department within the Ministry of Social Affairs and Labour is the key government body responsible for the Roma community's integration programs and projects. Roma commu-

nities have been invited to participate in the planning and the monitoring of the governmental measures. The government adopted the Governmental Decree on the establishment of the Council of Roma Integration (hereinafter: CRI) in December 2006. Members of the CRI include relevant ministries, the Chairman of the National Roma Self-government, and seven persons invited for 2 years by the Minister of Social Affairs and Labour on the basis of the proposals made by the Roma NGOs. The CRI is a consultative, advisory body, which participates in the preparation, the implementation and the monitoring of government decisions aiming at the social inclusion of Roma. The Civil Umbrella, set up in 2007, is a consultative, advisory civil organisation operating besides the CRI. The so-called Roma Steering and Monitoring Committee operate within the context of the Council of Roma Integration—primarily based on the participation of the civil delegates in the Council.

On June 28th 2007, The Hungarian Parliament unanimously adopted the parliamentary resolution on the Decade of Roma Inclusion Program Strategic Plan. Based on this Resolution, the Hungarian Government shall initiate shorter, two-year action plans to implement the Strategic Plan. The first action plan was adopted by the Government on December 19th for the years 2008–2009. This includes measures and funding for education, employment, housing, health, anti-discrimination, cultural and media projects.

The Hungarian Government has initiated and financially supported a number of concrete projects which primarily target the Roma community's integration. Among other initiatives, the "One Step Forward" program shall be highlighted: the objective of this vocational training is the improvement of the labour market chances of those with a low level of education. In 2007–2008, the national budget ensured 10.6 billion forints (=52 million dollars) for the implementation of "One Step Forward!". (In 2008, the national budget ensured significant amounts—3,5 billion forints, i.e. 17 million dollars—for the implementation of the public employment programs, which involved the employment of 14,700 persons this year.) As a result, the activity of Roma in labour market training programs and adult training programs is gradually increasing. The main goal of another program called "The Road to Work" is to give incentives to those assisted by social aid while being long-term unemployed so that they seek work and to improve the terms of their employment. According to plans, the program beginning on 1 April 2009 will achieve the temporary employment in 6 hours of about 60–66 thousand persons yearly. Additionally, the Hungarian Government has been supporting anti-discrimination programs, such as the Ministry of Justice's Roma Anti-Discrimination Legal Network since 2001 (30 lawyers in 47 locations in Hungary), and the Transition Facility Program to implement Hungarian anti-discrimination laws.

HUNGARY'S ROLE IN ROMA INTEGRATION ON THE INTERNATIONAL LEVEL

Hungary concurs with the view that increased efforts are needed to address the situation of Roma and Sinti. Consequently, Hungary, in close cooperation with other EU partners, is currently addressing the situation of Roma from a comprehensive perspective. Our approach reflects the commitments undertaken by the EU Member States including in the framework of the OSCE Action Plan for the Improvement of the Situation of Roma and Sinti in the OSCE Area.

In this respect, we take the opportunity to draw your attention to the launch of the EU Platform for Roma Inclusion on 24 April 2009 in Prague. The Platform provides a

flexible framework in which EU institutions, national governments, international organizations and NGOs can interact and formulate strategic advice for decision-makers on the effective inclusion of Roma aspects into European and national policies.

Another forum of international cooperation is the Decade of Roma Inclusion 2005–2015, which is an unprecedented political commitment by twelve European governments to improve the socio-economic status and social inclusion of Roma. It brings together governments, intergovernmental and nongovernmental organizations, as well as Romani civil society, to accelerate progress toward improving the welfare of Roma and to review such progress in a transparent and quantifiable way. The Decade focuses on the priority areas of education, employment, health, and housing, and commits governments to take into account the other core issues of poverty, discrimination, and gender mainstreaming. Hungary was presiding over the Decade of Roma Inclusion from July 1st 2007 through June 30th 2008.

PREPARED STATEMENT SUBMITTED FOR THE RECORD BY PAUL LeGENDRE, DIRECTOR, FIGHTING DISCRIMINATION PROGRAM, HUMAN RIGHTS FIRST

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 inad-

equate 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 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

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

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.

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.
- 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.



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