

**14th STUDY SESSION ON THE EUROPEAN CONVENTION ON
HUMAN RIGHTS**

**FOR PERSONS INVOLVED
IN LEGAL ASSISTANCE
TO ROMA AND TRAVELLERS**

6-7 September 2010
Strasbourg, Agora Building
Room G06

CASE STUDY

Kali v. Danubia

Danubia has been a member of the Council of Europe since 1999. It has also signed and ratified all the UN's Core Human Rights Treaties without reservation and where available all the optional protocols permitting individual complaints.

Kali lives in Westovia, the capital of Danubia. Kali is a Roma community activist employed by a Danubian NGO – the Danubian Roma Rights Centre (DRRC).

The Danubian Government is openly hostile in its pronouncements concerning Roma. The Minister of Ethnic Relations is particularly abusive, stating that most crime in Danubia is committed by Roma. The Mayor of Westovia has also made derogatory statements and publicly called on the Chief of Police “to crack down on ‘foreign’ Roma” whose disorderly behaviour (he said) is “terrorising decent Danubians in public places.”

The anti-Roma views of the Government are echoed by the Danubian National Press – which often carries front page stories condemning all Roma as thieves.

Roma in Danubia are often attacked by vigilant groups such as skin-head gangs and many live in fear and do not dare go out at night.

On the 29th December 2007 three Roma youths were attacked in Westovia, and instead of being helped, they were arrested by the police, charged with public order offences – and (they claim) subjected to humiliating racist taunts and threats by police officers whilst in the cells. Kali's NGO, the DRRC, made an official complaint about the police behaviour. As a result her name and address were published in a prominent Right Wing National Newspaper together with hostile comment from the Mayor of Westovia about the trouble caused by such people criticising the police.

Since that time skin head youths have regularly gathered outside Kali's house – chanting racist slogans and on two separate occasions her windows have been broken by stone throwing. When she has contacted the police for help, she has been told that the police have many such incidents of disorderly behaviour from drunkards –and that they cannot prioritise her case – ‘just because she is a Roma’.

Since nothing was done to stop the harassment she was experiencing, Kali took legal proceedings against the Mayor seeking an order that he bring the harassment to an end. Kali's NGO, the DRRC, also took proceedings against the police – since the only official response that it had had was that since she (as the named complainant) is not related to any of the Roma youths who were arrested, the incident is nothing to do with her or the DRRC.

Both of these court cases were rejected by the Westovian High Court. On the 9th March 2010 both of the appeals were also dismissed by the Danubian Court of Appeal. In its judgment the court stated that it was particularly concerned that valuable police and court time had been wasted by a Roma activist, when (in the

courts words) “her people were by their behaviour causing such hardship for the law abiding population of Danubia”.

Kali and the three Roma youths visit your office today and ask your help to make their complaints to the European Court of Human Rights.

Cases that may be of relevance

Cobzaru v. Romania (2007)¹

Moreno Gomez v Spain (2004)²

Nachova v Bulgaria (2005)³

Šečić v Croatia (2007)⁴:

Surugiu v Romania (2004)⁵

Thlimmenos v Greece (2000)⁶

Timishev v Russia (2005)⁷

¹ Application no. 48254/99.

² Application no. 4143/02.

³ 6 July 2005 (43577/98 and 43579/98).

⁴ Application No. 40116/02 31st May 2007.

⁵ Application no. 48995/99.

⁶ 31 E.H.R.R. 411.

⁷ Applications nos. 55762/00 and 55974/00 § 56 13th December 2005.