

## **Minorities and the UN Human Rights System Challenges and Opportunities**

IMADR held a side event entitled “Minorities and the UN Human Rights System – Challenges and Opportunities” on March 16, 2012, during the 19<sup>th</sup> Session of the UN Human Rights Council. Four panelists representing minority communities participated, including Shigeyuki Kumisaka from the Buraku Liberation League of Japan, Romani Rose from the Central Council of German Sinti and Roma, Martin Collins from the Parvee Point Travellers Center in Ireland, and Nimalka Fernando for minority women in South Asia. Graham Fox also gave comments as Human Rights Officer of the UN Office of the High Commissioner for Human Rights. Professor Theo van Boven from Maastricht University moderated the event. Each speaker presented for 10 minutes, then the floor was opened for discussion. Here, we would like to share the presentation made by Chairperson Romani Rose of the Central Council of German Sinti and Roma.

### **The Situation of Sinti and Roma in Europe**

#### Current Situation

For a number of years, Sinti and Roma have been exposed to increasingly more violent acts of racism, which has resulted, in a number of countries, in pogrom-like riots and assassinations. This deep-rooted racism is at the basis of the worsening exclusion of Roma in the different European societies from education, housing, employment and health, and is the main barrier to equal participation.

#### Security

Sinti and Roma are, in a variety of countries, exposed to direct violence that threatens the security of the entire minority population in their respective home countries. In the Czech Republic, a total of 19 people were killed in bomb attacks in the years 2008 to 2012. In Hungary, 11 people were killed in similar attacks.

#### Housing

The Central Council of German Sinti and Roma has documented the housing situation of Roma in several countries of Central Eastern Europe at the local level. The inhumane situation is a reflection of existing racism, which for decades has systematically excluded Roma to areas outside the cities and towns. Overcoming this systematic exclusion is an immediate task in any human rights work! In various countries, it is often futile to wait for the initiative of the respective governments. For example, there are about 710 Roma settlements in Eastern Slovakia that are excluded from any infrastructure, and have no water, electricity, sewers or paved roads. There are no work or income prospects for the Roma living there. At the same time, the local government has requested only about 34% of the possible means available from the European Structural Funds. The Central Council therefore calls upon the United Nations, with the instruments of the UNDP, to take the initiative to improve the living conditions of Roma in Central Eastern and South Eastern Europe through targeted programs.

In Schleswig-Holstein, the protection of Sinti and Roma as a national minority is still not included in the state's constitution, although the respective articles have applied to the minorities of the Frisians and the Danes already for decades. Although, during a hearing in parliament in September 2010, experts clearly explained that this situation is a legal disadvantage, which is incompatible with the Federal Constitution, this discrimination continues up to now. The Central Council asks the CERD to refer to this legal discrimination within its conclusions in the next report of the Federal Republic of Germany, and to strongly insist on the inclusion of minority protections for Sinti and Roma in the German state of Schleswig-Holstein.

### Criticisms of continuous criminalization

The Central Committee criticized the fact that, up to now, the German government has not commented on measures to fight discrimination against Sinti and Roma, as the CERD demanded of Germany in its concluding observations dated August 15, 2008 ( CERD/C/DEU/CO/18). No communication coordinated with the minority-organisations involved has been submitted to the Committee within the past four years (by June 15, 2012). This is especially important with regard to paragraph 28 of the above document calling for follow-up measures to the decision of the CERD of August 2008, in conformity with article 14 of the Convention. This decision is about a discriminatory publication of the Federal German Police (BDK) in "The Criminalist," the professional journal of the police.

In October 2005, Detective Peter Lehrieder, Vice-Chairman of the Association of German Detectives (BDK) in Bavaria, insinuated in this police journal that we were told by Sinti and Roma that one feels like a "maggot in bacon" ("Made im Speck") in the welfare system of the Federal Republic of Germany. One should use the rationalisation for theft, fraud and social parasitism without any bad conscience because of the persecution during the Third Reich. The Intergovernmental Panel judged in its decision (CERD/C/72/D/38/2006) that the publications were of "discriminatory, insulting and defamatory" nature, which weigh "very serious when they are made by a police officer, whose actual task is the assistance and protection for citizens" (paragraph 9 of the decision).

In contrast, the chairman of the BDK, Klaus Jansen, justified the Lehrieder article as a "text" about "the crime rate in Germany." The Federal Republic of Germany was required for 4 years to react on this unacceptable exclusion. The Central Council of German Sinti and Roma believe that if the BDK, as a professional association and whose members number up to nearly 20,000 police officers, does not itself dissociate from these ideas, then the German Bundestag (parliament) has to issue a resolution condemning this and inform the United Nations about it.

The right-wing racist murders and their motivations are directed against all groups that are not verified as belonging to Germany according to neo-Nazi ideology. Right-wing terrorism is questioning the security of all minorities. Jews, as with Sinti and Roma, are constantly threatened and subjected to hate tirades by neo-Nazis, especially on the Internet. Equally, with the murders of Turkish and Greek citizens in Germany during the last few years, and the murder of policewoman Michele Kiesewetter in 2007 in Heilbron, which was committed by a terrorist group, Sinti and Roma have been sweepingly accused without any basis by authorities speakers

from the police and judiciary, and publicly suspected as possible perpetrators. Sinti and Roma have been subjected to excessive police controls.

The stereotype of the supposedly "errant minority" and traditional stereotypes about "gypsies" prompted the authorities at the time to place this minority under suspicion as perpetrators in this serious criminal case. The allegation was based on a DNA trace found at the crime scene left by a "phantom woman," as she was called by the police. The trail had turned up in various parts of Germany, Austria and France. The authorities spoke nationwide in newspapers and on television of "investigations in the Gypsy milieu" and the supposedly "hottest track" within suspicious "Gypsy clans" and members of "mobile social groups such as Sinti and Roma, who are difficult to reach rasp." On behalf of the responsible Justice Department, the approach of the prosecution was justified. The whole situation caused great concern within the minority group. The DNA evidence was revealed as false in 2009. However, this false accusation and general suspicion of the whole minority group continued until the neo-Nazi perpetrators became known. To date, explanation of rehabilitation and regret from the side of the German government towards the Sinti and Roma has not been given up to now.