

Addressing Anti-Gypsyism through anti- discrimination mechanisms



Addressing Anti-Gypsyism

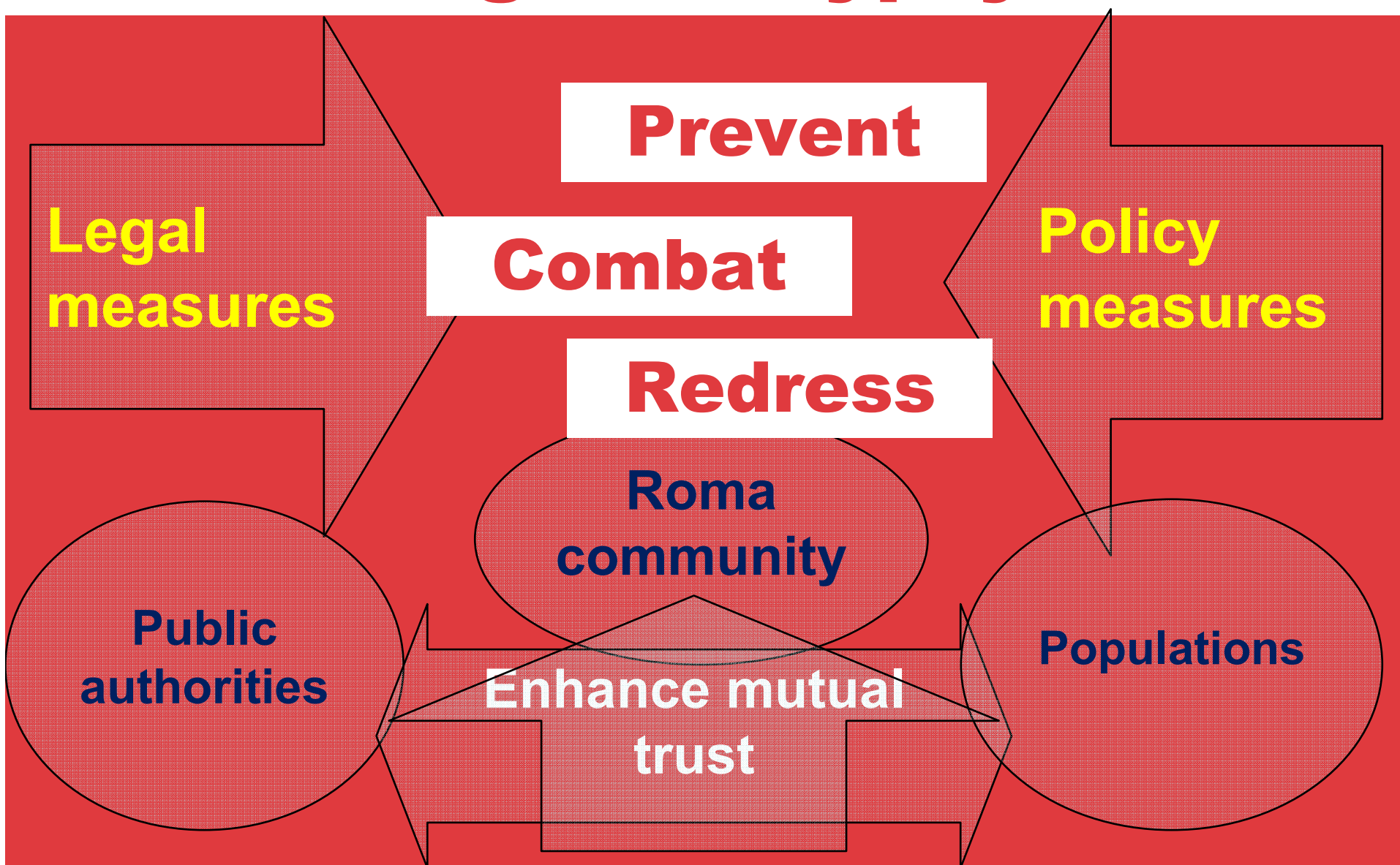
- **Legal and policy frameworks: what is needed?**
- **Enforcement mechanisms: how to be effective?**
- **Manifestations of discrimination: how to respond?**
- **Advocating to fight discrimination**

ECRI General

Recommendation no.13

- **Anti-Gypsyism is a specific form of racism, an ideology founded on racial superiority, a form of dehumanization and institutional racism nurtured by historical discrimination, which is expressed, among others, by:**
 - **violence, hate speech,**
 - **exploitation, stigmatization**
 - **discrimination**

Combating anti-Gypsyism



ECRI General

Recommendation no.13

- **Ensure a comprehensive anti-discrimination framework in line with European standards**
- **Employ, under a national plan, a comprehensive approach to issues concerning Roma**
- **Enhance mutual trust between Roma and public authorities**
- **Combat anti-Gypsyism in education, employment, housing, health and services**
- **Combat racist violence and crimes against Roma**
- **Combat anti-Gypsyism by police, by media**
- **Condemn all public discourse inciting to discrimination, hatred or violence against Roma**

ECRI General

Recommendation no.13

- **Education:** combat stereotypes, prejudice and discrimination experienced by Roma children; put an end to segregation of Roma children; abolish the placement of Roma in special schools
- **Housing:** promote coexistence and mutual understanding between persons in Roma and non-Roma neighborhoods; combat de facto or forced segregation in respect of housing

Ensuring a comprehensive framework against discrimination



Setting an anti-discrimination framework and a Roma policy

Equality law

- Prohibits discrimination on all grounds in all sphere of life
- Defines all forms of discrimination
- Sets sanctions against acts of discrimination
- Sets the NCCD as a specialized equality body

Strategy on Roma

- Refers to slavery and historic discrimination of Roma
- Sets equality and non-discrimination as a crossover principle
- Prescribes interventions in 10 sectors
- Sets an overarching implementing structure and a coordinating body

Setting a comprehensive legal framework on anti-discrimination

The legal frame

- Comprehensiveness, predictability, legal certainty?
- Amended in 2002, 2003, 2004, 2006, 2008, 2009, 2013
- Transposition of concepts
- Nature of sanctioning
- Lack of procedures
- Nature of acts and appeal
- Overlapping with Courts

The mechanism

- Lack of independency
- Conditioning access to justice by equality body
- Clarification of functions
- Financial and human resources
- Changes into the mandate
- Consolidated position in line with EU standards

Equality body report on implementing the Race Directive

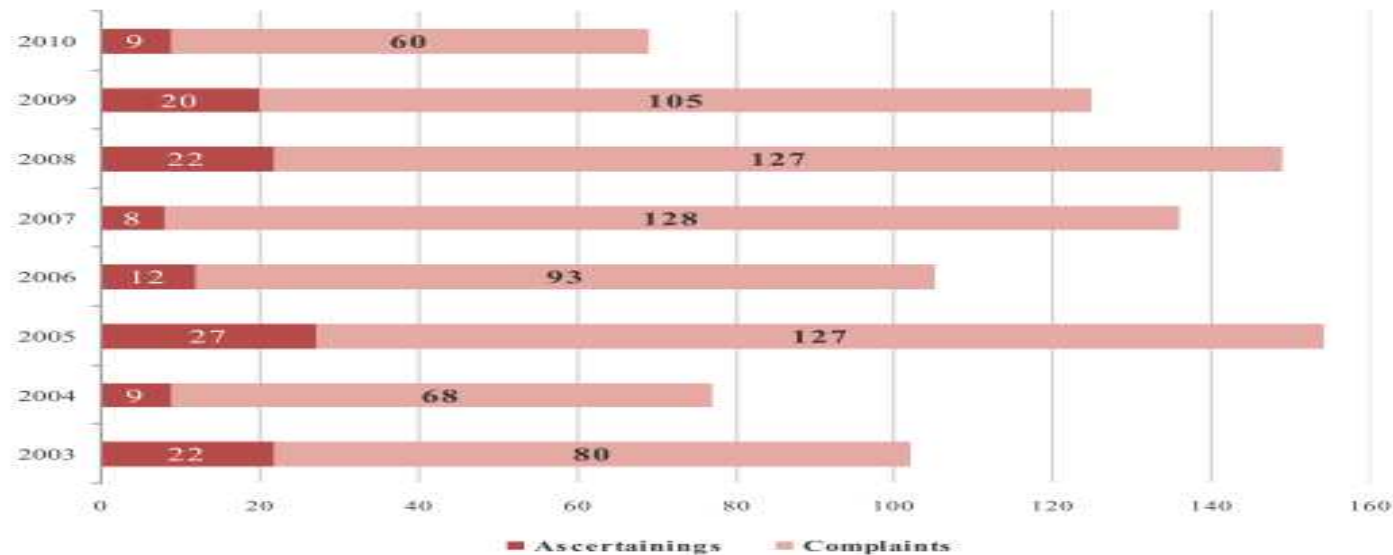
Figure 1 Complaints filed to NCCD

	2002	2003	2004	2005	2006	2007	2008	2009	2010 ⁽²¹⁾
Criterion									
Non-contagious chronic disease	0	0	6	2	3	2	4	2	0
Sexual orientation	1	5	6	9	6	7	6	6	3
HIV/Aids infection	0	1	15	10	5	3	7	1	2
Language	0	2	1	2	2	7	11	13	8
Convictions	4	12	23	19	8	10	14	13	3
Religion	2	9	9	11	8	12	15	6	3
Disadvantaged category	2	0	10	6	4	26	22	9	2
Age	6	11	14	17	10	10	24	10	8
Gender (Sex)	3	14	13	9	11	22	32	9	13
Nationality	1	12	21	39	20	39	54	28	28
Disability (Invalidity)	3	31	18	21	20	70	55	49	25
Ethnic origin	34	66	45	85	69	82	62	62	23
Others	52	184	108	61	132	32	159	96	42
Race	0	0	1	1	2	0	0	2	1
Social category	26	126	63	90	132	514	372	222	124
Total	134	473	353	382	432	836	837	528	285

Equality body report on implementing the Race Directive

Figure 3 Percentage of complaints filed to NCCD under Directive 2000/43/EC

	2002	2003	2004	2005	2006	2007	2008	2009	2010
Criterion									
Racial origin	0%	0%	0,28%	0,26%	0,46%	0%	0%	0,37%	0,35%
Ethnic origin	25,37%	13, 5%	12,74%	22,25%	15,97%	9,80%	7,40%	11,74%	8,07%
National origin	0, 74%	2, 53%	5, 94%	10, 20%	4,62%	4,66%	6,45%	5,30%	9,82%
Minorities' language	0%	0,42%	0,28%	0,52%	0,46%	0,83%	1,31%	2,46%	2,80%
Total	134	473	353	382	432	836	837	528	285

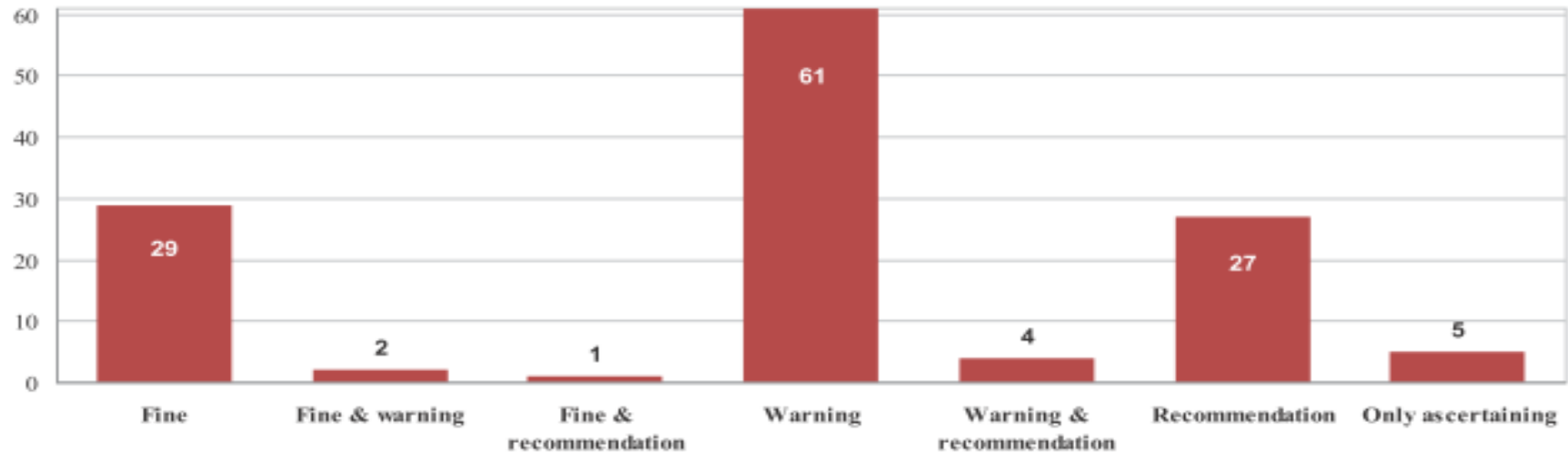


Equality body report on implementing the Race Directive

Figure 5

Discrimination criteria in ascertaining cases under Directive 2000/43/EC

	2002	2003	2004	2005	2006	2007	2008	2009	2010
Criterion									
Roma		22	5	18	9	8	13	13	9
Hungarian		0	1	2	1	0	0	2	0
Jews		0	1	1	0	0	3	2	0
Lipovan Russians		0		1	0	0	0	0	0
Lipovan Ukrainian		0	0	0	1	0	0	0	0
Tatars									
Turkish-Muslims		0	0	0	0	0	1	0	0
Romanians		0	1	2	0	0	2	0	0
Minorities' language		0	1	2	0	1	3	3	0
Race/colour		0	0	1	1	0	0	0	0
Total		22	9	27	12	8	22	20	9



Addressing anti-Gypsyism through anti-discrimination law

- <http://www.youtube.com/watch?v=9zIqWLz9dws>
- <http://www.youtube.com/watch?v=f0udkAI-67c>
- Video:
- Legislative initiatives to regulate the denomination of “Roma” into “Gypsy”

Addressing anti-Gypsyism through anti-discrimination law

- An NGO defending Romanian nationals submits a complaint to the equality body in order to state that the use of the term “Gypsy” instead of “Roma” does not constitute discrimination and to consequently adopt measures that would rule the official use of the term “Gypsy”.
- The arguments relate to the fact that the term “Roma “ creates confusion with regard to Romanians. This creates a substantial prejudice for the Romanian population. The members of this ethnicity always use among themselves the term “gypsy”.
- In 2007 and subsequently in 2010 several members in the Parliament initiated a draft law regulating the “terminology used for the gypsy ethnicity”.
- Both proposals are based on the fact that there is confusion between Roma and Romanians, as for example in regard to crimes committed abroad.
- The word Roma is of Romani origin and it is illogical to impose a foreign term in the Romanian language.
- The Government and all public institutions shall refer in any official documents to Roma as “Gypsy” .

Addressing anti-Gypsyism through anti-discrimination law

- **Legislative Council of the Parliament**
- The draft law induces a delimitation of the Roma population from the Romanian population, which is an attempt of discrimination unacceptable from a law perspective.
- The implementation of the draft law would imply in a subtle manner the idea of a special population, different from any other population.
- It imply distinctive features of Roma with a different moral and social statute, not in line with international and EU equality law.
- Imposing an external denomination for a particular minority group, without direct involvement of the group members is contrary to the right of identity and the freedom of expression

Challenging segregation (separate facilities) in education (Romani CRISS)



Addressing anti-Gypsyism in education

- **Romani CRISS (NGO defending Roma rights) submitted a complaint before the equality body to rule that segregating children on the basis of their ethnic origin constitutes discrimination**
- **NCCD stated that there was no objective justification for the separation**
- **Did not considered the relation with the ethnicity and the different physical study conditions.**
- **The study conditions were inferior in the facility for Roma children**
- **NCCD referred to the fact that the children coming from the same community were placed all together and subsequently followed the classes in the same structure**

Addressing anti-Gypsyism in education

- Challenging segregation in education (separate classes for Roma children)
- Video: <http://www.youtube.com/watch?v=BkoiP6-Bmf0>

Addressing anti-Gypsyism in education

- **Romani CRISS** (an NGO defending Roma rights) submitted a complaint before the equality body to rule that segregating children on the basis of their ethnic origin constitutes discrimination
- **NCCD** stated that there was no objective criteria for placing children in different classes but rather based on parents option
- Apparently classes were formed on the basis of social status of children's family
- The school put the Roma children into a separate class to better motivated them to learn; the teacher to better coordinate with the children.

Sanctioning racism against a Roma girl: 10.000 EUR damages awarded by a Romanian Court

- **The refusal to allow a Roma girl in the class on the basis of her ethnicity is sanctioned by the Courts**
- **Video:**
<http://www.primatv.ro/stiri-focus/pedeapsa-pentru-rasism.html>

Addressing anti-Gypsyism in housing

- **A small locality in Romania was affected by flooding.**
- **19 houses belonging to Roma families had to be relocated. The Mayor and the Local Council decided to allocate land within the remit of the locality to re-house them.**
- **Over 120 non-Roma citizens in the locality signed a petition and addressed the Local Council and the Prefect.**
- **Authorities rejected the petition**

Addressing anti-Gypsyism in housing

- The petition signed by over 120
- Asked the authorities to reject a decision for allocating land for Roma near by their land as they have built new houses, or they intend to build new houses in the following period after hard working in Romania or abroad. Their intention is to build more houses with a view to have a neighborhood only with citizens coming from Covasna. “We do not have anything against Roma ...”
- “Roma also have the right to land and housing but there is plenty of space, somewhere else where they could have their own. ... We are not used to live nearby these citizens. Their housing is poor, they party a lot, they fight...”
- In our locality, in the place called “Comanda” there is already a Roma neighborhood...it would be much better if they would be re-housed in the respective place, as they could be much better overseen and they would not bother their own fellows. ...
- Finally, we address our request not to re-house the Roma in our proximity or within our community, preventing this way a series of conflicts that would, inherently arise between their and our community “.

Addressing anti-Gypsyism in housing

- Mayor sanctioned by the equality body for erecting a wall in the proximity of the Roma and non-Roma neighborhood
- Video:
- <http://www.youtube.com/watch?v=Gw6LCpDddck>

Addressing anti-Gypsyism in housing

- The equality body found that the wall erected in the Roma community had a discriminatory effect
- Safety of individuals or children may constitute a legitimate aim. A legitimate aim need to be achieved by objective measures
- Police statistics underlined that accidents did not occurred at a concerning rate in that area but in a different area. Were occurred the measures to prevent accidents were different
- The wall has not been positioned near by the street to ensure protection but rather creates a division from the Roma buildings and non-Roma buildings
- Other solutions then a 2,8 meter wall could be considered
- Official statements in the were related to maintaining order and cleaning the city, no obligation to provide social housing for Roma, Roma are engaged in prostitution, begging, petty crimes.

Addressing anti-Gypsyism in housing

- Forced evictions against Roma in Romania
- Video:
- http://www.youtube.com/watch?v=1_AMgcPPO9M

Addressing anti-Gypsyism in housing

- The ERRC supported a local law firm to take a case on behalf of approximately 200 Romani applicants, and previously helped the community to set up an association to fight for their right.
- The Cluj-Napoca County Court decided that a Mayor's decision to forcibly evict around 300 Roma in December 2010, to a site adjacent to a waste dump, was illegal.

The court ordered the city authorities to pay damages to the Romani applicants for their eviction and relocation to Pata-Rât, and for the inadequate conditions of that housing. The Court also required the city to provide the applicants with adequate housing in line with the minimum standards set out in Romanian law. The decision is not final.