



Call for submissions: on reparations, racial justice, and equality

Submission by Fundación Secretariado Gitano

Fundación Secretariado Gitano (hereinafter, FSG) is the largest Spanish NGO working with the Roma community. Legally established in 1982, the mission of the FSG is the integral promotion of the Roma community on the basis of respect and support for their cultural identity.

Its mission is to promote the access of Roma to rights, services, goods and social resources on an equal footing with the rest of the citizenry. To this end, the FSG develops all kinds of actions that contribute to achieve the full citizenship of Roma people, to improve their living conditions, to promote equal treatment and to prevent any form of discrimination, while promoting the recognition of the cultural identity of the Roma community.

Approximately 10 to 12 million of Roma constitute Europe's largest ethnic minority¹. This ethnic minority arrived to Europe during XV century, but still nowadays they are still viewed as second-class Europeans. For centuries, the Roma in Europe have been systematically dehumanized, abused and excluded. They have suffered slavery, the Holocaust, forced sterilisation, segregated education and housing, forced evictions, discriminatory policing, the denial of citizenship, the institutionalisation of Roma children, and hate crimes².

Many Roma lives at the margins of society, excluded from basic services, discriminated in their access to quality education, employment and housing and invisible from public life and history books alike. This racist attitude and phenomenon, practised by individuals and also institutionalized at political level, is called Anti-Gypsyism³, which is the belief that Roma are inferior, capable of less, do not have the will to catch up with the non-Roma, or are unfit to be good citizens of the countries in which they have been living for centuries.

The alarming situation of Roma women, men and children and the limited impact of recent Roma integration efforts comes at a high moral cost for the European continent and urgently calls for a new and different approach. From our perspective in order to promote a social justice, we need to tell the truth about historical injustices, recognize the cultural identity of the Roma and their contribution to Europe.

For years the commission of these human rights violations suffered by the Roma community throughout Europe has been made invisible and hidden from reality, which has meant that the perpetrators of these crimes have not been tried in any process and the right of the victims to a fair trial and to be compensated for the damages suffered have not been taken care of.

¹ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/roma-integration-eu-countries_en

² Ian Hancock, *The Pariah Syndrome*. <http://www.oocities.org/~patrin/pariah-contents.htm>

³ <https://fra.europa.eu/en/publication/2018/roma-inclusion>

In 2012 Germany decided to make a monument in memory of the Roma victims of the Nazi Holocaust, in the city of Berlin, with the presence of Chancellor Angela Merkel for the inauguration⁴. In other hand, from a European perspective, the only pronouncement that has been recognizing the atrocities suffered during the Holocaust by the Roma Community was held in 2015, through a Resolution of the European Parliament in which it recognized the Roma as a victim of the Holocaust, setting the day August 2 as a day to remember the victims.⁵

In both cases we find monuments of recognition and institutional declarations of recognition of atrocities committed during II World War, several decades after its commission and long after having honoured and compensated other ethnic groups that were also victims of these same facts. However, for the Roma community there has not been a legal process of individual recognition and reparation for victims, survivors or their immediate relatives. Therefore we find cases of incomplete recognitions.

We could talk about other events that have also involved mass violations of Human Rights and intersectional discrimination against Roma women such as the forced sterilizations in Slovakia, Sweden, the Czech Republic⁶, the Roma victims in the Balkan war⁷, the forced displacement of European citizens within EU countries⁸, the attacks to Roma camps in Ukraine⁹.

These facts have not been diligently investigated by national and international judicial authorities, not complying with their obligations to apply the international human rights law applicable to these cases. In particular, this situation is opposite to the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence mandates, who according to the Human Rights Council mandates its necessary implementation of a comprehensive approach to the four elements of this mandate (truth, justice, reparation and guarantees of non-recurrence) should help "ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system and restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law".

It is therefore necessary to initiate different processes of investigations and reparations for the damage suffered nationally and internationally, in response to the different atrocities and violations committed against this ethnic group, specifying dates, victims, people criminally responsible for these events and reparation mechanisms.

It is necessary to create these spaces for recognition and reparation in order to build a society away from racism and historical violence based on equity. Thomas Hammarberg proposes that truth commissions be established in a number of European countries to give full account and recognition of the crimes committed against Romani people. In this line in 2015, the Swedish government produced its version, *The Dark Unknown History: White Paper on Abuses and Rights Violations Against Roma in the 20th Century*¹⁰. This offers a practical example of a necessary first step, for Europe badly needs a deeper understanding of what Roma has faced, and continue to

⁴ <https://www.nytimes.com/2012/10/25/world/europe/memorial-to-romany-victims-of-holocaust-opens-in-berlin.html>

⁵ https://www.europarl.europa.eu/doceo/document/TA-8-2015-0095_EN.html

⁶ https://www.osce.org/odihr/sterilization_report?download=true

⁷ <https://balkaninsight.com/2018/12/17/serbia-s-forgotten-role-in-the-roma-holocaust-12-14-2018/>

⁸ <https://www.coe.int/en/web/commissioner/-/europe-s-duty-to-internally-displaced-persons>

⁹ <https://www.amnesty.org/en/latest/news/2019/04/ukraine-a-year-after-attack-on-roma-camp-in-kyiv-no-justice-for-victims/>

¹⁰ <https://www.government.se/contentassets/eab06c1ac82b476586f928931cfc8238/the-dark-unknown-history---white-paper-on-abuses-and-rights-violations-against-roma-in-the-20th-century-ds-20148>

face, both in times of war and peace. And Roma in 21st Century Europe deserve by right, a future beyond fear, one that is structured by hope not hate.

This initiative is a good example of how this issue should be approached from a national perspective to initiate a process of reparation to the victims based on a rigorous historical study of the events and the victims.

We want also to highlight CERD Committee Recommendation nº 27¹¹, on Discrimination against Roma in this regard:

“7. To take appropriate measures to secure for members of Roma communities effective remedies and to ensure that justice is fully and promptly done in cases concerning violations of their fundamental rights and freedoms

10. To acknowledge wrongs done during the Second World War to Roma communities by deportation and extermination and consider ways of compensating for them”.

For all these reasons, FSG kindly request that Ms. E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, include in her report the need to address the frequent and historical violations of Human Rights to which the Roma minority has been subjected in a number of countries of European countries, leading a process of enforceability to the states of their obligations to truth, justice, reparation and guarantees of non-recurrence according to applicable international and human rights law.

¹¹ <https://www.refworld.org/pdfid/45139d4f4.pdf>