BACKGROUNDER: McCarthy Tétrault lawyers help Roma families obtain justice

On April 6, 1991, an anti-Roma pogrom resulted in 24 Roma families being beaten and driven from their homes in a village in the Giurgiu County of Romania. When they tried to return, the families were subjected to further cruelty.

A criminal complaint filed in the Bucharest District Court by the Roma resulted in the conviction of 13 individuals for unlawful entry into a person’s home and destruction of property. But each perpetrator received a mere three to six months’ suspended prison sentence. The Roma - who were disparagingly described as “gypsies” throughout the proceedings -- received paltry compensation. Appeals were rejected.

McCarthy Tétrault lawyer Junior Sirivar and then-McCarthy Tétrault lawyer Mark Freiman collaborated with the International Human Rights Program at the University of Toronto’s Faculty of Law to seek compensation for community members so they could rebuild their lives. The group filed an application on behalf of the 24 Roma families with the European Court of Human Rights under Article 34 (right to individual applications) of the Convention for the Protection of Human Rights and Fundamental Freedoms.

In December 2008, after much legal wrangling, the Romanian government requested that the court strike the case from its list, and enclosed the text of a declaration with a view to resolving the issues raised by the application. The Romanian government committed to paying damages totalling $565,000 EUR and undertook to implement a series of measures to prevent and fight discrimination, as well as to improve living conditions for the Roma community.

As a result of six years of unrelenting work on the case, McCarthy Tétrault won a Platinum 2010 Lexpert Zenith Award for “Change Agent: Race, Culture and/or Ethnicity.”

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