

Government Response to Violence against Roma

a submission by **Human Rights First.**

**High-Level Conference on the Security Situation of Roma in Europe,
Bucharest, Romania, 12-13 October 2009.**

Abstract.

Unless reversed, the devastating effects of anti-Tsiganism will continue to undermine the safety of Roma communities and weaken European security and stability. Violence against Roma is on the rise, manifested in the form of assaults in public places and at private households sheltering Roma families.

This paper will discuss two critical mechanisms introduced to fight against xenophobic and racially motivated crimes. One involves enacting **hate crimes legislation** and ensuring effective and equitable enforcement of criminal law to protect vulnerable minorities. Another important response entails **systematic data collection** - the need for monitoring and statistical reporting of incidents and crimes in which racist, anti-Roma or other bias is an element, thus providing policymakers with the necessary analytical tools to effectively combat bias violence.

Human Rights First's Fighting Discrimination program focuses on combating violent hate crime in Europe and North America. Programmatic research looks at the full range of forms of bias-motivated violence, including attacks against Roma. The Program advocates comprehensive government responses—elements of which are incorporated in a *Ten-Point Plan*—and evaluates the extent to which governments meet their international obligations to respond to this violence. In particular, two things are essential to support successful government efforts in combating hate violence: a robust criminal justice system that ensures proper investigation and prosecution of bias-motivated incidents, and a comprehensive system of data monitoring that produces information necessary for smart and educated policy-making.

As an international rights group, Human Rights First looks at hate crime through a human rights lens—as a pernicious form of discrimination to which governments have an obligation to respond. Bias-motivated incidents constitute a human rights problem because individuals and communities affected by hate crime are in essence barred from exercising a full range of

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

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

www.humanrightsfirst.org

fundamental rights, such as freedom to worship as one pleases, or freedom to move and live as one wishes.

Members of communities who fear violence cannot move freely in towns and cities, much less participate fully in the larger society. Even where hate crimes don't involve severe violence, the result may be progressive marginalization and exclusion, largely barring those under threat from the exercise of rights taken for granted by others. The right to live and worship where and how one pleases, to participate fully in political life and to enjoy economic, social, and cultural rights, including equality in employment, education and access to social services are all affected. By undermining the shared value of equality, hate crimes threaten the very fabric of the increasingly diverse societies in which we live.

State stability and cohesion are strengthened by harmonious inter-ethnic relations and integrated communities. The exclusion of national and other minorities, as well as lack of active participation of those minorities in political, economic, and cultural activities—one of the results of violence that goes without an adequate government response—must therefore be challenged.

Violence against Roma has been a particular concern of Human Rights First and was the focus of a section of the organization's *2008 Hate Crime Survey*. In parts of Europe, there has been a rise in violent acts against Roma. There has been a particularly disturbing pattern of such cases, ranging from severe beatings in broad daylight to murders by arson or shootings.

The violence is also occurring against a backdrop of widespread marginalization of Roma communities, engendered by structural discrimination in the fields such as education, healthcare, employment, and other aspects of public life as well as by negative popular attitudes and anti-Roma rhetoric expressed by some public officials. The rise of extremist groups is equally a source of major concern as their actions have contributed to a climate of animosity toward minority groups, the Roma principal among them. This combination of factors creates a potentially explosive situation with dire human consequences.

INADEQUATE GOVERNMENT RESPONSE TO ANTI-ROMA VIOLENCE

Thus, in their efforts to promote equality and inclusion, governments need to take particular care to ensure the basic security of those, including Roma, who are vulnerable to hate crime. Yet, governments have until now not done

enough to stem a rising tide of violent hate crimes and have failed in particular to address violence against Roma.

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 overall, only 14 of the 56 participating states of the Organization for Security and Cooperation in Europe are fulfilling their basic commitments to monitor hate crimes,¹ there is still not a single country that systematically includes disaggregated public data on violence against Roma among its data on hate crime.

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 Yet, even where adequate legislation exists, enforcement is often inadequate. There is a general climate of impunity for those who commit acts of violence against individual Roma and/or their property.

Without public reporting on the criminal justice response to hate crimes, it is difficult to ensure that adequate legal tools and resources are in place to investigate and prosecute such crimes and to reassure the public that efforts are being made to provide equal protection to all.

RECOMMENDATIONS ON COMBATING VIOLENCE AGAINST ROMA

Governments across the region need to do more to stem the threat that violent hate crime poses to their societies. First and foremost, law enforcement officials should respond vigorously to individual incidents and hold the perpetrators of these crimes accountable. But governments should also be developing longer-term mechanisms to confront this challenge. In particular, we are calling on governments – in line with OSCE commitments they have already undertaken – to establish systems of official monitoring and data collection. This is an essential means to assess and respond to patterns of discriminatory violence. We must remember that efforts to better respond to

¹ Austria, Belgium, 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.

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. Improving police-community relations has a special place in this puzzle.

Combating anti-Roma violence must also 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.

CONCLUSION

Hate crimes against any one community should never be seen as a problem of that community alone. Hate crimes challenge fundamental human rights and should be addressed as such. In that spirit, community groups have an interest in joining forces, together with human rights organizations, to strengthen measures to combat hate crimes against all.

Violent hate crime can ruin lives, or end them. It can terrorize whole communities, driving away vulnerable minorities or forcing them to stay out of sight. Violent hate crime, especially when the official response to it is weak or nonexistent, also attacks the society at large, undermining the very notions of equality and the equal protection of the law. Governments must ensure that impunity for bias-motivated violence—or complacency in the face of it—has no place in today's world.