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**EDITOR:** Bernard Rorke  
**COVER DESIGN:** Jonathan Lee  
**DESIGN AND LAYOUT:** Dzavit Berisha

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# ROMA RIGHTS 1996: ROMA TODAY CONSTITUTE THE ONLY TRANSNATIONAL, GENUINELY EUROPEAN COMMUNITY

**ANDRÁS BÍRÓ**

**P**rejudice, police brutality and violence by nationalist and fundamentalist groups everywhere in Europe make the fate of the Roma as bad in the West as in the East. For this reason, the founders of the European Roma Rights Center have decided to take a Europe-wide approach, even if the numbers of violations are proportionally higher in Central and Eastern Europe.

The choice of Roma and not another minority whose rights are also threatened stems from the fact that Roma remain at present

the most vulnerable minority in Europe. No government, country, political or economic lobby has taken up their defense. The atrocities suffered by the Roma during the Holocaust create the moral obligation to prevent by all means the reappearance of even its ghastly shadow. Last but not least, in the anguished instability in which the world finds itself at the end of the millennium, in which terrorism increases daily and human rights are ignored, the defense of the rights of the Roma is symbolic. It wants to emphasize the indivisibility of rights and to give voice to the voiceless."



# THE LONG, HOT CZECH SUMMER 1997

DAVID CHIRICO

At the end of this summer, the Czech Republic was shocked by the massive departure of Czech Roma for Canada. Travel agencies reported that flights to Toronto and Vancouver were booking up months ahead, and the Canadian Embassies in Prague and Vienna received thousands of calls inquiring about entry procedure for Czech citizens.

*Revelation: There Are Places Where Roma Live Without Fear*

The current crisis started in the first week of August, when an edition of the weekly documentary program "Through Our Own Eyes" shown on the private television channel TV Nova was devoted to the conditions of Czech Roma living in Canada. The programme includ-

ed testimony of Roma seeking asylum in Canada, describing their pleasure at being in a country where they were not subjected to systematic discrimination and fear of attack. The effect of the programme was to suggest that Canada, a place of extraordinary respect for human rights and of financial security, was waiting for Czech Roma with open arms. The programme finished with one Czech Romani woman saying "All you Gypsies in the Czech Republic, get over here!" Many viewers felt that the only possible aim of the programme was to incite Czech Roma to mass emigration. In the view of Roma leader Ondřej Giňa, "The whole programme was more like an advert for a travel agency than a documentary." The Council for Radio and Television Broadcast condemned

the programme at its first meeting in August after it was aired.

The extreme-right Republican Party immediately expressed its pleasure at the prospect that Czech Roma would emigrate. Parliamentary leader of the Republicans, Jan Vik, said they were "delighted that in the blood of this ethnic group its nomadic past had reawakened, a nomadic past which, unfortunately, led long ago to their arrival in our land."

Prime Minister Václav Klaus's initial reaction was to make light of the rumours of large-scale Romani emigration to Canada. "I can't imagine Canada will wish to accept something like this," he said, and he went on to warn the Romani community not to take part in "these silly little games".



## STATEMENT OF THE ERRC ON THE OCCASION OF THE ACCEPTANCE OF THE CZECH REPUBLIC, HUNGARY AND POLAND INTO NATO

In 1993, following the division of Czechoslovakia by peaceful means, a law on citizenship went into effect in the new state. The law had been drafted in late 1992 and duly signed by the president. When the law went into effect, approximately 100,000 Roma were suddenly designated foreigners, and were accordingly denied all of the rights they had previously enjoyed as Czechoslovak citizens.

A member of the American delegation to that conference said that the new law had created "a humanitarian crisis in the

heart of Europe" and CSCE High Commissioner on National Minorities Max van der Stoep stated that he "strongly urged that such legislation be changed."

Such legislation has not been significantly changed, and its effects have been those expected; thousands of Roma residing in the Czech Republic are currently de facto stateless as a result of the law. This denies them access to a range of benefits open only to Czech citizens: those denied citizenship are unable to vote or run for office, and many non citizens

have difficulty receiving permanent residence, which is necessary to receive social benefits from the state. Additionally, as non-citizens, Roma can be and often have been sentenced to the punishment of expulsion for committing any crime whatsoever. This penalty involves 'returning' them to a country which they do not know and to which they have no effective ties. According to the Prague-based NGO *Tolerance Foundation*, 663 Slovak citizens were sentenced to expulsion by the Czech courts in the period January 1, 1993 to June 30, 1996.

## ROMANI REFUGEES AND THE RIGHT NOT TO RETURN HOME

### DIMITRINA PETROVA

“Then, one beautiful day in Berlin, when the trees were blooming and the birds singing, having spoken with many of those Romani refugees from Bosnia waiting to be deported, I realised that their fear was different. Like all other Bosnians, they were doomed to go back and find their houses demolished, burned, looted, or occupied; but unlike the others, they were going back to a homeland whose new statehood is currently being constructed on the basis of ethnic values and ethnic institutions. In all likelihood, they would be unrepresented and utterly abandoned in somebody else’s Bosnia. One of these days, they will say farewell to Berlin. They had spent five years in exile and, as if this wasn’t enough punishment, were now heading toward another chapter of their uprooted existence.

One beautiful day in Berlin, I knew that neither domestic nor international law could help these people. Nor the hundreds of thousands of forced migrants all over the world. A new right should be articulated, recognised and enshrined in law: the right not to return home.”



## NATIONALITY: ROMA CITIZENSHIP: EUROPE

### RUDKO KAWCZYNSKI



The main problem confronting the Roma is racism. Poverty, lack of education, unemployment, and cultural deprivation are the results of society’s hostility toward the Roma. As such, they are symptoms and not the core of the problem. Through active participation and civil rights work in the societies in which they live, Roma must contribute to the eradication of prejudices and stereotypes.

For Roma today, even mere survival is difficult in a society which has always felt free to treat them as scapegoats, to marginalise them by preventing access to jobs, housing, and other necessities, to provoke them and to use violence against them. Violence, incitement and other forms of human rights abuse against Roma are generally not censured in Europe. This is true especially in the newly established political systems in Eastern Europe. However, Western governments have also failed to guarantee the Roma special protection against discrimination in accord with their vulnerability. Many Nazi prejudices and stereotypes have survived to this day in the minds of the people, thus it is not surprising that Roma are still considered parasites, thieves, swindlers and pests. At best they are laughed at as simple-minded musicians and tolerated as beggars.

When I was asked by the European Roma Rights Center to become a Board member, I accepted without a second thought. Only through a close network which supports and monitors the human rights situation of the Roma in Europe will it be possible to improve the position of the Roma in the long run. At the same time, it is necessary to strengthen the civil rights movement of Roma in Europe, to enable them to be in a position to fight for the concerns of their people. First and foremost, only a co-ordinated combination of legal representation and active civil rights work, by outside supporters and those affected directly, can improve and stabilise the human rights situation of the Roma in Europe.

## “WE WERE THE ONLY DESERTERS PUNISHED” - A ROM FROM ALBANIA TELLS OF HAZING IN THE ALBANIAN ARMY

*In February 1996, Vladimir Majko and his 19-year-old friend Petrit Musta fled the army after ten months of service, two months before they were subsequently charged with desertion and have been sentenced to seven months in prison. This is an excerpt from Vladimir's testimony.*

“Out of 600 soldiers, we were the only Roma. It was very bad in the army. The soldiers in our unit beat us and called us “niggers” and “dirty Gypsis”. Every day at meals, the others spat in our food and forced us to eat it. We had to sleep in separate rooms and we always had to do all the dirty jobs. It is not that we worked separately, but the others always ordered us to do their work too. If we refused, they would beat us.

When new soldiers came, they beat us too. When we complained about the way the other soldiers treated us, we were put in isolation. I was put in isolation five times.

One day I fell ill, but the officers still did not let me go home on leave. I have heart problems and I told this to my commanding officer. The officer told me, “It is OK if you die, you are a Gypsy”. For six months, my family did not see me at all. They came to visit me once, but they were not let in to the base to see me. The other Rom finally paid the bribe and he was allowed to go home, but my first furlough was only after six months. Then I was finally allowed to go home for four days.

In February 1996, I was almost killed by a soldier in our unit. I don't know why he was so angry, but he hated me and let me know it all the time. He had bothered me before, but on this one particular day, he just snapped. In the morning he beat me after we had got our tasks for the day – just beat me. And then later, in the afternoon, he stuck a gun in my face. I am sure he was just about to kill me, but a commandant saw what was happening and he interfered. I went to my officer and told him what had happened, but the officer said I was the one who started the problem and he took a stick and beat me on my back.

## SURVIVOR TESTIMONY FROM POLAND

**J**anina Sadowska, 77, was interviewed by the ERRC on June 8, 1997, in Dębica, southern Poland. She survived the Second World War the way many other Roma did: keeping a low profile, hiding in the woods, not staying in any one place too long.

During the war, we hid in the forests near Kielce and Radom. We stayed in groups of five to ten families. If there had been too many of us, we would not have been able to hide. During the war, we didn't live in wagons yet. We lived in tents. In those times, you had to be able to pack and leave very quickly. If the place was good, we would stay longer, sometimes for as long as one and a half months. But if a place was bad, we would leave immediately the following day.

In winter, we would stay with villagers. When the Germans came to catch us, we would escape to the forests again. It was very hard, but many Poles helped us. They let us stay in their houses and gave us food in exchange for a blouse or a scarf. Some of them would give us food for free. Many of us died during the war though: from our group, there were people who were caught by the Germans and taken to the camps.

They came one afternoon. Kids were playing and we women were preparing a meal. They surrounded the whole area and attacked us from all sides. All the men were forced to lie down with their faces to the ground. Then the Germans made them

form a line and took them away. We never saw these men again. Later we learned that they had been taken to Iłża, then to the Arison in Starachowice, and then, finally, to the camp in Oświęcim (Auschwitz).

Later that day, they returned with cars and took the women and children too. They were German soldiers, but there were also Polish policemen among them. There were more German soldiers than Polish policemen but you couldn't count them because you weren't supposed to look at them. But I remember that there were a lot of them: at least three or four vans full of men in uniform. They took us somewhere

to a house and ordered us to walk in a line around in circles in front of the house while they shot off their guns into the air. Then, after a while, one of them suddenly shouted, “Now, run away!” And we did.

Many Roma in Poland were killed during the war. It was very hard for us, but the worst thing that could happen to you during the war was to be caught by the Ukrainians. They were even more cruel than the Germans. If you were caught by Ukrainians, you could be sure that you wouldn't survive. We were lucky not to be found and caught by them. They would never have let women and children go.



# ROMA RIGHTS SPRING, 1998: RACIALLY MOTIVATED VIOLENCE AGAINST ROMA

## SPOTLIGHT ON CIVILIAN VIOLENCE

### DIMITRINA PETROVA

Racially motivated civilian violence against Roma comes in various forms, from skinhead assaults to mob law, and leaves behind death, handicap, and pain, physical as well as mental. Competing with police violence in scope, intensity and impunity, civilian violence against Roma has been documented since 1989 in most post-communist countries of Europe: Albania, Bosnia, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, Russia, Slovakia, and Ukraine.

Those incidents that result in deaths sometimes make it to the media. Dozens of serious cases of physical abuse however go unreported: weak human rights monitoring, fear of retaliation, unresponsive media, etc. Racist assaults leaving no physical injuries are often taken for

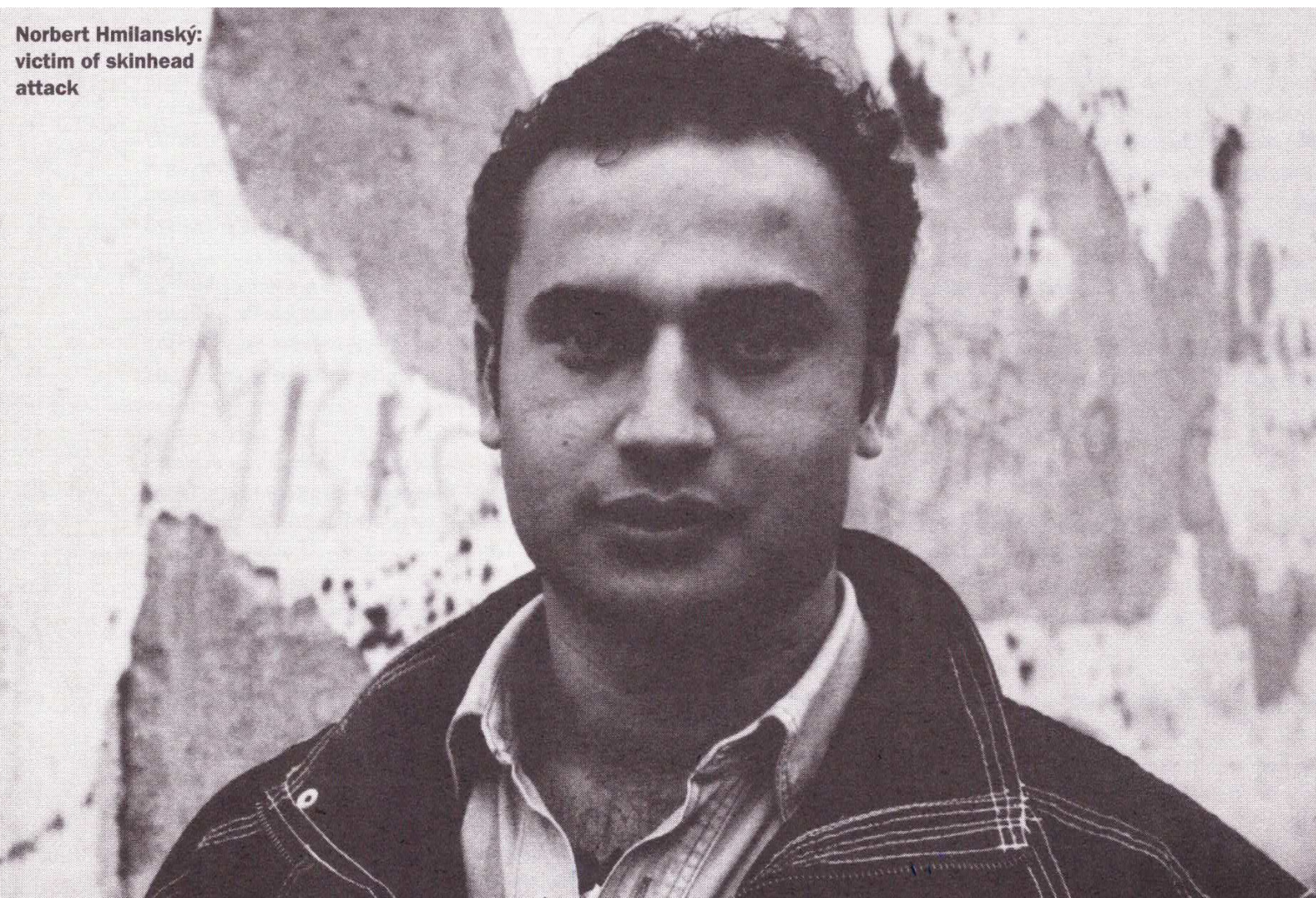
granted and considered not worth mentioning even by the victims. Finally, we have found it difficult to present cases of anti-Roma violence in certain areas as a sequence of episodes. Racism does not “happen” as you walk down the street past a group of teenagers with shaven heads. It is not so much an event but a lasting situation, a process. It is the day-to-day wearing down of the spirit by innumerable acts of oppression and humiliation which pass unnoticed except by the oppressed. A violent attack is only the culmination of this process.

Behind each of the dozen cases of racist murder in the last eight years in the Czech Republic, there are scores of physical assaults on Roma by skinheads in the same areas. Prior to the fatal evening of May

15, 1998, when teenage Bulgarian racist hooligans threw 15-year-old Metodi out of the window of the second floor of an abandoned building right behind the Court Palace in central Sofia, there has been a history of attacks on homeless Romani children in that part of the city. Racist youths were probably from the same schools, and had been receiving their lessons in ethnic hatred from older classmates at least since 1991. This process has been watched but not acted upon by human rights activists, social workers, the media, and the police.

Four countries should be singled out for inadequately addressed and currently ongoing skinhead violence against Roma: the Czech Republic, Slovakia, Bulgaria, and Yugoslavia.

**Norbert Hmlanský:**  
victim of skinhead  
attack



# LYNCHING IS NOT A CRIME: MOB VIOLENCE AGAINST ROMA IN POST-CEAUȘESCU ROMANIA

ISTVÁN HALLER

The collapse of the communist regimes in Central and Eastern Europe for the most part took place with startling ease. Romania was the only exception - the shift of power there was violent. In the months following the fall of Nicolae Ceaușescu, a number of anti-Romani legends grew quickly in the post-revolutionary atmosphere of shock and thirst for revenge.

Conspiracy theories of various kinds, rendered plausible by the previous extreme isolation of the country, became widespread. Such legends included the ludicrous idea, "Gypsies occupied the top positions in the Securitate [the despised and omnipresent secret service]" and the more implausible still "Ceaușescu was a Rom". Other newly blossomed rumours about Gypsies included the widely-held view that they were

responsible for the election of Ceaușescu's unpopular successor Ion Iliescu.

Romani civic organisations were, meanwhile, putting forward perfectly just demands such as restitution of gold confiscated from Roma during a national campaign in 1977, but these were seen as only further evidence of the arrogance and lack of humility of Gypsies. It was rapidly becoming "common knowledge" that "Gypsies needed to be taught a lesson."

From June 13-15 1990, coal miners from the north, brought in by special trains to break up anti-Iliescu demonstrations in the capital, took time off from their dubious assignment and, together with officials from the militia, rampaged through Romani settlements on the outskirts of

Bucharest, allegedly destroying flats and other dwellings, beating many Roma, some to the point of unconsciousness, and raping Romani women. Many detained Romani males returned home, uncharged with any crime, only weeks later.

The Hădăreni pogrom in Mureș County brought anti-Roma violence to the attention of the general public once again. Three Roma were killed, fourteen houses set on fire and four houses destroyed— all on September 20, 1993, the day Romania became member of the Council of Europe.

Throughout Romania, houses of Roma in approximately thirty settlements have been set on fire since the fall of the Ceaușescu regime, with mobs applying collective punishment to local Romani communities.





# ROMA RIGHTS SUMMER 1998: ROMA AND THE RIGHT TO EDUCATION

## NOTES BY A ROMANI TEACHER IN A MAJORITY-DOMINATED BULGARIAN SCHOOL: THINGS A TEACHER CANNOT FORGET

SVETLANA VASSILEVA

The municipal authorities pretended to have lost my application documents and insisted that I go and teach in a "Gypsy" school, where, apparently, I belonged. I would hear often: "You mean - you want to teach in ANOTHER school?" The genuine incredulity made this reaction even more vicious. I fought for my right, and finally succeeded, only to be rebuked at the first staff meeting by my new head teacher for my conduct: "It was hard enough for me to give you a class, none of the colleagues here wants to work with a Gypsy".

There is a point where one becomes accustomed to the so-called negative stereotypes of Roma revealed in the behavior of most of the members of the majority;

what was particularly painful to me was that the same banal prejudice was shared by my fellow-teachers. It is enough for a classmate to expose his or her domestic culture by saying to a Romani child in the appropriate tone of voice: "You are a Gypsy!" - the Romani child is stigmatized for life. Especially if there is no other authority to interfere, and as a rule there is none. At a staff meeting in the end of the year a colleague raises a point: "We already have an average of four to five Gypsies per class. Think what effect this would have on our children, on the image of the school. The School Administration should think of a way to restrict further Gypsy enrollment." The head teacher answers "Sure, we must think about this." And in the beginning of

the school year, the head teacher again: "Colleagues, I apologize for having hired Gypsy cleaning women. There were just no other candidates. But I promise to amend this before the year is through."

At every staff meeting I was made to feel guilty for being Roma, and for the presence of Romani students. The school authorities even made it understood that I was the one to blame for the increase of Romani kids in the school. However, when the school was threatened with closure for general insufficiency of pupils, I was told: "Right, we will have to enroll more children from the minority, but you must help. We want bright ones. Like you, you know." I was dumbfounded.



# HOW YOUNG ROMA LIVE

VOJTĚCH LAVIČKA



Roma of my generation grew up either in the Romani community or in a primarily non-Romani environment. My family valued highly our relations with the surrounding society. With time, we acquired a number of non-Romani acquaintances, who often came to our place for visits. These, however, were won, above all, at the price that we never made our Romani identity known. Up until the time when I was six, everything was fine from the point of view of my psychological state. At the moment when I started to go to elementary school, however, everything changed.

Children at school called me “stinking Gypsy” and plugged their noses when I was around. Nobody wanted to talk to me. During gym, nobody wanted to stand next to me. My first reaction was to deny my identity. Soon thereafter, I began to assert that I wasn’t a Gypsy but Hungarian and other similar things. I always went home in tears, received poor marks, and I wanted to go to a special school (i.e., a school for the mentally disabled), because I knew that Romani children were in the majority there. My family wanted me to study,

however, so they kept me in the normal elementary school. After the third class, my parents let me change to another elementary school. I learned my lesson from the last school, and immediately upon entering, I claimed I was a Hungarian. Everything was much better. Everybody treats a Hungarian better than a Gypsy. During that period, I didn’t have a chance to build my own identity. My parents did not teach me Romani - they wanted me to know Czech well. Although I started playing violin when I was eight, I barely knew anything about Romani songs, and I played mainly classical.

After elementary school, I started to attend economic middle school. There I never succeeded in convincing anyone that I was a Hungarian. By that point, I didn’t want to convince anybody of anything and, with the exception of one person, I had no friends. In class, there was a never-ending cycle of mocking information about me, for example how I demonstrated how I had a beautiful tan in winter. Luckily, in the third class, the old regime collapsed and in December 1989 I suddenly became proud of my Romaniness when I saw crowds of Roma demonstrating on the Letná fields and I heard a Romani representative proclaim from the stage, “The Roma are with you”, which was greeted with an outburst of applause. Unfortunately, after the revolution, some of the boys at school shaved their heads and started causing me problems. This is, however, the same old story.

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## ROMA AND THE RIGHT TO EDUCATION

CLAUDE CAHN ET AL.

Ms Annamarie Kovács, a primary school student from Dömsöd was interviewed in November 1997 by the ERRC:

“One day we laughed at the maths teacher in class. The maths teacher told Ms Ciboja, our form-teacher, about it. Ms Ciboja came to punish us for laughing at the maths teacher. She told us, ‘You stinking little Gypsy whores, you’re not in Tókert [the name of a large Romani settlement in Dömsöd]!’ Everyone heard it - she said it in front of our whole class. Ms Ciboja said all sorts of other bad things about us and she slapped Anita, the other Romani girl in our class, on the face. Then she told us to go home. I didn’t go to school for about a month after that - why should I? I won’t go someplace where they humiliate me like that. The head teacher didn’t know about the incident though, and the school wanted us to pay a fine because I didn’t go. So my mother went to school and explained why I hadn’t gone. Still, nothing happened to that teacher. She wasn’t reprimanded and she never apologised. I started to go to school again, but I didn’t go to Ms Ciboja’s classes and they failed me because of absences.”



# ROMA RIGHTS, WINTER 1998: POLICE VIOLENCE AGAINST ROMA

## DIALOGUE WITH THE POLICE?

**DIMITRINA PETROVA**

One formative event among similar events that triggered the change of mind of Roma was a court victory. A Rom beaten by the police during a punitive expedition in June 1992 in which dozens of other Roma were also beaten, suddenly undertook to sue the perpetrators. Everyone in the surrounding Romani community thought this was insane, and that the police would seek revenge. They were right on both counts. The plaintiff was indeed a little insane, insofar as the mysterious

thing we call „courage” contains a dose of madness. Me was certainty different from the dozens of other Roma who had also been beaten by the police but would not agree to work with the HRP to sue those who had always acted with impunity. And two years into the lawsuit, the plaintiff was indeed arrested and beaten by the police in retaliation. The few human rights soldiers from other units at the time were also quite sceptical of the utopian moves of the HRP. The Romani plaintiff was meanwhile ostracised by

the community and even by his own family, who had begun to consider him an irresponsible father and husband, plus of course a trouble maker who could bring only more misfortune to the eternally cursed Romani people.

When finally, during the third year of litigation, the impossible happened and the victim won the case against the Ministry of Internal Affairs, both the Romani community and the even more lethargic legal profession began to wake up.





## DOWN BY LAW: POLICE ABUSE

PIERO COLACICCHI

One example of inadequate response by authorities occurred near a Sinti and Roma camp, and individuals were then sped off. For a long time the newspaper's investigations had found weapons in the camp. Only after the two Bologna policemen were arrested, tried and convicted.

Another case occurred in Padua in September 1999. A man was held in custody in very suspicious circumstances. After leaving, he was signed by over 1000 people, including the mayor of the town.



## LAW AND PRACTICE IN INTERNATIONAL

JAMES GOLDSTON

The novelty of human rights litigation in Europe is that litigators may well find themselves struggling with the role of constitutional interpretation — which in Eastern Europe has few formal obstacles or negative precedents.

On the other hand, much as one cannot address the issue of considering the Roma and other vulnerable minorities — the poor, the criminally accused, and the objects of discrimination — to enforce them — exist in large part for the benefit of the protections which others obtain through the positive instruments, they cannot ignore issues of concern to



## (OOOOOH JEREMY CORBYN!)

DAVID CHIRICO

In the wake of the sudden burst of media and political attention, a group of Romani and human rights activists from

The delegation met MP for Islington North Jeremy Corbyn and discussed the situation and racist violence in the Czech and Slovak Republics, and the issue of institutionalised discrimination... Foreign government officials told us that they regretted that the British government was not transmitting our concern about the practices which

Jeremy Corbyn listened sympathetically to our concerns and committed himself actively against organised fascist groups. *"I understand that the governments of both countries must complete the anti-fascist*

He added that the current laws on asylum-seekers and the role of the media in giving any objective information about the situation in parliamentary committee rooms.

## SE OF ROMA IN ITALY

authorities to police abuse is the so-called “White Fiat 1 case”, which took place in Bologna. On the night of December 23, 1990, a car stopped and shots inside shot off some rounds into the camp, wounding several people and killing two Sinti, Mr A. della Santina and Mrs R. Pellinati. The car owners attributed this killing to rivalry between drugs or weapon dealers and to the spread of crime among Gypsies, even though no drugs or weapons were found. Three policemen (Carabinieri) were also shot dead, with what proved to be the same weapons, did a real investigation begin. After some months, no one was convicted for the spate of killings.

In 1993, when an 11-year-old Yugoslav Romani boy named Tarzan Sulic was shot and killed and his 13-year-old cousin seriously wounded in a police raid, following a lengthy and complicated legal proceedings, the policeman (carabiniere) was only given a suspended sentence, despite protests and a petition for a retrial in Padua. He is reportedly still a member of the police force.

## INTERNATIONAL AND DOMESTIC COURTS

Human rights law offers distinct challenges and opportunities to Roma and other minorities. In societies where the rule of law itself rests on a fragile foundation, litigation is not only to vindicate not only the substantive merits of their individual claims, but more fundamental matters – the independence of the judiciary, the rule of law. In other countries may be well settled. On the positive side, as a relatively new field of study and action, human rights litigation in Central and Eastern Europe have precedents to overcome. The potential for creative and innovative lawyering to produce significant results is real.

The question of Roma rights without considering issues fundamental to all human rights law, so one cannot talk about human rights without considering the political level, societies emerging from decades of Communism will be measured in part by the way they treat their most vulnerable members – those of racial, ethnic, sexual and other prejudice. And on the legal plane, human rights protections in law — and the courts, lawyers and litigation mechanisms for minorities. By definition, courts are anti-majoritarian institutions, often the only possible avenue for discrete and insular minorities to secure their rights through the political process. In short, if human rights lawyers in Europe are to give true meaning to the grand promises of constitutions and international law, they must focus on the Roma and other minorities.

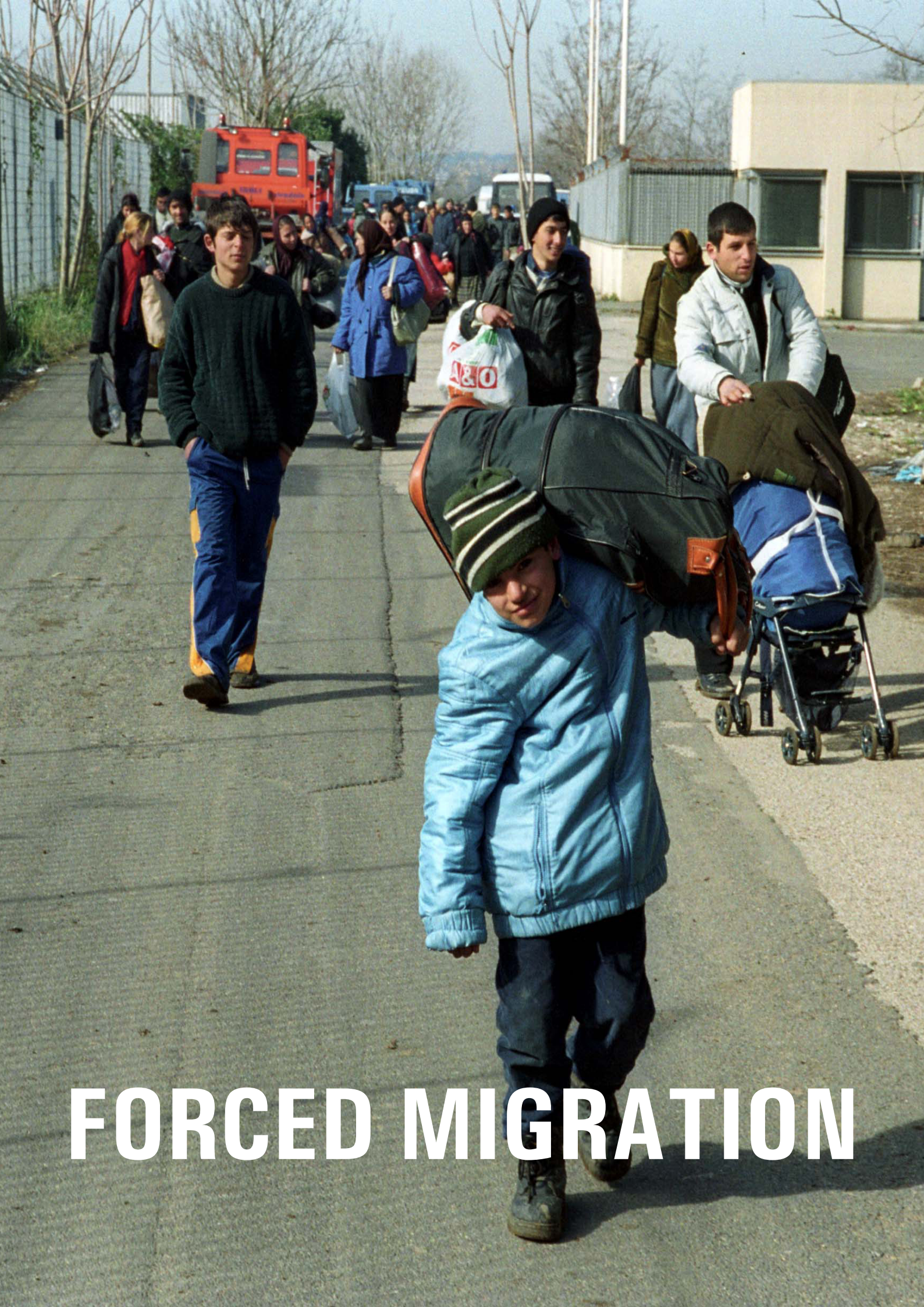
## FIELD REPORT: BRITAIN AND FRANCE 1998

During my political activity surrounding Czech Roma refugees in Britain, I travelled to Paris, Calais, Dover and London between November 14 and 18 with a delegation from the Czech Republic.

Mr Corbyn, vice-chairman of the Parliamentary Subcommittee for Human Rights. Mr Corbyn heard accounts of the problems of racial discrimination in the Czech Republics, of the failure of the police and judiciary to protect Roma against violence, and of legislation and practices which have the character of apartheid. We expressed our concerns that governments have an important role to play in keeping pressure on the Czech and Slovak governments over this issue, and we expressed to Jeremy Corbyn our missing this opportunity to support the rights of Roma, and was responding instead with populist and sometimes racist rhetoric. Finally, we expressed our concern that this had led to the mysterious expulsion of Roma to Calais and the detention of Romani men in England.

Mr Corbyn said: *“It is essential that we work together to condemn racism on our continent,”* he said, adding that governments must be made to work together to address the situation in the Czech and Slovak Republics as follows: *“Roma have their legitimate reasons for looking for a safer place... The governments must ensure that this legislation is used to guarantee the safety of Roma.”*

Mr Corbyn said that these are not suitable, forcing local authorities to bear the financial burden of any wave of refugees. He stressed the lack of interest on the part of the government on these problems. The next day, we visited the House of Commons and took part in a discussion, chaired by Jeremy Corbyn, in one of the



**FORCED MIGRATION**

# ROMA RIGHTS 1, 1999: FORCED MIGRATION

## STRASBOURG APPLICATION CHARGES SLOVAK TOWNS WITH RACIAL DISCRIMINATION AGAINST ROMA

**JAMES A. GOLDSTON**

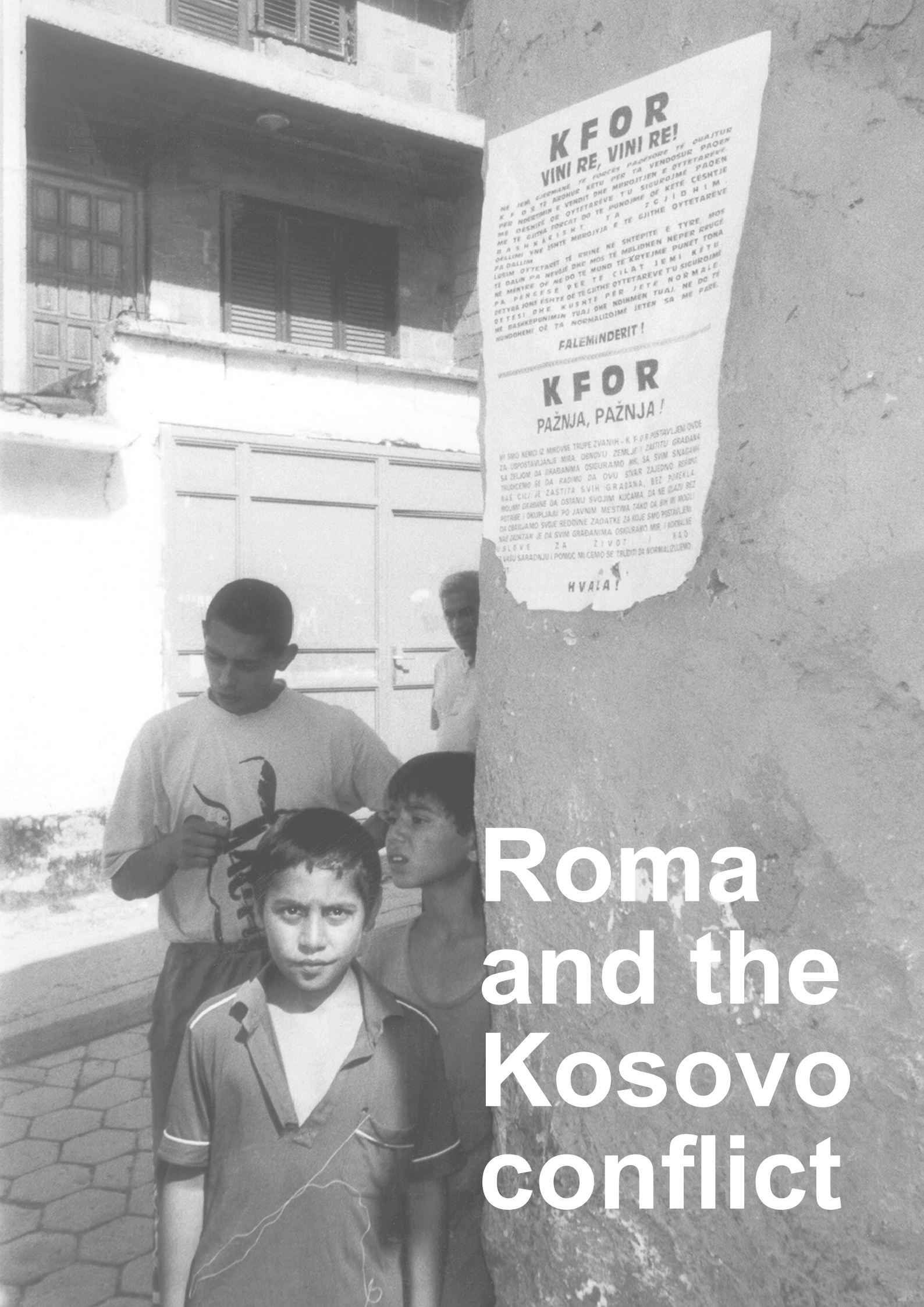
In the summer of 1997, the towns of Ňagov and Rokytovcce in Medzilaborce County, northeast Slovakia, adopted resolutions expressly stating that "Roma" would not be allowed in. On June 9, the municipal council of Rokytovcce published a resolution which threatened that "Roma" who "settle" in the village "will be, with the help of the village inhabitants, expelled..." On July 16, just over a month later, the Ňagov municipal council resolved "[n]ot to allow the Roma citizens

... to enter the village Ňagov, or to settle in shelters in the district of the village".

Passage of the racial exclusion orders capped a campaign of almost ten years on the part of governmental authorities to - in the words of one area mayor - "get rid of" the local Roma. Thus, in 1989, members of seven Romani families who were permanent residents in the affected towns were forced from their homes when their employer - an agricultural

co-operative - ceased operations. Two years later, in 1991, no village in the county would allow Roma to park their trailer within its territory. In 1993, temporary dwellings built by some of the Roma were torn down, forcing them to flee. Their return to Medzilaborce in 1997 sparked a series of meetings by local political leaders - culminating in passage of the resolutions - to address what they referred to as "the problem of the Roma in the county".





## KFOR VINI RE, VINI RE!

NE JEMI QJERMANE TE FORCES PASQYFURE TE QUAJYUR  
KFOR TE ARDHUR KETU PER TA VENDOSUR PAQEN  
PER NDERHEM E VENDIT DHE MBROJTJEN E QYTETAREVE.  
ME DESHIRE QE QYTETAREVE TU SIGUROJME PAQEN  
ME TE GJITHA FORCAT DO TE PUNDJME QE KETE CESHTJE  
DASHKURIA E TASHKURIA E TE GJITHA QYTETAREVE  
QJELIM VNE ISHTI MBROJTJA E TE GJITHA QYTETAREVE  
PA DALIM  
LOSIM QYTETARETE TE KQINE NE SHTEPITE E TYRE MOS  
TE DALIN PA NEVJERE DHE MOS TE MBLIDHEN NEPER KRUCE  
NE MBYRE QE ME DO TE MUND TE KRYEJME PUNET TONA  
PA PENSE PER TE CILAT JEMI KETU  
DETYR JONI ESHTJE QE TEGJITHA QYTETAREVE TU SIGUROJME  
QYTESI DHE KUSHTI PER JEJE NORMALIE  
ME DASHKUPUNIMIN TUAJ DHE NDIRMEN TUAJ NE DO TE  
KONDOHEMI QE TA NORMALIZOJME JETEN SA ME PASE.

FALEMINDERIT!

## KFOR PAZŇJA, PAZŇJA!

MI SMO NENCI IZ MIROVNE TRUPE ZVANH - KFOR POSTAVJENI OVDE  
ZA USPOSTAVLJANJE MIRA, OBNOVU ZEMLJE I ZASTITU GRADANA  
SA ZELJOM DA GRADANIMA OSIGURAMO MIR, SA SVIM SNAGAMI  
TRUPEMOS SE DA RADIMO DA OVU SVAR ZAJEDNO RESIMO  
NAS CILJ JE ZASTITA SVIH GRADANA, BEZ POVEKLA  
MOLAM GRADANE DA OStanU SVOJIM KUĆAMA, DA NE IĆAZU BEZ  
POTREBE I OKUPLJAJU PO JAVNIM MESTIMA TAKO DA NE IĆAZU BEZ  
DA OBRUJAMO SVOJE REDOVNE ZADATKE ZA KOJE SMO POSTAVJENI  
NAJ ODANTAN JE DA SVIM GRADANIMA OSIGURAMO MIR I NORMALIE  
VRLGVE ZA ZIVOT I RAO  
VASU SARADŇJU I PONOC NI CENJO SE TRUDITI DA NORMALIZUJEMO

HVALA!

# Roma and the Kosovo conflict



# ROMA RIGHTS 2, 1999: ROMA AND THE KOSOVO CONFLICT

## THE LAST YUGOSLAVS

ORHAN GALJUS

Roma are the last Yugoslavs. Roma from Kosovo have relatives in all of the states of former Yugoslavia, many of them living in extremely precarious circumstances. They have no idea what would happen if Kosovo became a republic, and the insecurity of the future makes most Roma cling even more to a sense that Yugoslavia was the best arrangement for everyone. Most of the Roma in Kosovo are Muslim and some of them are Christians. Some

of the Kosovo Roma are pro-Albanian and some are pro-Serbian, but all of them are in the middle. They are caught between two sides of a war ... There is no word in our vocabulary for war. The idea to take up guns and organise killing people does not exist in our culture ...

Yugoslavia is not the only place my complex identity has caused me problems. Europe as a whole wants a person to have one clear identity. In 1990

I went to Dublin to a conference on the education of Roma. I was using my Yugoslav passport. Even though I had an invitation letter from the Irish Ministry of Education and a return Dutch visa, they would not let me into Ireland. Then the border guard read the invitation and saw that I was attending a conference on Travellers and Gypsies. They handcuffed me and sent me back. I had a double disadvantage: I was Romani and Yugoslavian."



## ERRC IN KOSOVO: POGROM SITUATION

CLAUDE CAHN, DEYAN KIURANOV

The ERRC conducted field research in Kosovo during the period June 30-July 7, 1999, in the course of which the ERRC documented numerous abuses, primarily by ethnic Albanians evidently intent on purging Kosovo of Roma in the wake of the withdrawal of Yugoslav forces from the region in early June 1999. Abuses documented include killings of Roma by ethnic Albanians; abduction and illegal detention of Roma by ethnic Albanians; torture, beatings and other physical abuse; rape; expulsions of Roma from homes and communities; house burnings; forced labour; forced entry into Romani houses; and confiscations of houses and other property, all during the period June 16-July 7, 1999.

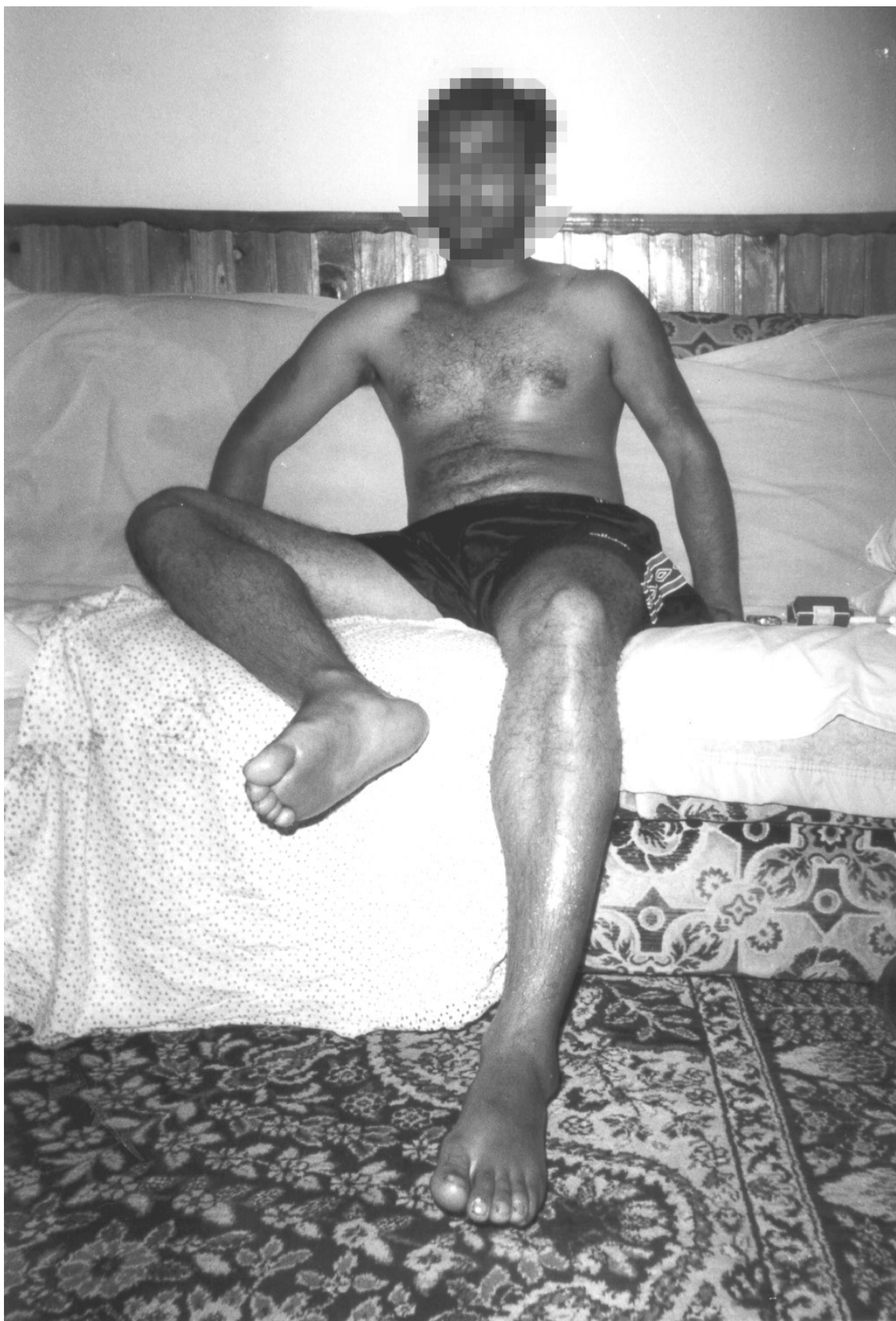
### *Torture, rape and mass expulsions*

Instances of physical abuse documented by the ERRC are numerous and reports include beatings with fists, iron bars and truncheons and kicking; torture such as forcing individuals to place their feet on a stool while persons identified as 'KLA' sit on the legs and beat the soles of the feet. In addition, ethnic Albanians have threatened to shoot Roma, to cut or stab them with knives, as well as to kill and mutilate. Abuses take place both

day and night, in detention as well as in the houses of the victims.

The ERRC interviewed 24-year-old Mr B.K. of the Piskota neighbourhood of Djakovica. He provided the ERRC with eyewitness testimony documenting the rape of his sister and his wife in his home by four armed KLA members in uniform during the night of June 29. On the following morning, the

entire family fled to the Dušanova neighbourhood of Prizren, where the ERRC interviewed him on July 3. His present whereabouts are not known, however, since on July 6, a large number of the Roma remaining in the Dušanova settlement fled under threat by Albanian neighbours in surrounding houses that they would burn the settlement to the ground and kill persons remaining in the houses.



**THE KLA KIDNAPPED 24-YEAR OLD M.T. ON JUNE 27 AND DETAINED HIM FOR A PERIOD OF APPROXIMATELY THREE HOURS IN A SCHOOL FOR THE DEAF AND MUTE, DURING WHICH TIME THEY SEVERELY PHYSICALLY ABUSED HIM.**

# ROMA RIGHTS 3, 1999: COMPETING ROMANI IDENTITIES

## UNDERWHELMED BY TONY GATLIF'S FILM *GADJO DILO*

LÁSZLÓ JAKAB ORSÓS

Gypsy film specialist Tony Gatlif makes his films in a very particular state of mind: he loves Roma, he respects them, he is in wonder of them, he knows everything about them; however, he completely forgets that Roma are also people. For him, a Gypsy is above all a Gypsy: wild, like the mountain streams, passionate like the flaming sunset, scented like flower-filled mountain meadows - something like that. He's made three Gypsy films so far: *Latcho Drom* and *The Princes*, and now *Gadjo Dilo*, but in his admirable mission he has not succeeded in surpassing his love-struck fervour.

In this film, he sets a French boy, a fresh-faced, sympathetic vagabond, off on a journey, in search of Nora Luca, a Romanian Romani singer who has perturbed his physical and mental state. So the boy goes ambling along, until he runs into a genial, full-blooded, refined Rom, who, after a stormy drinking scene, leads him to the tribe, where, even if he doesn't find Nora Luca, he finds an abundant life, raw happiness, sparkling looks, suffering, evil and love. *Gadjo Dilo*: the Crazy Man living in every white man who knows nothing about the smell of smoke, about the quivering hips of Gypsy girls, about

howling suffering and biblical poverty. Certainly, Tony Gatlif is working with a shabby topic. But this is not why his film is not good. In truth, the worst about it is merely the romantic, painfully primitive theatrical assembly of at times dallying, at times unarguably beautiful and joyful scenes. There is no organising principle beyond theatrical ideas. It is not the plot which makes a film, but the attitude which becomes apparent through the story and the situations. Film, like any other work of art, says more than the sum of its scenes. Gatlif's film, on the contrary, is the monotonous repetition of what he shows us in the first scene.



# DISCRIMINATION AND THE ROMANI COMPLEX

IVAN IVANOV

**E**arly in my life, I experienced a violent human rights violation: the Bulgarian government changed my name from the Muslim Romani name Ivan to Ivanov. I was born in 1972 in my hometown of Haskovo in southern Bulgaria. It was 1982. They told me I would not be allowed to work in the shops I had been working in. I was expelled from their workplaces. Shops refused to sell bread to people who would not change their names. Several years of experience of losing my name left me deeply scarred and to today I feel the effects of having a name which is not my own. In many ways, it has affected my life.

...  
The police in Bulgaria often organise raids on Roma quarters. Police work is now judged on how effectively the police narrow the gap between the Roma and the rest of the population. They often batter them into confessing something. Despite numerous reported instances of police brutality against Roma in recent years, including cases of police brutality, the police often use disingenuous reporting practices. Obvious instances of mistreatment or murder of Roma are reported by the police as the unfortunate outcome of a dispute.

## TESTIMONY

DAVID JOYCE

**N**omadism has been a defining characteristic of Travellers. They have had a tradition of moving which was related to their economic needs. It is now becoming difficult now to lead the "Traveller" way of life. Local authorities have blocked off all traditional campsites: there are very few traditional campsites left.

There are a number of things that affect what it means to be a Traveller in Ireland. Where I live, there are a number of pubs that won't serve me. I know where I can go, but I walk in, but they know because of where I live. There are also pubs that do serve me, but most Travellers, particularly young Travellers and young Travellers who have settled in that area, has an affect on younger Travellers who live in an area or have settled in that area, but are not able to socialise or mix with settled young people.

I think in one sense the situation is changing and has changed in the last couple of years, partly due to organisations like the Irish Traveller Movement. They have helped to raise the identity and the history of Travellers, and how they have played a major role in Irish society in terms of music and culture: one that needs to be challenged are being challenged. Through the work of these organisations, Travellers have been able to start to take pride in their identity.

## TESTIMONY: ROMA FROM KOSOVO

**O**ne week ago three KLA soldiers in uniform, carrying knives and truncheons, came to my house around two in the afternoon. It was Sunday. I hid upstairs, but my wife started shouting that they had put a gun to her head, so I came out. They said I had to come with them because they had to take me or they would slit our childrens' throats.

They took me to the school for deaf mutes near the river and near the football stadium. We went in a van. While we were driving there, they asked me questions. I told them I didn't steal anything. I told them I had worked as a slave for the Serbs. They said, "Don't lie, we are going to beat you." They were there for around one hour. They used their fists and they kicked me and they used truncheons. They asked me things like, "Who did you kill? Who did you kill? Who did you kill?" Mahala have guns. I said I knew of two people. Then they started again to kick me and they beat me with truncheons and an iron bar and an iron bar.

## TESTIMONY FROM CZECH ROMANI

MS B.F. (27), WESTGATE ON SEA, UNITED KINGDOM

I came to England on October 16th, 1997 with my two sons, aged ten and eleven. We came from Brno, in the Czech Republic. We came by train. We came by a lawyer or anyone to represent me.

The situation in the Czech Republic was dangerous for me and for my children, as it is for most Roma living there. It is not possible to live over there. I was attacked by skinheads several times. They threw petrol bombs into our flat. The last time I was attacked, six months after the previous attack.

If I were to go to the doctor after being attacked, and say that I had been attacked by skinheads then he wouldn't examine me. I've got scars on my face. We were living like animals in a cage.

Life is completely different in Britain. I want to stay here. My children enjoy going to school, and they're trying to learn English, as I am. I've got a job. I've finally started a normal life.

But I'm still afraid. For example, I wake up in the night, sweating all over, because I dream I'm at home. I wake up and I have to tell myself I'm in Britain. I'm aged by his experiences in the Czech Republic."

ame which was mine and with which I was born to a “typical Bulgarian” one. I was fifteen years able to continue my studies if I did not change my name. Other people in my town were threat- after they changed the names of Roma, they did the same thing to the Turks in Bulgaria. The has fundamentally affected the way I see the world.

solved and unsolved crimes. The easiest way of solving small crimes is to detain Roma and to in which Roma died in police custody, the police deny that they use force and continue with their e of self-defence. This includes instances where Roma have been shot in the back while fleeing.

is. But it wasn't only economic: it had to do with social and family reasons. It is getting extremely campsites left in the country. But even if Travellers do settle they are still not accepted in towns.

me because they know who I am. Not so much that they can identify me as a Traveller when d women, would have difficulties. There is nothing to stop people turning Travellers away. That ople. They are being socially ghettoised.

ovement and other local groups, and Travellers' involvement with them. They are promoting the be acknowledged. That creates a sense of worth, I think, and so the stereotypes of Travellers themselves. I think that that belief in their identity has helped bring leaders forward.

nday, June 27. One had a pistol. They came to my house in the Terzi Mahala quarter of Prizren. ecause the KLA commander was looking for me. They told my wife not to report that they had

y put me in handcuffs. There were five KLA soldiers at the school and they started asking me e because you are lying.” There were eight of them and they beat me intensively for what I think ho did you rape?” and “Where are the guns?” Then they asked me how many people in Terzi e of them beat me with a hammer.

bus and ferry to Dover. I applied for asylum, and then the interviews began. Now I don't have

r there. I had to accompany my children to school. My father was attacked. I was too. I've been x, they told me that beating me was not enough and they called me a Gypsy whore.

on my body and I've had my leg broken by skinheads. We couldn't go out into the street at all.

ot English friends here now. I'm grateful for everything that people have done for me here. I've

not there. My son has still got problems with talking. I think he has been psychologically dam-





## ROMA RIGHTS 1, 2000: WOMEN'S RIGHTS

### EVERYTHING WE DON'T WANT TO HEAR!

**SABINA XHEMAJLI**

**W**e have many taboos, for example sexuality. Nobody speaks about it. Children are not provided with explanations and everything is left up to them to figure out. This results in much misinformation and also many fears. A further taboo is homosexuality. Gay Romani men and women cannot express their own needs and are forced to lead double lives. Many of the men have girlfriends simply to prove that they are not gay, to save face. They do this so they are not “outed” as gay. I would very much like one day to be able to speak about these things openly, but I think that things are always moving forwards and they depend on us — on the younger generation.

Because we are the only ones who are able right now to create change.

Of course I know that my article sounds rather provocative, but that is exactly what I hope to achieve. I believe that the situation as it exists cannot continue. I also know that there are many Roma who have a completely different lifestyle to the one presented here. However, the life I have just described is the daily reality of many families. We find ourselves now in a period of radical change. There are many Roma now who attend school and university. There are also many Romani women who, despite their traditional upbringing, have built their own lives for themselves.

I am absolutely in favour of the idea that we should preserve our language and culture and pass it on to our children. I am, however, not in favour of preserving our traditional relationships, relationships that oppress the personalities of other people. I refuse to accept traditions that imprison people and do not allow them their freedom. The consequences, however, that one takes upon oneself in refusing such practices, are hard. When one stands against tradition, one is shunned from the family. And because for us the family and togetherness are very important, being shunned from one's own family is the cruelest punishment.

## NICOLETA BIŢU RESPONDS



When I read Sabina's article, my first reaction was, "Well, how can I say any more"? It would be nice to meet this woman, I thought, and I was glad to learn that I am not alone in my struggle. But — as usual there is a "but" — there is not only one category of Romani woman, just as there is not only one way or style of being Rom. That is why I wish to add comments here about Romani women activists, one of the most visible and controversial categories of Romani women. The post-communist period has inspired the mobilisation of a social category of Romani women in human rights activism and politics. There is not yet a Romani women's movement, but there are a number of Romani women sharing a philosophy on their approach to the general discourse on Roma...

The Romani women's activist is faced with the values of her family, values sometimes related to the social group to which the family belongs, and sometimes related to the rules of Romani culture. She is faced with the patriarchal society of the majority as well as with the attitudes of male Romani activists. When she grows to be an activist, she no longer has her father as oppressor, but now she has male Romani colleagues with whom she competes. The Romani woman must face the rules of the traditional culture from the time she is very young and has her social role defined. When she reaches school age, she has to fight with her own community, if it is a traditional one, and/or with the prejudices of the other children.

## ROMA RIGHTS 2, 2000: HOUSING

### "I LIVE HERE WITH TOO MANY OTHER PEOPLE": EIGHT YEARS AFTER THE FIRE IN ŠTIP, MACEDONIA

MARTIN DEMIROVSKI

On July 2, 1992, two rows of homes in Radanski Road, an area of Štip where both Romani and non-Romani families live, burned to the ground. Thirty-two Romani families, approximately 150-180 people, were rendered homeless by the fire. The cause of the fire remains unknown, although at the time and since there have been repeated allegations that the fire was deliberately set.

Following the fire, Roma left without homes were housed in a student dormitory in the centre of Štip, but they were evicted approximately one and a half months later, when the school year began. The city neither rebuilt the houses

nor provided alternate accommodation, and even whether the Roma would be legally permitted to rebuild on their own is unclear. The displaced families have either had to leave the area, move in with other family members, or occupy abandoned buildings around Štip.

The ERRC travelled around Štip to speak to families rendered homeless by the fire in 1992. Ms Bojana Džemailova was living in one of the houses burnt. Her son, Mr Džemail Džemali was in Germany when the fire occurred, but since then has returned, and now he, his mother, his wife, their five children and a number of other people all live in very poor conditions in

a single room. No water supply system is available close to them, and the area around them is used as a garbage dump. Ms Bojana Džemali told the ERRC: "I am 70 years old. I came to Macedonia when I married because my husband was from Macedonia, but he is dead now. I was born in Belgrade. I have some health problems and I do not know what will become of me. After the fire some people, I suppose they were from the local municipality, came to us and moved us to a dormitory. But we stayed there just one month, and then they told us to leave the dormitory, calling us "dirty Gypsies". After that my son came from Germany and now I live with him and his family."



# DISPLACED ROMA IN BOSNIA AND HERZEGOVINA

TATJANA PERIĆ

The Roma of Bosnia and Herzegovina were displaced in great numbers during the 1992-95 ethnic war. As most Roma in Bosnia are Muslim, they were expelled from the predominantly Serb- and Croatian-populated parts of the country. Many were internally displaced within the Bosniak (Bosnian Muslim) territory, where some settled in houses abandoned by their original owners, who had fled to other areas. In 1999, they were joined by Romani refugees from Kosovo. Now the owners claim their property back, and the Roma have to move out. Those from Kosovo cannot go back, fearing attacks by ethnic Albanians, and knowing that their property was either set on fire or confiscated. The Bosnian Roma are supposed to go back to their hometowns, mostly in the Republika Srpska region, where they find their homes either destroyed or occupied by Serbs displaced from other areas. As they attempt to return to their homes, few authorities assist them.

During the Bosnian war, Ms Džafić was a refugee in Germany. She returned to the Serb-administered Modriča in 1996, to find that the plot of land she owned, on which she had earlier begun to build a house, had been taken over by displaced ethnic Serbs. “The first time we returned to see what state our property was in, these people hurled stones at us and chased us away. They did not let us go anywhere close to it,” Ms Džafić told the ERRC. Finally, in October 1999, the family procured documents from the local authorities proving that they lawfully own the property. However, the Serb neighbours continued swearing at them every time they attempted to visit the land. “Only lately do we dare to come and see the land. The neighbours do not harass us any more, but now the other problem is that we do not have any money to continue building our house”, said Ms Džafić. There are possibilities for returnees in Bosnia to receive aid in the form of building materials, but Ms Džafić and her family have not yet received any such materials, despite repeat promises from the authorities.







# ROMA RIGHTS 3, 2000: RIGHTS OF THE CHILD

## DISPLACED CHILDHOODS

**DIMITRINA PETROVA**

A glance at the plentiful public institutions for children in Europe reveals high numbers of Romani children living out defeated childhoods, branded as juvenile delinquents, mentally deficient, socially weak, developmentally handicapped, behaviourally problematic, with learning disability, retarded, etc. Acting allegedly in the best interest of the child, every year various authorities take hundreds of Romani children across Europe away from their natural families, and place them inside a huge and hardly visible labyrinth of "institutions", where their chances to develop their potential are perhaps destroyed.

The children in such social "homes" are rarely orphans. In many cases, they are

taken away - more or less manipulatively, and sometimes against parents' will - from Roma who are caught in the "vicious circle" of illiteracy, unemployment, extreme poverty, crime, drugs, alcoholism, prostitution, disease, illiteracy, unemployment. Few Romani mothers and fathers have ever been asked about the circumstances in which they lost their children to the state. Absent from the public debate are the voices of the institutionalised children. Few lawyers or other activists have set foot yet in one of the hundreds orphanages, foster homes, hostels, boarding houses, etc. In a few cases, happy adoptions have perhaps been arranged, doing justice to all. But for the rest, there are

many unanswered questions. It is time for the public to be concerned about the Romani children, streamed to "institutions" by the multiple pathways of European racism.

Among the earliest childhood memories of many Europeans is this: mother and father were telling us that if we were not good children, the old Gypsy would come to take us away. Why were they lying?! They had got the story wrong! The opposite is true, mother. It is not that the Gypsies steal children; it is that Gypsy children are stolen and put away inside some blurry, chilling bad dream that has lasted ever since.



# STEALING CHILDREN: INSTITUTIONALIZING ROMANI CHILDREN IN ITALY

KATHRYN D CARLISLE

When Elvizia M. was taken from her mother on July 14, 1999, police officers reportedly told her mother that the reason for her removal was that chipper, green-eyed Elvizia was “too pretty to be a Gypsy.” Her father came immediately from Romania to prove that his daughter had inherited her not-stereotypically-Romani eye colour from his side of the family. Her mother, Ms A.M., told the ERRC, “I knew that this happened in Italy [children being taken into state custody], but I didn’t know that it was an issue of prettiness. I was afraid that we would never see her again.” After one month and

constant lobbying by volunteers who work in Casilino 700, the camp where the family lived, including photos of the baby in her mother’s arms after birth, Elvizia was finally returned to her parents.

Common justifications for state child theft are “unsanitary living conditions”, “exploitation of minors” and “abandonment”. Laws designed to protect all minors are often applied inconsistently and arbitrarily when Romani children are at issue. Frequently the one to suffer the most is the child taken into custody, forcibly removed from home environment and family.

On one single day, May 22, 2000, 18 Romani minors were picked up in and around the capital city of Rome, according to Italian television newscast TG2. The children were reportedly caught begging or stealing, and were placed in police custody waiting to be placed in institutions or foster homes. Though there are no national statistics specifically for Roma, in 1998, 1047 minors were placed in institutions in the Lombardy region alone. Non-governmental organisations believe that many if not most are Romani.



## MY CENTRAL EUROPEAN FAMILY

ÉVA ORSÓS

One night, while I was sitting at home, I switched on the television and a film with a beautiful title came on: "On a Dirt Road, With Wings" (*Földúton Szárnyalva*). I watched for a few minutes before I realized: the film was about my uncle Jakab Orsós! He is a famous Romani writer in Hungary, and a person of high moral character. The film was about his life. I sat riveted to the screen and watched the whole film. It touched me deeply because I had been too young when my father died to have asked him all of the questions I would have like to have asked him, like what was the meaning of the Saturday discussions, the plucked chicken, the wooden spoon, the other languages...

Support and understanding was very important in my family; in fact it was the only way! We were part Romani, part Jewish; my grandmother was born in a German family - she was Theresia Roth - and my great-grandfather remarried a Slovak woman. So this was why my cousins spoke German, Hungarian and Slovak.

I can't remember prejudice from my childhood, but I remember poverty: we were poor. There were three children in my family. When I finished secondary school I wanted to be a veterinarian, but at the last moment I changed my mind and decided to study to be a primary school teacher. In the 1970s, the best students didn't go on to be primary school teachers. It wasn't considered a good job. Now I know why I did it: I had read Pierre Bourdieu about the chances of advancement for poor people; for poor people, the first generation always starts at the bottom of the occupational hierarchy... When I finally got a university degree, I thought about what Bourdieu says of educational degrees earned by poor people: "This degree has the smell of sweat."



## ROMA RIGHTS 4, 2000: RACISM: DENIAL AND ACKNOWLEDGEMENT

### THE DENIAL OF RACISM

DIMITRINA PETROVA

The societies of post-communist (post-1989) Central and Eastern Europe were unprepared to accept the more general definition of racial discrimination as found in international law, especially in the UN Convention on the Elimination of All Forms of Racial Discrimination. In the first half of the 1990s, the governments and the political classes of the region were - and in many places still remain - outraged by the very suggestion that one can speak of anti-Roma

racism in Eastern Europe. Courts, too, have failed to apply the concepts of "race" and "racial discrimination" in the broader sense in which they are construed in the UN (ICERD) framework.

On October 30, 1995, non-Roma persons on a train in the Czech Republic threatened to beat up and throw from the train four Roma passengers. Perpetrators were subsequently prosecuted and charged with, inter alia, racially motivated

violence. On 20 November 1996, the District Court in Hradec Králové acquitted the defendants stating that the Roma victims were not a distinct racial group and "belong(ed) to the same race" as the defendants (ethnic Czechs). In so holding the Court relied on a narrow biologically-rooted definition of race according to which Roma, like Czechs, are members of the same "Indo-European race". The Court declined to impose punishment on either defendant.



# ROMANI POLITICAL PARTICIPATION AND RACISM: REFLECTIONS ON RECENT DEVELOPMENTS IN HUNGARY AND SLOVAKIA

PETER VERMEERSCH

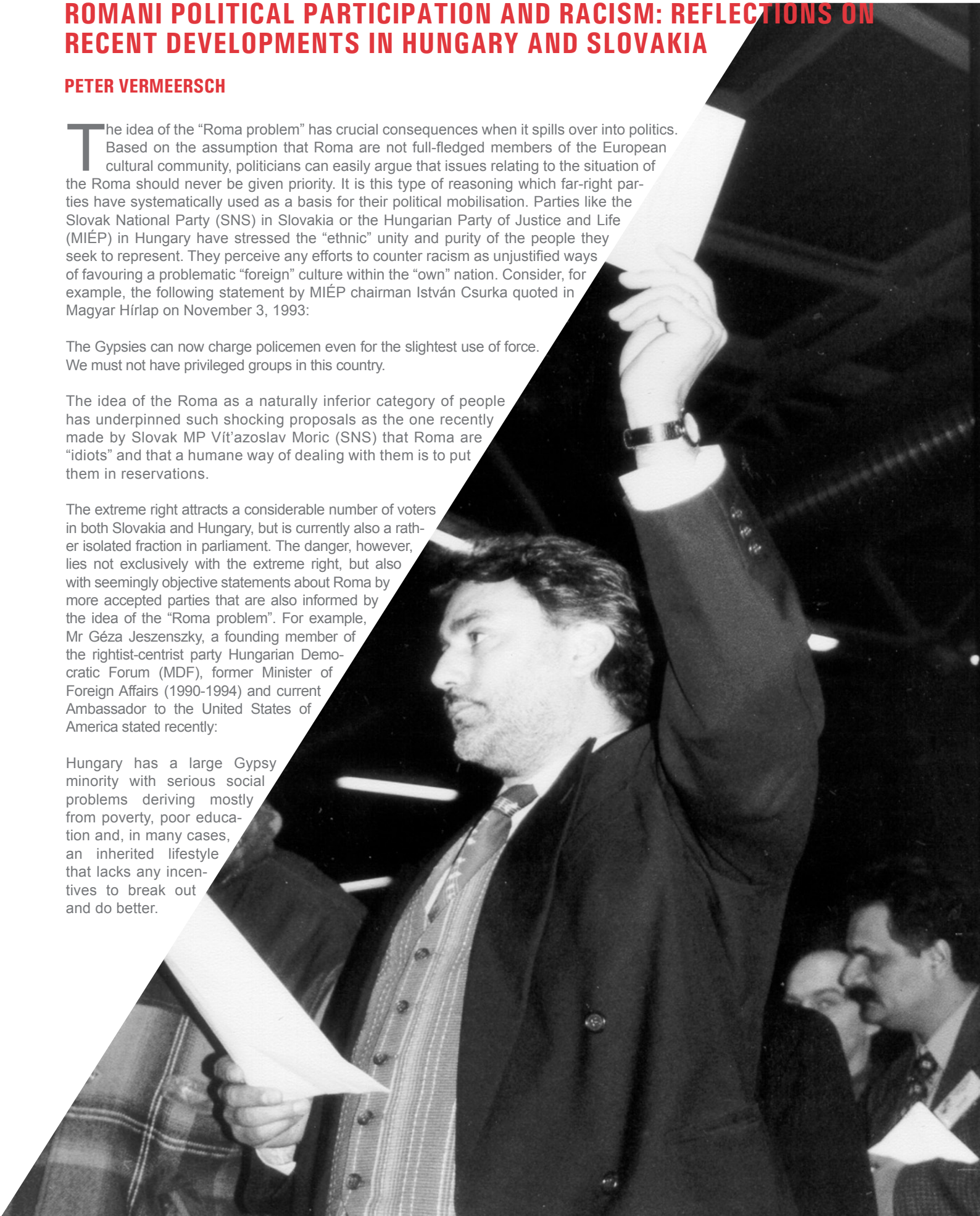
The idea of the “Roma problem” has crucial consequences when it spills over into politics. Based on the assumption that Roma are not full-fledged members of the European cultural community, politicians can easily argue that issues relating to the situation of the Roma should never be given priority. It is this type of reasoning which far-right parties have systematically used as a basis for their political mobilisation. Parties like the Slovak National Party (SNS) in Slovakia or the Hungarian Party of Justice and Life (MIÉP) in Hungary have stressed the “ethnic” unity and purity of the people they seek to represent. They perceive any efforts to counter racism as unjustified ways of favouring a problematic “foreign” culture within the “own” nation. Consider, for example, the following statement by MIÉP chairman István Csurka quoted in Magyar Hírlap on November 3, 1993:

The Gypsies can now charge policemen even for the slightest use of force. We must not have privileged groups in this country.

The idea of the Roma as a naturally inferior category of people has underpinned such shocking proposals as the one recently made by Slovak MP Vít'azoslav Moric (SNS) that Roma are “idiots” and that a humane way of dealing with them is to put them in reservations.

The extreme right attracts a considerable number of voters in both Slovakia and Hungary, but is currently also a rather isolated fraction in parliament. The danger, however, lies not exclusively with the extreme right, but also with seemingly objective statements about Roma by more accepted parties that are also informed by the idea of the “Roma problem”. For example, Mr Géza Jeszenszky, a founding member of the rightist-centrist party Hungarian Democratic Forum (MDF), former Minister of Foreign Affairs (1990-1994) and current Ambassador to the United States of America stated recently:

Hungary has a large Gypsy minority with serious social problems deriving mostly from poverty, poor education and, in many cases, an inherited lifestyle that lacks any incentives to break out and do better.



# INSTITUTIONAL RACISM: LESSONS FROM THE U.K.

ROBIN OAKLEY

On February 24, 1999, a major step forward was taken in the fight against racism in the UK, with the publication of the Report of the Stephen Lawrence Inquiry. This report led to official recognition of a concept that activists had been fighting to establish for more than twenty years: the concept of “institutional racism”. Why has this been considered so important, and why has securing recognition of it been so difficult? And what are the implications for tackling the massive racism and discrimination that affect Roma, especially in the transition countries of Central and Eastern Europe?

The first implication is that while combating the overt forms of racism against Roma (especially racist violence by skinheads) is of great importance, there is also danger in governmental bodies focusing their efforts too narrowly in this field. Constructing the problem as one of skinheads and racial bigots makes it tangible and targetable. But it also diverts attention from the normality of pervasive racism, which needs to be addressed and on which extreme racist groups and individuals feed. Blaming skinheads is not only easy; it may be dangerously comfortable for the remainder of the majority, allowing them to

avoid examining their own attitudes and actions regarding racism.

The second implication, therefore, is that there is a need to address the routine ways in which institutional anti-Gypsyism, in the sense indicated by the Stephen Lawrence Inquiry, may pervade the thinking and everyday operation of organisations and professional groups in cities and local areas throughout each individual country where Roma live. Even in localities where positive initiatives and plans are being developed for the benefit of Roma, the perspective may remain that of “the Roma as the problem”.



# GYPSY HUNT IN SWITZERLAND: LONG PURSUIT OF RACIAL PURITY

LAURENCE JOURDAN

“I was taken from my mother at birth. I was put in a home for mentally retarded children, where I first underwent the psychiatric torture inflicted on the children of the Yenish community. I was entrusted to the care of Dr Siegfried. The first time I asked him who my parents were, he said, ‘Your mother’s a whore and your father’s an antisocial good-for-nothing.’ I lived with that for ten years, until I understood what he meant: my parents were Gypsies.” Mariella Mehr

is a Yenish writer who now lives in Italy. For over 25 years she has been writing about the fate of the Yenish Gypsies in Switzerland. From 1926 to 1972, Yenish children were ruthlessly hunted down by the *Oeuvre d’entraide aux enfants de la grand-route* (Association for Assistance to Traveller Children). Like hundreds of others, Mehr was removed from her parents by force. In her family, three generations were victims of forced sedentarisation: her mother, herself and her son.

Seventy-two years after its foundation, a historical investigation dispelled any ambiguity about the nature of the Oeuvre. In June 1999, Ruth Dreyfuss, a member of the Federal Council, now President of the Swiss Confederation, stated publicly: “The conclusions of the historians leave no room for doubt. The *Oeuvre d’entraide pour les enfants de la grand-route* is a tragic example of discrimination and persecution of a minority that does not share the way of life of the majority.”

# ROMA RIGHTS 1, 2001: ACCESS TO JUSTICE

## JUSTICE AND EMPOWERMENT

CLAUDE CAHN

Recently, we lost a case. The circumstances are as follows: as I write, a group of around twenty-five Roma are living in shanties by the side of a road in the village of Cabiny, northern Slovakia. They have been homeless for more than ten years, but all have legal residence in one of two neighbouring villages. They previously lived in housing provided on a co-operative farm where they worked, but when the farm was broken up and partly sold in 1990, the housing units were closed and the Roma evicted. Anti-Romani sentiment is very high in the area, and the town councils of both villages adopted bans on the entry of Roma to the villages in 1997. As a result of ERRC action, the bans were rescinded, but neither municipality made any effort to house the group. Local officials have

refused even to consider applications for housing from the Roma.

Mr Blazej Demeter is one of the homeless Roma in Cabiny. He lives in a shack he built for himself. Considering the resources he had available, it is a pretty impressive structure — small but sturdy and reasonably well heated. Nevertheless, he has no access to running water or sanitation and, like all of the Roma in the small settlement, he is dependent on a home-made generator for electricity. His single modern amenity at the time of our visit was a small radio. Slovak authorities have removed three children from Mr Demeter's care because, according to his testimony, they regard the conditions in which he lives as unsuitable for raising children. Before going with us to apply for housing, Mr Demeter changed into his

good clothes — a shabby but clean suit he had hanging on the wall.

In Slovakia basic rights are linked to an individual's place of legal residence. Authorities and local villagers in the village where Mr Demeter has legal residence had already long made clear that they would not accept Roma in the village. At the time of our visit, the mayor even explained to us that although Mr Demeter had lived and worked in the village for fifteen years prior to his eviction, he regarded him as a "seasonal worker": someone who was supposed to go away, but unfortunately had not done so. Faced with a group including members of regional and international non-governmental organisations, the mayor concluded that he could not refuse an application for housing, but warned us that the application was sure to be rejected by the town council.



## ROMA AND ACCESS TO JUSTICE IN BULGARIA

### KRASSIMIR KANEV

In early 1999, the Bulgarian Helsinki Committee (BHC) conducted a survey among prisoners on legal defence in the criminal process and its effects. The BHC surveyed 993 prisoners — a little less than 10% of their total number. When asked whether they had a lawyer at various stages of the procedure, 54% answered that they did not have one during preliminary investigation; 40% stated that they did not have one during the first instance (trial) court; and 43% reported that they did not have one during appeal.

These figures, striking by themselves, are even more noteworthy when we take into account that the respondents who were charged under Criminal Code provisions envisaging five to ten years imprisonment were even more frequently deprived of legal defence (63% of them said that they did not have a lawyer during preliminary investigation) than those charged under provisions envisaging up to five years of imprisonment (56% of them said that they

did not have a lawyer during preliminary investigation). Thirty-five percent of those whose charges might put them behind bars for more than ten years said that they did not have a lawyer during preliminary investigation. The survey also clearly indicates that Roma are more likely to go through criminal proceedings without a lawyer than Bulgarians, although they tend to be charged for crimes that result in lesser punishments. Sixty-four percent of Roma, as opposed to fifty-eight percent of Bulgarians, said that they did not have a lawyer during the preliminary investigation.

Absence of legal defence, especially during the preliminary investigation, not only has a serious negative effect on the fairness of the procedure, but it also removes the main preventive protection of defendants against torture and ill-treatment. The survey shows a very high incidence of torture and ill-treatment of criminal defendants, especially during the first hours of detention. Fifty-one percent of them

allege that they have been victims of physical abuse during detention and fifty-three percent report that they have been victims of physical abuse in the police station. Just as Roma are more likely to be deprived of a legal defence, they are more likely to face torture or ill-treatment upon arrest; fifty-four percent of Romani prisoners allege that they have been victims of physical abuse during detention and sixty percent state that they have been abused inside the police station.

Access to legal counsel in the criminal process, especially for Roma, is a serious problem in Bulgaria as both the legal framework and enforcement of the provisions therein allow for a gross miscarriage of justice. The national legal aid system has a long way to go to reach even the minimum standards guaranteed by international law. In this regard, Bulgaria is behind not only among countries seeking accession to the European Union, but among other Council of Europe member states too.





# ROMA RIGHTS 2-3, 2001: GOVERNMENT PROGRAMMES ON ROMA

## RIGHTS AND POLICIES

**DIMITRINA PETROVA**

Policy making everywhere has turned out to be a long and unfinished process: it goes through stages, overcomes resistance from various actors, is prone to regress, followed by seemingly sudden leaps forward, and in some cases produces quite good results, at least on paper. The process is, in other words, markedly political. It is all about power and empowerment, opposition of group interests and negotiated agreements. There may be something to be gained from looking at the experience of those Roma who have been involved in this complex undertaking: getting the

government do its job of complying with international and constitutional obligations, and even working together with the government to ensure that Roma rights are protected and Romani interests are promoted.

Second assumption: Not all governmental policies come in the form of adopted and publicised official programs... Many Czech and Hungarian educational specialists would deny that placing Romani children in schools for the mentally handicapped is or has been a policy. But research has demonstrated

that it actually is a policy, as opposed to a spontaneous and unintended statistical effect that has worked in ways unrelated to human planning, a policy built on the underlying stereotype that Roma are inferior, and "Romani children are not ready for normal school."

Thirdly, defending Roma against discrimination requires, on behalf of the state, more than a passive toleration of the exercise of narrowly defined basic rights. It would involve, as indeed international law recommends and sometimes mandates, positive action.





## THE BULGARIAN FRAMEWORK POLICY-MAKING PROCESS

### RUMYAN RUSSINOV

The idea of a comprehensive policy document addressing Roma problems. All Bulgarian governments after 1989 have been taken over the years, government programmes for addressing these programmes was the fundamentally. These programmes have generally ignored Roma as participants.

The Framework Programme, and the campaign for Roma lives. The Framework Programme was initiated by the rights advocacy organisation, the Human Rights Project.



**Donka Panayotova**

**Deborah Harding**

## A SALUTE TO ROMANI COLLECTORS

### DEBORAH HARDING

Few U.S. funders have shown a concerted interest in taking to consolidate democracy in Central and Eastern Europe. For him, the Roma were barely a footnote. Today, however, they are a major focus.

I was raised to believe that I had the responsibility to support different movements of the 1960s in the U.S. —

Among all these causes, my most cherished experience was that of a street child in Cameroon who came to live with me. My endeavours. Before the end of this decade, I hope to see the Roma people in a better position.

## NOT ENOUGH ACTION: GOVERNMENT

### THEODOROS ALEXANDRIDIS

Tent-dwelling Roma often live in particularly appalling conditions. The vice-president of Doctors of the World-Greece, similarly stated, "In Aspropyrgos, I saw one of the worst living conditions in the midst of a garbage dump: no water, no electricity, no sewage treatment."

The issue of police abuse is another area of concern. In the case of death - ill treatment and verbal abuse on the part of the police. Although most of these incidents do not generally result in any pressure to drop such charges."

The case of Angelos Celal, a Romani man who was arrested by the police that Mr Celal was unarmed and the fact that the Thessaloniki ordered, on March 29, 2000, that the police should drop the charges.



## WORK PROGRAMME FOR EQUAL INTEGRATION OF ROMA: PARTICIPATION IN THE

for Roma appeared in an environment of inadequate state policies with regard to Roma and a lack of political will to solve Roma. In 1989 failed to undertake meaningful actions to address the problems that Roma face in Bulgaria. While some measures have been introduced since 1989, many of these measures that existed before and after the fall of the totalitarian state were doomed to be ineffective for two reasons. First of all, underpinning the policy was a deeply flawed conception that Roma problems are social problems and not issues of ethnicity and discrimination. Secondly, authorities were not involved in the process of formulating these programmes, and the policies were never communicated properly to the Romani community.

With the adoption of the new constitution, broke this pattern. For the first time, Roma themselves initiated and actively took part in designing a policy that affects their lives. This was done through a campaign called "For the Equal Participation of Roma in the Public Life of Bulgaria", launched in January 1998 by the Sofia-based Roma Project. The goal of the campaign was the formulation of a comprehensive policy document addressing issues pertaining to Roma in Bulgaria.

## PEOPLE AND FRIENDS

in supporting Roma. 'They don't start civil wars,' one high-ranking U.S. government official told me in 1992. His understanding of what it would be like to live in Eastern Europe was framed by his knowledge about the Second World War and ethnic hatreds in the Central and Eastern European region. To me, however, the Roma have emerged as the single biggest civil rights issue in Europe.

to help others. This meant I had to act on behalf of the persecuted and the underdog. My conviction was tested and honed over the years, and I have been involved in civil rights, anti-Vietnam war, anti-apartheid.

My experiences have been helping individuals: a young Cambodian couple who survived Pol Pot, a Tanzanian youth who dreamt of a better life, a young woman who was sexually abused. My current involvement in Romani efforts to desegregate the schools in the town of Vidin, Bulgaria, falls into this category of most treasured. To see the Roma take their place as full and equal citizens of their own countries. Their achievement would make my life truly a rich one.

## GOVERNMENT POLICY ON ROMA IN GREECE

living conditions. Referring to the Romani settlement previously located near the Gallikos River (just outside Thessaloniki), Mr Yannis Boukovinas, a member of the Council of First Instance Judges, stated that it was, "...worse than the refugee camps I have visited with our organisation in occupied Palestine or war-torn Iraq." Ms Verspaget, a member of the Council of First Instance Judges, stated that it was the worst places I have ever visited in my life - and I have been to many refugee camps in Africa and Asia. It is a shame that Roma live in such conditions. There is no electricity, bare-foot children with skin diseases and no access to school."

According to the ECRI report, "...Roma/Gypsies are often reported to be victims of excessive use of force - in some cases resulting in the death of the victim. In most cases there is reported to be little investigation of these cases, and little transparency on the results of these investigations. In some cases, the result in a complaint being filed by the victim, when charges have been pressed the victims have reportedly in some cases been subjected to further violence."

The case of a Roma man killed on April 1, 1998, in the area of Partheni, near Thessaloniki, is illustrative of the impunity police officers enjoy. Despite the admission by the Council of First Instance Judges that he was shot in the back (and could therefore hardly have been threatening the police officers), the Council of First Instance Judges refused to charge the police officers. The charges were dropped, arguing that the police officers in question were acting in legitimate self-defence.

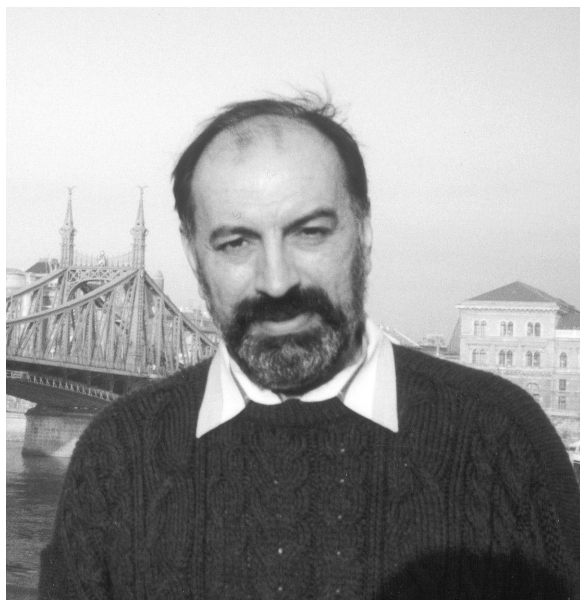
# ROMA RIGHTS 4, 2001: MOBILISATION/PARTICIPATION

## IN SEARCH OF A NEW DEAL FOR ROMA

### ERRC INTERVIEW WITH NICOLAE GHEORGHE

**R**oma Rights: You travel a lot and meet with Romani activists in many countries. Do you see clearly

emerging issues - specific cross-border issues - around which Roma can mobilise?



*Nicolae Gheorghe:* Most Roma are entrenched locally - local groups, local issues. From time-to-time in the course of the 1990s, we have found ways to mobilise nationally. For example, in Romania during the serious mob violence episodes in the early 1990s, we managed to build national Romani unity. In spite of initial resistance by Roma to recognise that what goes on in the next village matters, Roma acted in solidarity with those Roma who were attacked around the country. We also managed to react as a cohesive group when the Ministry of Foreign Affairs in Romania tried to

impose the name "Tigan" on Roma in the mid-1990s. We reacted with a common voice and made it clearly known that the ministry had no right to name us. That was the last time I think. There have been some street demonstrations since then, but I think they have been mainly shows, and not really organised around issues.

The only truly transnational issue thus far among us has been the refugee question - whether or not to show real solidarity with Roma who have fled their home countries. I am not sure there is genuine widespread solidarity with Romani refugees, but at meetings, you will generally hear statements of sympathy, and it is a basic fact that no Romani leader today can be without a position on refugees and causes of flight. And of course in some countries, the refugee issue has caused deep disagreement among Romani leaders as to what kind of politics to pursue.



# THE ROMA IN DOMESTIC AND INTERNATIONAL POLITICS: AN EMERGING VOICE?

PETER VERMEERSCH

Gaining access to politics has been far from easy for the Roma. Today, their political strength in many countries still falls short of what their total population size would suggest and warrant. This is especially noticeable in the composition of national parliaments in European countries with large Romani communities. Arguably, it is one of the central functions of any democratic parliament to represent the entire electorate of a country, without excluding certain demographic groups.<sup>2</sup> Because many parliaments contain none or, at most, a few Romani Members of Parliament, they fail to reflect the diversity of the population at large.

One often hears the argument that the reason for the lack of Romani participation, both in domestic and international political arenas, lies with the minority itself: its lack of organisation, its failure to garner mass support, and the factionalism among its potential leaders. However, there are clearly many elements at play, and a more detailed picture should be drawn. There seems to be a complex of obstacles that prevent Roma from translating their presence into political power.

Not having a strong enough voice in domestic politics is also a complaint increasingly expressed by Romani activists and

Romani politicians themselves. They contend that there is a need for a mechanism or strategy to enhance the representation of the Roma, not only for reasons of creating a better democracy, but also because Roma should have a voice in the design of new policy initiatives directed at Romani communities. Those states that have initiated new policies targeting the problems facing the Roma frequently have no democratically elected representatives from the group in question to help design policy.

**“Because many parliaments contain none or, at most, a few Romani Members of Parliament, they fail to reflect the diversity of the population at large.”**





## THE ROMANI MOVEMENT: WH

**JAMES GOLDSTON**

**M**y nightmare vision for the Roma Rights movement is that the situation continues as it is without substantial improvement. The efforts of organisations like the European Roma Rights Center, the Roma Civil Rights Foundation in Hungary, the Human Rights Project in Bulgaria and other organisations persist for several years like dying patients on a lifeline, from George Soros and others. A few cases are won for a few people. A few Roma who might not otherwise have had the opportunity to do so, attend university and get employment, and more people talk and talk and talk about the Roma problem. The money for Roma Rights will dry up and this fledgling movement, unable to sustain itself in a fundamentally hostile environment, will have no significant impact on the situation of Roma in Europe.

After several years absent anything more than window dressing for the Roma, the European Union will admit the candidate countries from Central and Eastern Europe. The admissions will be conditioned upon improvements which will be monitored about as effectively as its sister organisation, the Council of Europe, which itself has monitored developments in these countries throughout the decade, which is to say, with lots of bark but with very little bite. So in 2010, Roma remain the poorest, most disempowered and most hated people in a 28-member European Union, the victims still of systematic discrimination and routine violence.



# AT SHAPE, WHAT DIRECTION?

IAN HANCOCK

Romani nationalism remains at the present time an emotion, though a poorly-defined one. If anything can be said to unite those who think about such things, then it is this. I say “poorly-defined” because for very few does it encompass all populations of Romani descent, and beyond a general feeling of frustration and righteous indignation, together with a good amount of anger and ethnic pride, substantial notions of what should or could be done to benefit every one of us are lacking. In order to get those thoughts in order, a number of basic issues must be understood and examined.

First of all, when we speak of a “movement”, who, in fact, is doing the moving? If we speak of the Romani movement, who are the Romanies referred to? Would (for instance) a group of vocal Bulgarian Romanies demanding better housing for themselves and better schooling for their children be speaking for (say) Finnish Roma too? And if so, how would Finnish Romanies, or the Finnish government, know that? When a group at one of our world congresses some years ago declared themselves as “traditional”, i.e. conservative and minimally (in their eyes) gadzikanime, and therefore more legitimately representative of our true people, they were setting themselves apart from those Romanies who are actually in a better position to bridge the links with the non-Romani world. When a representative of a Serbian Romani delegation at a different meeting stated before all of us that the Spanish Cale and the French Manouche weren’t “real” Romanies, he made it clear that a “Romani movement” wouldn’t include those populations, who number about one million. Romanies in North and South America, who altogether number more than twice that, are well aware that they are usually not consulted, or even much thought about, by Romani leaders in Europe.



## ROMA RIGHTS 1, 2002: EXTREME POVERTY

### EXTREME POVERTY, HUMAN RIGHTS AND ROMA

CLAUDE CAHN

**W**hen in 1996 the ERRC first began work, among our first observations about the interaction of Roma and the wider society was the following: most governments in Europe – where they addressed issues facing Roma at all – treated the Romani issue as a “social issue”. Our early research efforts told us that this approach was not adequate. We heard in this language governments denying racism. We heard governments telling Roma – and the world – that once they have resolved issues related to poverty, the problems of Roma

would be solved. We revolted against this approach because of what we saw and heard around us: hate speech, humiliating treatment at the hands of local authorities and the police, discriminatory burdens. In adopting a focus on racism and racial discrimination, we have frequently been at odds with some members of the Romani leadership who, like their governments, have told us that “the problem of the Roma is that they are poor.”

Our purism was swiftly challenged: a glance at Romani societies reveals

some rich, and many, many poor, including not a few communities where poverty is so deep it shocks. My first visit to Ukraine began in a community where a newborn child had just died as a result of the obscene sanitary conditions in the settlement (sewage running in the streets, water drawn from an infected well, etc). No one had the money to pay for a burial. On another occasion, on a visit in Romania, we went to document a reported police abuse case, but could not finish our work because we were surrounded by starving children.



# LIFE IN MY HOMETOWN: ROMANI POVERTY IN CRAIOVA, ROMANIA

VALERIU NICOLAE

Summer days are dry and dusty in the southern Romanian city of Craiova. The stench is terrible as I approach the garbage dump in Mofleni, five kilometres away from Craiova: This is the place where sanity stops. Between the heaps of garbage, I see several dead animals; I can recognise the remains of a cow and a horse. Around them are crows and pigs, scavenging for food. Not far away are about twenty children, all of them Romani, looking for scraps of any kind: food, metal, paper and wood. They survive by the only means they can, by collecting and selling metal and paper scraps – and by stealing. Most of them are barefoot and wearing only shorts. They are extremely dirty as they have no running water in their homes – and the places they call home are just shelters built of dirt and straw, often shared with chickens, dogs and cats. In the winter, they keep the animals inside to keep their homes warmer. When I visited the garbage dump in summer 2001, Ionuț, a ten-year-old boy, told me that the garbage dump was a good place during the winter because they often found food that was still good because it had frozen, and wood to burn for heat. Since I came to Canada in 2000, I have visited Romania several times, and each time I came to see the Roma with whom I have worked on various educational projects since 1992.

Even in the garbage dump, the kids play games. When the trucks come to dump garbage from the city, they wait and try to catch the rats which fall out of the trucks with the garbage. Then they kill them. This is a dangerous game: Quite a few of the children have been bitten. In May 2001, two Romani children died, one of tetanus and the other of septicæmia.



## TOWARDS IMPROVING THE SITUATION OF MARGINALISED ROMA IN ONE CZECH CITY

KUMAR VISHWANATHAN

Marcela G. needs help. She is pushing a pram with a child who has a feverish frail body and haunting wide-open eyes. The state benefits are still a week away and, as a single mother, Marcela G. is in deep trouble. She cannot afford, for about 6 Czech crowns (around 1/6 of one euro), a disposable diaper – and hence, cannot take the child to a doctor. The doctor, she fears, would complain to her social workers. The social workers, she is afraid, would take away her child. Marcela receives some assistance from Life Together, a non-governmental organisation in the eastern

Czech city of Ostrava, to cover the cost of diapers, nourishing food for a week and medicines. (In the Czech Republic, patients have to cover part of the costs of some medicines. Poor patients come under often extreme pressure to discontinue treatments.) In two days, Marcela is back. The child is looking better. But Marcela is without money. When she started cooking, her homeless sister's hungry children were at her doorstep. She is now desperately looking for a job.

Like Marcela, many of Ostrava's estimated 20,000 Roma feel desperate and

powerless. For Roma, access to appropriate social, health and financial services, employment and housing remain severely limited. At the local level, implementation of government programmes to address the exclusion of Roma, or the impoverished in general, is slow and ineffective. Institutions such as courts, the labour office, welfare agencies and the police are still learning to overcome passivity, indifference, limitations and incompetence. In many cases, they are openly hostile to Roma. Roma in the Czech Republic remain socially, economically and politically excluded.





## ROMA RIGHTS 2, 2002: FORTRESS EUROPE

### FORCED EXIT: ERRC LEGAL ACTION IN ITALIAN EXPULSION CASE

**ESTHER FARKAS**

"In March 2000, we were in Rome, Italy. At that time we had already lived for ten years in a big camp, on a great field, where we lived in two little houses. On March 3, many police officers came, at 2 o'clock in the morning. There were many policemen, masked and wearing dark glasses. They called out my name. They told me, 'Come with us to the bus for the police station.' I wanted to go back to the house to take some diapers for my sick daughter Alisa, but they did not let me. Before the deportation we did not receive any announcement that we would be deported, we did not know anything."

Ms Sulejmanovic, her infant daughter Alisa, who suffers from Down's syndrome, and her husband Mr Pašo Sulejmanovic, were just one family among dozens for-

cibly expelled from Italy after first being detained in the Casilino 700 and the Tor de' Cenci camps outside of Rome, Italy on March 3, 2000.

The two camps where Romani refugees had made a home after escaping from Bosnia and Herzegovina in the early 1990s were unauthorized camps where Roma lived in makeshift barracks, containers, and old trailers. According to research conducted by the ERRC, there was no running water, no electricity, and no adequate sewage system. In Casilino 700, about a dozen chemical toilets served some 1500 Roma.

On March 3, 2000, at around 1 AM, according to eyewitness testimony provided to the ERRC, a squad of police and carabinieri

entered the Casilino 700 camp. The officials detained approximately thirty Roma from the upper right zone of the camp, known to be the "Bosnian" area of the camp. The Roma were loaded into police buses and taken to Rome's main airport, Leonardo da Vinci, in the nearby suburb of Fiumicino.

Upon arrival at the airport, the Roma were ushered through an alternate entrance so that, "for security purposes," the expulsion "would not attract public attention," according to Dr Luigi Lusi, the city of Rome's Advisor for Nomad Affairs. Thirty-six Roma from Tor de' Cenci and 20 Roma from Casilino 700 were then escorted by an approximately equal number of military police onto a private aircraft leased by the Ministry of Interior. They were then expelled to Bosnia.

## FORTRESS ITALY


KATHRYN D. CARLISLE

Nervous sweat appeared on his forehead as Mr F.V. awaited the hearing that would decide whether his two children, then held in state custody, would be returned. "I've learned to expect the unexpected," he said in reference to his year-long battle with the Italian legal system. His family's story is revealing of the confusion and pain that that system can create.

When his struggle to retain his children in his care began, Mr F.V. was living in a camper near the northern town of Brescia with his wife and their 3-year-old and 5-year-old children. Without documents, they begged to make ends meet when even poorly paid day labor was scarce. Social services authorities placed their children in a temporary shelter, citing neglect and exploitation of minors. The judge at a pre-hearing meeting explained that for Mr F.V. to have a chance of getting his children back, he would need to move into an apartment, find full-time employment and acquire a *permesso di soggiorno* (the Italian temporary residence permit). In order to do this, Mr. F.V. was forced to allow his employer to dock his wages in return for providing official employment papers. After months of effort, he succeeded in acquiring a *permesso* and moved into an apartment, but that does not mean his troubles are over.

The process of acquiring a *permesso di soggiorno* is becoming constantly more complicated for all foreigners, and the security it offers is still tenuous. What happens, then, when Romani immigrants and refugees tire of living precariously and try to legalize their situation? Families must either remain illegal or accept the risks involved in gaining a *permesso*. The danger surrounding the permit is that it requires families to be registered in the state bureaucracy — they become "known". Because of the temporary nature of the permit, this can lead directly to their deportation once the permit expires. Some NGO volunteers claim it is better for Roma simply to keep their involvement with the Italian legal system at a minimum.



A man wearing sunglasses and a dark jacket is holding a large white sign with blue handwritten text. The sign is held up in a city street with buildings and parked cars in the background. The text on the sign is in Italian and expresses a plea for a place to live and study in peace.

SONO NATO A ROMA  
CHIAMANO TUTTI MUSTAFA  
IL MIO NOME VERO È DENILSON  
PER FAVORE DATE MI UN CAMPO  
PREZZATO DOVE POSSO CRESCERE  
QUIESTO E SENZA PAURA  
E POSSO SCOLARIZZARMI E AVERE PACE

## EXPELLED ROMA IN FORMER YUGOSLAVIA TESTIFY

TATJANA PERIĆ

This is the story of Mr Huso Beganović, a 46-year-old Romani man from Bijeljina. After fleeing to Berlin with his family, and being forced to leave by the authorities in 1997, he returned to Tuzla, a city in the territory of the Federation of Bosnia and Herzegovina, close to Bijeljina, where he rented a house. A few months later, he returned to Bijeljina for the first time:

“My house was occupied by a five-member Serb family. We asked them to occupy a part of it, but they refused. I asked them to let us move into the small old house in the yard, but again they did not

allow us. Finally we submitted a request for return of the property at the Ministry for Refugees and Displaced Persons, and returned to Tuzla.

“In August 1999, we received a decision on the return of our property. However, when we came home, the Serb refugees did not want to move out. We first moved into our shed and then the old house. At that time, my brother Huska and his family returned to Bijeljina, and as they were not able to move into their own house, I received them in. So, we were 24 persons altogether, living in 30m<sup>2</sup>. In the summer time, men slept in the shed.

“Every now and then I went to the municipal office of the Ministry for Refugees and Displaced Persons, asking for permission to return to our house. The officers either refused me, or promised to issue it in a couple of months. All this lasted until a month ago – after two and a half years of such life, the Serb refugees let us move into the first floor of the house. My brother Huska and his family still live in the old house. I cannot understand why the authorities do not respect our right to property. No one is interested. They would prefer that we Roma do not return, and that we don't live in our own houses.”

## A NOTE ON THE MEANING OF “UNDERCLASS”

GAIL KLIGMAN, JÁNOS LADANYI, AND IVÁN SZELÉNYI

What then do these variations of underclass theorising have to do with Roma? We draw on underclass theorising in a historically-specific manner: post-socialist transformation throws into dramatic relief an emergent class stratification within an ethnic category, in this case, Roma. Post-socialist de-industrialisation and de-collectivisation (via privatisation) have negatively impacted many Roma. For those so affected, there appears to be an emergent underclass formation underway of Roma who today are increasingly excluded socially and economically. They remain unemployed, unemployable, and spatially segregated. At the same time, other Roma have seized economic opportunities and are upwardly mobile. It is

this fundamental dynamic of increasing socio-economic exclusion, on the one hand, and socio-economic improvement, on the other, that makes it possible to speak of underclass formation. There is no inherent relationship between class and Roma, or class and race/ethnicity. Thus, we underscore that it is misguided to ask whether or not Roma – as a generic classification – form an underclass.

This is a distortion of the sociological meaning of this term. It is precisely the class stratification within an ethnic category that turns the poorest of the poor – who may simultaneously be classified in ethnic or racial terms – into an underclass. Racism itself does not decline, but rather the importance of race as a general category

of belonging declines. Wilson’s “declining significance of race” is an analytic distinction that must be recognised; it has no bearing on the intensity of racism. “Underclass” then pertains to a certain class of Roma (and others) who are increasingly excluded in socio-economic and spatial terms. Underclass does not by any means apply to all Roma. But it does apply to certain segments of the wider Romani communities. Our research, amongst that of others, points to an historically-specific (i.e. post-socialist) emergence of what may be considered Romani underclass formation. We emphasise that there is considerable variation across countries and communities. We find that “underclass” in this dynamic and nuanced sociological sense is empirically meaningful.

## EUROPEAN COURT FINDS BULGARIAN AUTHORITIES RESPONSIBLE FOR ROMA DEATH

NIKOLAI GOUGINSKI

On June 13, 2002, a chamber of the European Court of Human Rights (the “Court”) issued a decision in the case of *Anguelova v. Bulgaria*, which involved the death while in police custody of Anguel Zabchikov, a 17-year-old Romani man.

The ruling on this case, which was litigated with the help of the European Roma Rights Center, is yet another one which vindicates the efforts of Romani individuals to seek justice for abuses suffered at the hands of the police. It is the most recent in a string of decisions since the 1998 ruling in the case of *Assenov and Others v. Bulgaria*, which sends a clear signal that human rights abuses against Roma by police or other state officials must be adequately prosecuted.

The applicant in this case was Mrs Assya Anguelova. Her son, Anguel Zabchikov, was arrested on allegations that he was trying to break into cars, and was detained by the police in Razgrad shortly after midnight on January 29, 1996. In the late afternoon and the evening prior to his detention, Mr Zabchikov was with friends at his home and later in a bar, where he consumed alcohol. He was last seen by friends at about 11:30 PM on January 28, 1996.



# ROMA RIGHTS 3-4, 2002: SEGREGATION AND DESEGREGATION

## IN DEFENCE OF DESEGREGATION

**DIMITRINA PETROVA**

According to many educational experts, donors, politicians and activists, it is all right to support children in a separated environment if it is their parents' choice, or if the surrounding community is too hostile and not ready to accept change. They claim that young children cannot carry the burden of the failure of the adult community to deal with racism. The ERRC takes the opposite view. Racially segregated schooling is inherently bad and a violation of a basic constitutional right, that of equal treatment.

As in many human rights abuse cases, outsiders claim that it is the choice of victims themselves to preserve the situation

of disadvantage. In our view, Roma are coerced into accepting racial segregation that undermines and harms them. Like in so many other Roma rights abuses – from sterilisations of Romani women to accepting substandard housing to parental signatures agreeing to assign a child to a school for the mentally handicapped, informed consent is absent. The latter implies knowledge about the consequences of a choice, as well as the knowledge and availability of alternative choices and the consequences thereof.

Unfortunately, substantial funds are spent in Central and Eastern Europe, by inertia but also due to interests of lobby

groups, on all kinds of educational programmes for Roma which, citing the complexity of issues surrounding the education of Roma children, advocate a “comprehensive approach” that involves everything but desegregation. Donors advised by educationalists whose only aim is to improve the quality of Romani education, fund projects to improve the Romani ghetto schools, to enlighten the Romani parents and the Romani community about the benefits of sending their children to school, and train teachers to be more tolerant to diversity. But they do not do one crucial simple thing: enrolling Romani children in mixed schools and keeping them there.



## THE ROADS BEFORE ROMANI EDUCATION: THOUGHTS AFTER A PUBLIC DEBATE

EMIL COHEN

A number of scholars and activists tend to emphasise the utter poverty of the Romani community. I don't have doubts that these people have good intentions – the alarming facts and figures about Roma in Bulgaria are meant to prompt governmental action. But what kind of action? The picture of Roma emerging from a number of studies is one of a hopelessly backward and degraded community that has no chance to become “normal” according to the majority standards. If public policy is premised on such an apocalyptic vision of Roma, then the most probable solution would be the following: Due to the fact that Roma will never be able to overcome the misery of their situation and reach a status comparable with that of the majority, we should work to improve their situation but should keep them separate from the majority. Roma should stay in their neighbourhoods and in the ghetto schools. What is needed is to improve the ghetto schools – provide some equipment, renovate the teacher body, revamp the buildings, etc.

The consequences of policies that were aimed at keeping Romani children within neighbourhood schools, are painfully evident today. The combination of the ghetto and the school based in the ghetto does not serve any other purpose but the reproduction of ghetto culture together with all its horrible effects. Time and again – with each single child – this combination fosters the vicious circle of bad education, environmental resilience to change, lack of qualifications and finally – no escape from the ghetto. Through the “ethnic” schools, the marginalised community perpetuates its marginality. Because the ghetto is a self-sufficient microcosm and its invisible walls are even less penetrable than concrete walls. The proponents of the “ethnic specifics” and the “right to choose”, however, tend to forget that the Romani settlements were not built because Roma so desired, but because, from the perspective of the authorities, this was the easiest solution.



## THE QUALITY OF EDUCATION IN ROMANIAN SCHOOLS WITH HIGH PERCENTAGES OF ROMANI PUPILS

MIHAI SURDU

Schools with high percentages of Romani pupils are “second hand” institutions that offer poor facilities and high numbers of unqualified teachers. This fact has a harmful impact on the quality of education Romani children receive, as well as on the child's motivation to attend school. High drop-out rates among Roma are, in part, the result of the negative experience they have at school. Most of the “beneficiaries” of this type of education, Romani parents and children alike, are clearly aware they do not receive equal education in schools with high percentages of Romani children.

Many Romani parents are dissatisfied with the level of knowledge and skills achieved by their children in schools where Roma dominate the student body. Parents frequently complain about a lack of motivation among teachers who work with Romani pupils. Due to the fact that some teachers from these schools have low expectations of Romani students, they tend to set lower standards of educational achievement than for the other pupils. According to one teacher, “There are differences between the Romanian children and the Rudari [Roma] children. They [the Romani children] are asked only to stay at their desks in the last row and they are left alone, and told only to be quiet.”

Some teachers believe Romani pupils have no opportunities for higher levels of education and act accordingly. These teachers have a low level of commitment and they underestimate the potential of Romani students and fail to treat them as individuals. For many educators, the main objective regarding the education of Romani children is the achievement of basic literacy skills. Moreover, some teachers consider reading and writing a performance indicator and not a basic ability to be accomplished in the first two years of school. Fixing literacy as a final objective of primary school (sometimes even of secondary school), teachers' expectations are often very low. Some Romani students who pass classes for years sometimes go on to gymnasium without knowing how to properly read and write.



# LOW STANDARD APARTMENTS AS A TOOL OF ETHNIC SEGREGATION IN THE CZECH REPUBLIC

PETR VÍŠEK

In the Czech Republic, recently the term “holobyty” (plural: “holobyty”) has come to be recognised amongst administrative agencies, social workers, construction companies and the media. It literally translates as “bare apartment”, and can be used to describe a variety of types of housing such as small apartments, low-standard lodging or new cheap structures made of container units... Such housing does not allow for dignified living, as it often does not meet hygiene standards, has not been fully renovated, and problems such as only cold water being available result in health risks for residents and the area.

“Holobyty” are used mainly by municipalities for citizens moved from their homes

due to social or financial difficulties, such as rent defaulters and so-called “socially unadaptable” persons. The overwhelming number of tenants in “holobyty” are Roma.

There is economic pressure to revitalise city centres and to improve the use of housing resources to ensure economic profitability. The difference between the high cost of constructing new apartments and the relatively less expensive cost of renovating current housing resources in a city is one reason for this. The desire for a “good address” dictates the removal of those with rent debts and other “high-risk” residents. City centres are also currently in the process of being “gentrified”, a procedure which involves evaluating apart-

ments and buildings in the city centres and carefully monitoring and manipulating the resident structure.

Territorial segregation through housing in ghettos and enclaves leads to isolation, mutual hostility and social distance. Such concentrations become havens for those that have fallen through the cracks in the social networks. Residents become poorer and inadequate housing situations arise. These can develop into slums, with poor services and health and safety problems. There are now former farms and former service apartments of now-defunct factories in the suburbs of Czech cities where groups of Roma live, often illegally. These can be identified as slums.



# ROMA RIGHTS 1-2, 2003: ANTI-DISCRIMINATION LAW

## FIGHTING DISCRIMINATION THROUGH THE COURTS

GLORIA JEAN GARLAND

**D**espite broad constitutional declarations of equality, legislation prohibiting acts of discrimination is virtually non-existent throughout most of Central and Eastern Europe, with some small exceptions ... Nor do parliaments appear to be in any particular hurry to enact legislation, even though the EU candidate countries must adopt anti-discrimination laws in conformity with the EU Race Equality Directive before their accession to the European Union.

Perhaps the most obvious area of discrimination for many Roma is in access to places of public accommodation - bars, restaurants, shops, movie theatres, banks, and so on ... In some cases, the discrimination is quite blatant - signs say "No Roma allowed" or

prospective patrons are simply told, "We don't serve Roma here." In other cases, discotheques or bars have claimed to be private clubs for "members only", but only Roma are asked for membership cards. Creative lawyers, with ERRC assistance, have been demanding, and receiving, justice for discrimination victims by challenging these practices in the courts through both domestic and international law arguments.

For example, in the town of Patvarc, Hungary, the owner of the only pub in town consistently refused to serve Roma. NEKI, assisted by ERRC, used "testing" to gather evidence against the pub. The non-Romani testers and one Romani tester from Budapest were served, but the local Patvarc Roma

were not. On November 10, 1999, NEKI filed a complaint against the owner of the pub, asking for damages on behalf of three Roma residents of Patvarc who were denied service ... The first instance court accepted the complaint on behalf of two of the three plaintiffs and ordered the defendant to pay 20,000 Hungarian forints (approximately 90 Euro) in non-pecuniary damages. The judge also ordered the pub owner to apologise to the plaintiffs by posting a bill in the pub. The decision was not appealed. This case represents the first time that a Hungarian court accepted the results of "testing" as evidence to prove discrimination. It is also noteworthy because it acknowledges the harm done by discrimination and racial insult in awarding non-pecuniary damages.

**TERRORTEAM**  
**BUDWEIS**

# A UNIFIED APPROACH TO EQUALITY LAW

**BOB HEPPLE QC**

There are three main problems with implementing the EC directives. The first is that they are fragmented. There are separate directives for gender, for race, and for disability, age, religion or belief, and sexual orientation. There are inconsistencies between these directives. Moreover, they are not comprehensive. For example, while the Race Directive outlaws discrimination in employment, training, social

protection and other social advantages and also education and the provision of goods, services and housing, the Employment Directive (relating to disability, religion and belief, sexual orientation and age) is limited to employment and training. This makes anti-discrimination legislation confusing, complex and difficult for the victims of discrimination. A Romani

woman with a disability turned down for a job, may not know whether the reason was her ethnicity, her gender or her disability or a combination of these reasons. If she chooses the wrong law under which to make her complaint she will fail. If she or her children are discriminated against in the education field they may have no claim at all by virtue of the directives unless the discrimination is racial.



## BEING A "GYPSY": THE WORST SOCIAL STIGMA IN ROMANIA

VALERIU NICOLAE AND HANNAH SLAVIK

In August 29, 2002, Madalin Voicu, one of the most well known Romani politicians in Romania and one of two Romani representatives in the Romanian parliament, made the following statement:

"Our gypsies are stupid. They could at least be crafty but they aren't. They are just primitives and they manage to irritate the entire society which is already watching them closely [...] They run through the country and Europe barefoot, slimy and dirty, wearing clothes which are more likely to disgust you than make you feel sorry for them [...] Begging, soliciting and being disorganized will never bring them any advantages."

Romanian media received his declaration almost ecstatically: it was quoted in

most mainstream Romanian newspapers and was considered the political declaration of the week. In Romanian politics, Mr Voicu usually advocates the rights of Romania's Romani minority. Why would a member and representative of the Romani community make such a degrading public statement?

In 1999, one of the authors of this article attended a reception given by the Romanian consulate in Strasbourg for Romanian interns at the Council of Europe and the European Court of Justice - the young Romanian political elite. At the reception one young diplomat made a joke: "What are 32 Gypsies good for? You can make 8X4 soap from them." Most of the people present laughed. That diplomat

was not kicked out of the Romanian foreign service. In fact, a few months later he was made a cabinet director in the Romanian government.

Instances of anti-Romani speech from public figures, ranging from mild abuse to calls for extermination, abound. For example, on August 16, 1998, Corneliu Vadim Tudor, then a member of the Romanian Senate, reportedly stated that his platform for running the country included "isolating Gypsy criminals in special colonies" in order to "stop the transformation of Romania into a Gypsy camp." In 2001, Ion Bulucea, Mayor of Craiova, the largest city in south-east Romania, said "those stinking Gypsies should be exterminated."



# ROMA RIGHTS 3, 2003: PERSONAL DOCUMENTS AND ACCESS TO FUNDAMENTAL RIGHTS

## THE ERASURE: ADMINISTRATIVE ETHNIC CLEANSING IN SLOVENIA

JASMINKA DEDIĆ

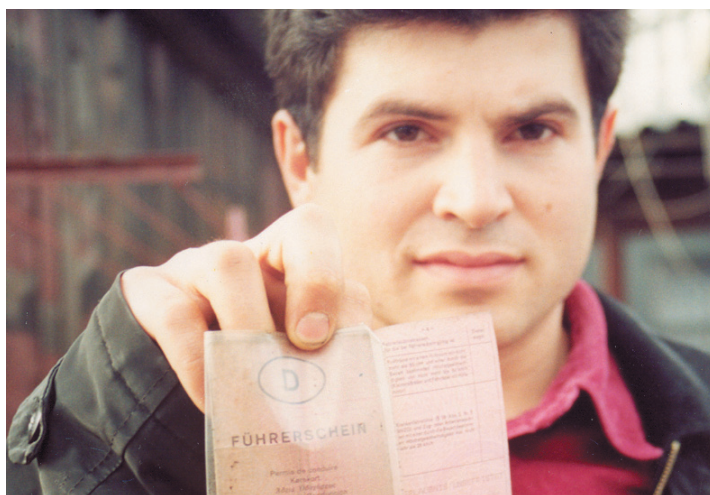
Slovenia gained its independence and state sovereignty in June 1991. Almost 12 years later, however, there are still 4,000-5,000 persons with unregulated status in Slovenia. This figure, provided by the Ministry of Interior, encompasses former permanent residents in Slovenia who have not obtained Slovene citizenship or any legal status as a resident alien since 1991.

This problem affects “non-autochthonous” Roma in particular, most of whom migrated to Slovenia from other parts of the former Socialist Federal Republic of Yugoslavia (SFRY) for economic or other reasons, prior to its dissolution in 1991.

Large numbers of Roma without Slovene citizenship and personal documents were affected by the erasure of files from the Registrar of Permanent Residents (RPR) of the Republic of Slovenia. On February 26, 1992, the Slovene Ministry of Interior secretly erased files of non-Slovenes from registers of permanent residents of Slovenia. These files were transferred from the active to the passive or the so-called “dead” Registrar of Permanent Residence, which means that the persons were treated as permanent residents who no longer live in Slovenia for various reasons, such as permanent emigration and death.

The consequences of the erasure were devastating for “non-autochthonous” Roma in particular. The erased became aliens staying illegally on the territory of the Republic of Slovenia and had to regulate their alien status in accordance with the Law on Aliens ... The erased received no prior notification regarding the change of their status and the erasure itself was carried out by the Ministry of Interior in secrecy and without any legal ground. Therefore, the erased could not complain against this decision nor seek any remedy for the injustices caused by the erasure.

Furthermore, the erasure did not result only in the loss of the status of permanent residence, but also in the loss of all rights attached to this status, such as the right to work, protection from unemployment, social security, health care, housing and education. The denial of most of the fundamental economic and social rights of the erased is completely at odds with the principle that Slovenia is a social state. Other fundamental rights of Roma have been violated by Slovene authorities. There are many documented cases of arbitrary expulsions from Slovenia, detentions in centres for aliens and police violence.



# THE RIGHT TO AN IDENTITY

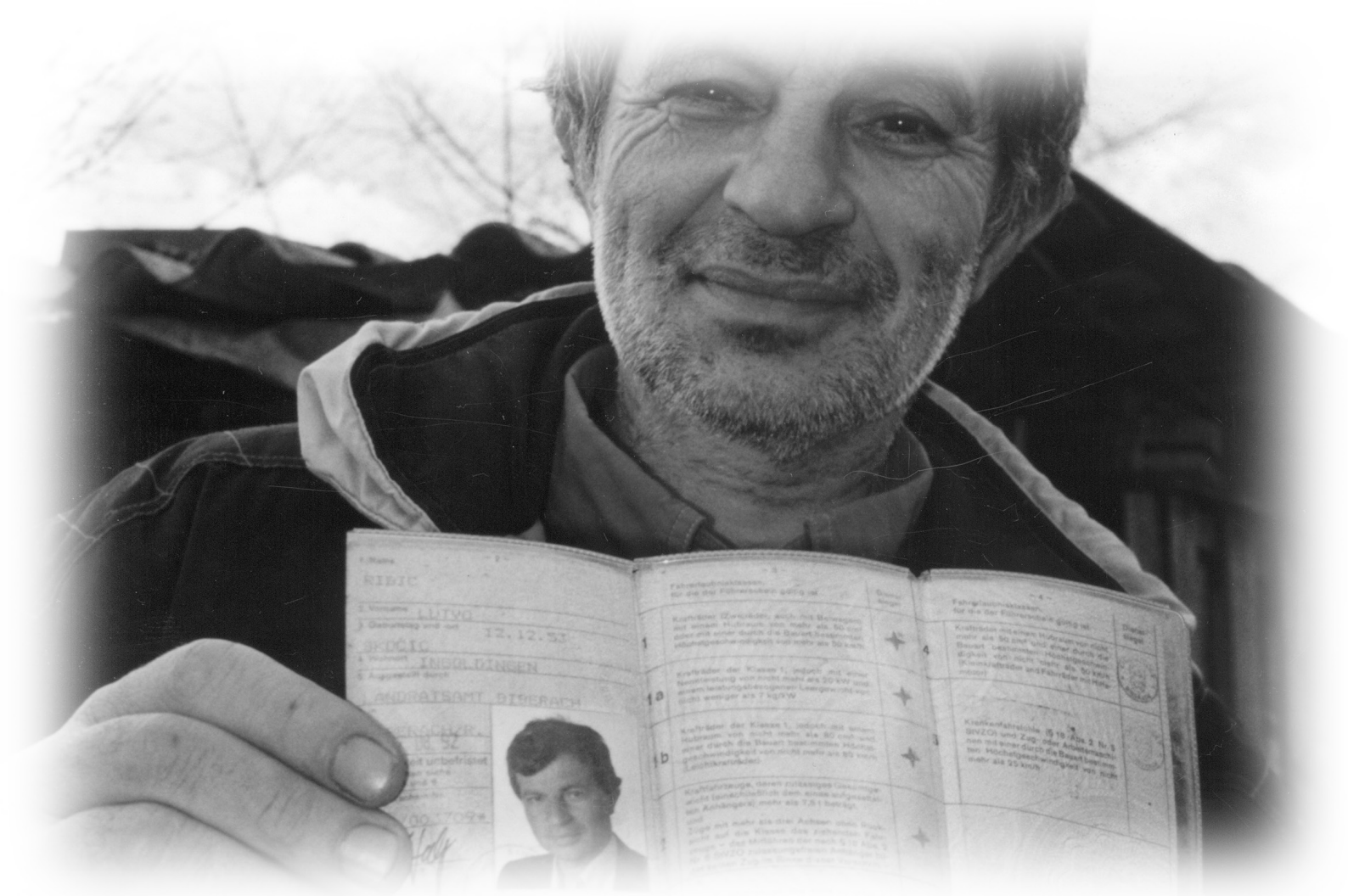
LINDSEY CAMERON

Administrative problems affect all citizens, but some more negatively than others. Persons who are displaced from Kosovo tend to have more difficulty accessing the administration than other citizens; local Roma and Roma displaced from Kosovo face the most serious difficulty of all. At the end of 2001, over 39% of Roma in Serbia, including both local Roma and those displaced from Kosovo, were not in possession of the basic Serbian identification document - licna karta. In addition, more than half of all Roma in Serbia had no document proving their citizenship and were not in possession of a birth certificate, and close to one-third did not possess a health card.

*In Kragujevac, central Serbia, home to some 19,000 Roma according to the local organisation Roma Information Centre (RIC), they visited a group of several families of displaced Kosovo Roma living on Filipa Kljajića Street. These families have illegally moved into an abandoned building and were under threat of eviction at the time of the ERRC/MRC visit in July 2002. A number of persons in this community that formerly lived in the town of Obilić in central Kosovo did not have valid personal documents. Ms Mikrijana Avdiljaj had five children whose births were never officially registered; consequently, the children had no other documents. Marijana Kovači, for example, is a little girl who was born in a*

*refugee convoy as her family was leaving Kosovo in summer 1999, and her birth was also never registered...*

*The living conditions of this community were very hard, with humanitarian aid distributed only to the very young and very old. While the Romani community shared the space of an old bar, the displaced non-Roma from Kosovo lived in the part of town called Vranjska Banja, where the state provided them with a three-room flat per family. Allegedly, when Roma asked the local official in charge of displaced persons why they were not accommodated under similar terms, he replied, "It is too late now, Gypsies, it is good enough for you where you are now."*



# ROMA RIGHTS 4, 2003: POLITICAL RIGHTS

## POLITICAL RIGHTS OF ROMA

**SAVELINA RUSSINOVA**

In the past thirteen years, the democratic processes in Central and Eastern Europe have dispelled two illusions - or rather false assumptions - about the representation and participation of Roma in public life. The first one is that Romani concerns can be effectively addressed and their rights promoted within the ordinary political process by individuals in publicly elected bodies who are not necessarily Roma. And the second one is that a token number of Roma in the public administration can make a difference in policy formation and implementation on Roma.

Despite their numerical strength in several countries, Roma in Central and Eastern Europe remain to date un- or underrepresented in political life due to the fact that they do not stand equal chances to participate and to exercise their political rights. Romani exclusion is even more pronounced in Western Europe: the total number of public officials in European Union

member states who state that they are Romani can literally be counted on the fingers of one hand.

In the ideal situation, when Roma hold the citizenship of the states where they live, and when they vote at national and local elections, it has been assumed and claimed that as long as the publicly elected bodies are representative of the whole citizenry, part of which are Roma, Roma are represented too. The fallacy of this argument is all too obvious for everyone who is familiar with the gap between Roma and non-Roma in every sphere of social life on the one hand, and the dearth of government action to remedy this situation, on the other. Furthermore, everyday expressions of intolerance towards Roma and the bitter envy demonstrated by non-Roma towards initiatives aimed at gaining Roma equal opportunities are clear signs that large parts of the majority populations in various countries do not perceive the solution of the problems facing Roma as beneficial for the larger society.





## LEGAL BUT ILLEGITIMATE: T

**ANITA DANKA AND NICOLE PALLAI**

Jászladány, a village in the Hungarian county of Jász-Nagykun-Szolnok, is the case of the various deficiencies of the Hungarian Gypsy Kisebbségi Önkormányzat (Cigány Kisebbségi Önkormányzat), which took off as non-Romani.

In 2002, Jászladány made national headlines in Hungary with the opening of the Education School - the private school established by a local entrepreneur.

According to the then-president of the Gypsy MSG of Hungary, the establishment of the school is not anti-Romani. The Gypsy MSG had a tendency to dress every issue up as an anti-Romani issue. The new Gypsy MSG of Jászladány, composed of



## THE CHALLENGES OF AND F

**NICOLETA BIȚU**

Before we make our way forward, we have to face the challenges of the past, since the wedding of the traditional Kalderash families in Romania, both Romanian and international society. In spite of the fact that we are leaving only the bare sensationalist and the stigma

Apart from the fact that a teenager has had the traditional wedding, which we continue to work as human rights activists

- individual rights vs. group issues;
- cultural tradition and its human rights implications;
- the question of how we react when human rights violations are committed by private persons, which are often met with hatred from the majority.

What was interesting in this case was that the Romanian society, with similar customs, reacted publicly to both the traditional roles defined by patriarchy. It will be interesting



## THE ROMANI NATION OR: "I

**PAOLO PIETROSANTI**

One of the many commonplaces about Roma, in the Balkans, is that they are unable to take decisions and to stick to them. Although they live in countries founded on the most solid democracies: these are the very essence of democracy. What makes it difficult, if not the basis, of the legal decision-making procedure

When we began to talk about the Romani Nation with the voice of Roma could emerge and give direction to the concrete prospect of the Romani Nation, a nation because it is absolutely clear that the question of the



## THE GYPSY MINORITY SELF-GOVERNMENT IN JÁSZLADÁNY

Jász-Nagykun-Szolnok, has 6,194 inhabitants, of which 655 declared themselves Roma during the 2001 census. The village has been a show-minority self-government (MSG) system, particularly where the Romani minority is concerned. The current Gypsy minority self-government came into being after the elections in October 2002, is composed of one person who identifies herself as Romani and four persons who identify themselves as non-Roma.

In Hungary because of the alleged intentions to segregate Roma at school through the founding of a private school. The Zana Sándor Imre Foundational government, however, was not permitted to operate due to the veto of the then-Gypsy minority self-government (MSG).

Mr László Kállai, the private school signifies a milestone in a larger segregation process. The mayor of Jászladány, Mr István Dankó, stated that the purpose is rather to separate "students who wish to study from those who do not". He has also stated that the former Jászladány self-government was not permitted to operate as Roma versus non-Roma. After the MSG elections in October 2002, however, the private school in Jászladány was permitted to operate. One Roma and four non-Roma, among them the wife of Dankó, did not exercise its veto right on the private school issue.

## FOR ROMANI WOMEN

Our challenges and solve them in an open discussion. One such challenge is the so-called cultural taboo issue. It has been several months since the wedding in Romania - the Cioaba family - exploded into the domestic and international media. The wedding event received extensive attention from the media. Of this impressive media coverage (for a Romani event at least), most of news items about the issue failed to give any context to the event, missing key elements in the story.

The traumatic experience of being exposed to pressure from both her family and society, for me this case represents a turning point in the way in which I see the world, and I'll always remember it. The case raised some much broader challenges:

1. Discriminations, which affect women more often than men;

2. When violations against members of a minority group are committed by persons belonging to the same group; when public figures condemn human rights violations against persons belonging to a much denigrated minority such as Roma, we must avoid perpetuating stereotypes against this minority and intensifying

3. When Romani women activists started a discussion about this and took public stands on the issue. For the first time a group of young Romani women from Hungary took a stand at the wedding and the way media represented the event. These women came down clearly on the side of the right of the woman to choose, against more traditional expectations to follow developments in the coming years, as more and more Romani women weigh the choices provided by the human rights framework.

## "ICH BIN EIN ZIGEUNER"

One of the main problems of the past and present, is that they are divided, they argue and are unable to agree among themselves, unable to live as a community, they are unable to act together. Although comments of this kind are frequent and widespread, they express more than a hint of racism. Take, for example, the parliaments of the world. In the United States Congress there are fierce battles, heated debates, as in the British Houses of Parliament. Bitter clashes, harsh words: what makes the difference is the context, the institutional framework. In other words, the fact that the conflict takes place in a parliament and is part of a democratic procedure.

With the general public and the political leaders of many countries, what we meant and what we still mean, is this institutional context in which we refer to Roma and to all Europeans. If we manage to be free from racist reactions and to be influenced as little as possible by commonplaces, the response of the state, which does not intend to be a state, is the response. It is a pragmatic, empirically based and concrete response to equally concrete needs, the representation of Roma and its legitimacy is a crucial one.

# ROMANI WOMEN'S PARTICIPATION IN PUBLIC LIFE

ISABELA MIHALACHE

The effort of the Romani women activists to start a gender-sensitive discourse was considered by many Romani men activists defiance to patriarchy. As a result, in recent years, Romani women have more-and-more felt the need to challenge the patriarchal order and fight for their rights and freedoms - for their right to education, for their right to be free from violence and for their right to participate in public life. As one Romani woman stated:

I am absolutely in favor of the idea that we should preserve our language and culture and pass it on to our children. I am, however, not in favor of preserving our traditional

relationships, relationships that oppress the personalities of other people. I refuse to accept traditions that imprison people and do not allow them their freedom.

Nevertheless, it is extremely difficult for Romani women activists, who are at the same time frequently wives and mothers, to embark on a road full of risks and insecurities - the road of activism against oppression from within the community. Some still prefer to remain silent on aspects of their life with which they do not feel comfortable. In some cases, Romani women may not consider patriarchy as something that needs to be questioned, not to say challenged. Violation

of women's rights is not acknowledged as such, but it is seen as an exaggeration on the part of some women activists. Other Romani women think that "women's rights is an excuse by women who are unable to express themselves in other ways. I do not think that anyone - even if she is a woman - has the right to interfere with the life of a family." As Ms Azbija Memedova declared at the World Bank/Open Society Institute Conference "Roma in an Expanding Europe" held in June 2003, "This was one of our challenges: to try to find the real way to deal with Roma women's issues without attacking frontally the patriarchal structure of Roma families and communities."



WOMEN AND  
POLITICAL REPRESENTATION:  
THE CASE OF ROMA  
AND TRAVELLER WOMEN

6<sup>TH</sup> INTERNATIONAL  
ROMA WOMEN CONFERENCE  
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# ROMA RIGHTS 1, 2004: WHAT IS ROMA RIGHTS?

## THE ROMA: BETWEEN A MYTH AND THE FUTURE

**DIMITRINA PETROVA**

The economic situation of the Roma deteriorated during the first decade of postcommunism at a speed that dwarfed that of any other ethnic group. Analysts who have described communist societies in terms of social equality, full employment and obligatory education, as well as ethnic homogeneity, have stressed that the rapid unraveling of the economic status of the Roma in the 1990s is due exclusively to the new forces of nationalism, racism, xenophobia, and other forms of intolerance specific to postcommunism. Anti-Gypsyism features prominently among the new hate ideologies. A very large part of the Roma at present expresses nostalgic appreciation of the communist past and a tendency to divide the blame for their current economic disadvantage between capitalism and racial discrimination.

While both are indeed part of the root causes of today's Romani poverty, there is another factor less frequently invoked, namely, the disadvantaged starting position of the Roma at the threshold of the new system around 1990. Social equality never existed in the societies of "real socialism." The Roma in Central and Eastern Europe occupied the lowest strata of the working classes. They had the lowest levels of education and income, were mainly employed as unskilled workers in industry, construction, forestry, and in some unattractive occupations, such as garbage collection and slaughterhouse work. Thus, there was nothing close to an equal start for the Roma in the post-communist economy.

*The Romani movement*

In the last few years, the Romani movement in Central and Eastern Europe has entered a period of consciousness building along identity lines, aimed at mass mobilization and political participation. But as with other identity movements in other times and places, we have observed the disturbing characteristic trends: an emphasis on ideological tenets, a construction of cults of personality, and conversely, creation of "enemies of the struggle".

Whether the Romani movement will lean toward anachronistic, trivial nationalist consolidation, or will create a civic mobilization with a vision that draws its power from new sources in a globalizing world remains to be seen. What seems obvious at this juncture is that the availability of the second road depends on a culture of human rights, both inside and outside the Romani movement.



## HUMAN RIGHTS PROTECTION IS UNAVAILABLE TO THOSE MOST IN NEED OF IT

Interview with Jenő Kaltenbach, Parliamentary Commissioner for the Rights of National and Ethnic Minorities in Hungary

*ERRC: What, in your opinion, makes Roma rights different from other minorities' rights?*

Jenő Kaltenbach: To tell you the truth, I do not really like the expression "Roma rights" since it might give the impression that different nations have different rights. I would rather say that Roma, as subjects of minority and human rights, differ from other minorities in the sense that their situation is one of the most problematic. They are the most disadvantaged group and they are the targets of the most intense prejudices. Therefore, they are the most vulnerable minority group as well at least in Hungary...

Let's see what happened after World War II. The atrocities committed during the war had been the most serious crimes in the history of humanity but none of the countries of Eastern Europe have been willing to acknowledge responsibility for those crimes. The view that only Hitler, the Nazis and their followers have been responsible for the events of World War II still exists, whereas in reality, a whole bunch of Eastern European countries (including Hungary) contributed to these horrible events. We simply do not want to face this and to see our own role. Moreover, the opposite happens when somebody raises this issue. We feel hurt and we become angry, saying that Hungary has not committed any sins and that we had to suffer enough. This way of thinking remained the same after World War II.

Photo: Népszava



## FOUND PATH

### RITA IZSÁK

I was born to a Romani mother and a Hungarian father and grew up in a non-Romani community. My mother had been placed in an orphanage and grew up there with her younger sister. They don't have any relationship with any of their family members. My mother has only a few memories of the Romani community of the village where she was born and where she lived 11 years. So, for me the Romani origin meant only some songs, some Beash Gypsy words and something mysterious - maybe for her as well.

In my memories, the first time I had to face my origin was when somebody shouted after me in the street with a humiliating tone: "Gypsy!" The irony was that this had been a boy whom I liked so much. I was about 8 or 9 years old and ran home crying. My mom sat down with me and asked: "Do you want me to change my name so that people won't threaten and hurt you any more?" (My mom is named Orsós which is one of the most common Gypsy family names in Hungary.) And for me it was so obvious to answer immediately: "NO!" If she could live with this name and achieve everything that she wanted in her life, how could I ask her to change such an important part of her personality? My mom completed her primary and secondary school and moreover, she graduated as a kindergarten teacher - as one among the first Romani women with a diploma in the country. I was proud of her and, therefore, of her name as well.

A more painful story was one that happened just three years ago. I worked for an agency that provided assistants for the national holidays and was funded by the previous Hungarian government (1998-2002). I even helped in logistics for the director of the agency. Then, after some time, they stopped inviting me to the Parliament to work, whereas all of my classmates and friends from the university continued to host these events. The explanation was given by my best friend who one day, when asked about the possible reasons for this, told me the truth: the director told her that my Romani origin was so obvious that he could not afford this in "such elite company".

# ROMA RIGHTS 2, 2004: ETHNIC STATISTICS

## THE MONKEY THAT DOES NOT SEE

LILLA FARKAS

Between the right to the protection of sensitive data, such as one's ethnic origin, the right not to be discrimi-

nated against, and the right of ethnic minorities to the use of their language, culture and to political representation, every

democratic state needs to strike a fair balance. The balance in today's Hungary, it is submitted, is far from being fair, and as such is not acceptable. If equality is to mean that equals are treated equally, whereas un-equals are treated unequally, then it is imperative to know who needs equal treatment and who needs unequal treatment. To know a person for who he is, we need to see him as such in practice and in law alike. Our task may be hampered by having visible as opposed to non-visible minorities.

The fact that data protection laws may – as in Hungary – prohibit the handling of sensitive data, such as ethnic origin, without the concerned person's explicit permission, shall under no circumstances be taken to mean that data on the perceived ethnic origin of individuals cannot be handled. The issue of ethnic data collection is far from being limited to Hungary. With the notable exceptions of the UK and the Netherlands, in half of Council of Europe member states – specifically those with large Romani populations – national constitutions prohibit the collection of ethnic data. In Hungary, the prohibition depicts a struggle with a racist past, where ethnic data were abused and misused to formulate anti-Romani, among other, policies. It is against this background that minority organisations oppose the compulsory gathering of ethnic data.

As Goldston argues, public interest lawyers are handicapped without ethnic data, as the "very notion of indirect discrimination implies a need for data."



Photo: Németh Dániel

## VOID AT THE CENTRE: (THE LACK OF) EUROPEAN UNION GUIDANCE ON ETHNIC DATA

CLAUDE CAHN

This paper notes, on the basis of a very brief overview of data guidance at the level of the European Union (EU), that increasing EU efforts to combat racism and racial discrimination notwithstanding, the EU has not yet ventured meaningfully into providing guidance on the production of ethnic data. This is odd, in light of (i) increasing data preoccupations at the EU level in social matters generally and (ii) a history of recognition at the EU level that data is a key instrument in securing (gender) equality.

EU data frameworks to date have been noteworthy for the vacuum appearing

where data measuring social exclusion impacts on ethnic groups should be. Thus, for example, the European Commission publication “European Social Statistics: Income, Poverty and Social Exclusion” includes no data whatsoever on the situation of individuals belonging to minority groups, including Roma, or the impact of socially exclusionary forces on specific ethnic groups. The more recent Commission publication “The Social Situation in the European Union 2003”, although also providing statistical data on social exclusion, is similarly silent on matters related to the impact of racial discrimination. The

Statistical Annex to the 2003 “Commission Staff Working Paper ‘Draft Joint Inclusion Report’”, although including data and “new” indicators going beyond the 18 social exclusion indicators adopted at the Laeken European Council in December 2001, likewise includes no frameworks for the provision of data by ethnicity. And, at the higher end of the range, while the Lisbon objectives include specific objectives to reduce unemployment among women and the elderly, there is no similar objective to bring down unemployment among excluded ethnic groups.



# ROMA RIGHTS 3-4, 2004: HEALTH CARE

## “GYPSY ROOMS” AND OTHER DISCRIMINATORY TREATMENT AGAINST ROMANI WOMEN IN HUNGARIAN HOSPITALS

RITA IZSÁK

Throughout 2003, the European Roma Rights Center (ERRC) conducted field research aimed at documenting practices of discrimination against Romani women within the health care sector in Hungary. The research focused on Szabolcs-Szatmár Bereg, Hajdú-Bihar and Borsod-Abaúj-Zemplén counties. Based on the interviews with 131 women, the ERRC documented the following:

- Forty-four cases of so called “Gypsy rooms”, i.e. segregated maternity wards,
- thirty cases raising concerns about negligent treatment of Romani women by medical professionals,
- twenty-two cases of verbal abuse,
- sixteen cases in which Romani women were provided with health care services by medical professionals whose level of qualification was ap-

parently lower than required by the condition of the patient, (i.e. nurses were involved in providing health care services expected from doctors),

- thirty-one cases involving the practice of “paid doctors” – informal supplementary fees required by doctors in order to expedite care, or for the provision of service above the minimum standard.

### *Segregated Maternity Wards*

The ERRC documented forty-four cases in which Romani women were reportedly placed in separate hospital rooms from non-Romani women. In Miskolc (Borsod-Abaúj-Zemplén County), in the Vasgyári hospital, according to the testimony of one Romani woman, despite the fact that there was a free bed in a room with five other non-Romani women, the Romani

woman was placed in an empty room all by herself. She stated that this was humiliating and that she felt offended. Another Romani woman from the same hospital said that the separate “Gypsy room” was not cleaned during her stay in the hospital and that the Romani women in the room had to clean it themselves. The women stated that the phenomenon of separate rooms (the so-called “Gypsy rooms”) had not existed during Communism when all women were treated equally.

In Ózd (Borsod-Abaúj-Zemplén County), a Romani woman stated that she was put in a separate room within the maternity ward of the local hospital. Even when the nurses distributed sweets and pastries to the patients, they did not bring any to the Romani women in the “Gypsy room”. The nurses reportedly ate the pastries themselves.





## REFLECTIONS ON THE ACCESS OF ROMA TO HEALTH CARE

IVAN IVANOV

I have become aware of them both in the course of my medical practice and in my work as an ERRC attorney, dealing among others with cases of discrimination of Roma in access to health. As a paramedic working at an emergency unit in my hometown of Haskovo, Bulgaria, I was responsible for three villages with high numbers of Roma. The main problems I have identified were poverty among Roma and a reluctance to seek medical help due to fear of negligent treatment and/or humiliation by non-Romani doctors. Once I diagnosed a health problem

of a Romani patient, I would prescribe a medicine. The Roma would often ask me how much the medicine cost and if possible to prescribe something cheaper because he or she could not afford to buy a costly medicine. Then I faced the dilemma: should I prescribe a cheaper medicine which is less effective but affordable for my patient, or a more expensive one, which is also more effective but in order to get it, the patient would have to walk 3 kilometers from the Romani settlement to the village and then take the bus for another 20 kilometers to the city pharmacy?

In many cases I chose to prescribe the cheaper medicine although the treatment would take longer and it was likely that the patient would question my professionalism in case there was no immediate effect. In this case, however, I was sure that the Romani person would buy the prescribed medicine, while I knew that if I prescribed the expensive medicine, the Romani patient would not go to the city because he/she cannot afford the cost of the medicine and the transportation, and most likely the illness would become a chronic condition.

## ROMA RIGHTS 1, 2005: POSITIVE ACTION TO ENSURE EQUALITY

### THE FUTURE OF ROMANI: TOWARD A POLICY OF LINGUISTIC PLURALISM

YARON MATRAS

Romani is only one of many languages around the globe that does not have an established tradition of a single, Standard written variety. The absence of a Standard is sometimes confused with the supposed lack of 'a distinct Romani language' and the presence instead of numerous dialects. In fact, most European languages show dialectal variation, and the type of differences found between the various dialects of Romani is not at all unusual. The absence of a Standard language for use in cross-regional communication, in writing, or in institutions does however mean that there is no obvious choice of any single variety for the more public functions of an official or written language.

In some respects, Romani is indeed in a unique situation: It is dispersed among many different regions and countries across Europe and beyond. There is no single, accepted authority or agency that is, or could be, entrusted with taking language-planning decisions for Romani as a whole, much less so with implementing them in the various regions; the responsibility rests with individual governments, while codification activities are diverse and regionally based. Romani populations are all bilingual, and the respective state languages (and sometimes other minority languages) influence the individual dialects of Romani. This concerns both the internal shape of the language,

especially the use of technical or institutional vocabulary, and its 'external' shape: The choice of writing system is often de-

pendent, for reasons of convenience and accessibility, on the writing system of the respective state language.



## EU ROMA INTEGRA- TION DIRECTIVE – FILLING THE GAP IN THE EQUALITY LEGAL REGIME

ERRC interview with Mr Olivier De Schutter, Coordinator of the EU Network of Independent Experts in Fundamental Rights, following its 2005 call on the EU to develop a “Directive specifically aimed at encouraging the integration of Roma”

Olivier De Schutter: This idea, although it was first put forward in the Report on the situation of fundamental rights in the European Union and its Member States in 2002 – which was published by the EU Network of Independent Experts in Fundamental Rights in March 2003 – really imposes itself naturally. Where there exists a history of discrimination, resulting in the segregation of a community in large fields of social life such as employment, housing and education, affirmative measures are required to move beyond the traces it leaves ... Non-discrimination is crucial of course, but the principle of equal treatment may require more: that we strive towards positive integration, until it will have become unnecessary.

The advocacy is a goal in itself. Mobilizing in order to achieve such an objective may prove to be a powerful unifying factor for the Roma community, which today often appears fragmented, lacking recognised spokespersons. And it will be an important achievement if such an advocacy already succeeds in launching a debate and in leading the Member States to ask themselves whether in fact enough is being done in order to integrate Roma. Of course the final objective is important, but the process of trying to achieve it has its own benefits.

Such proposals take time to mature. Once the maturation is complete, it then may go very quickly. We are at the beginning of a process, but we need to prepare for the moment where the institutions will be ready to act. For the moment, the collection of data, the launching of a public debate on whether or not there would be an added value in an initiative being adopted by the European Community, should go ahead – and this is being done.

### DŽAVIT BERISA

**O**n March 24, 1999, at around 8:15 pm, the bombing of Kosovo by NATO forces began. The first bomb was dropped on the Marshal Tito Base of the Yugoslav Army. During the bombing, those of us who had Albanian names were threatened and abused by Serbs. Lack of trust in Roma and Egyptians on the part of the Serbs saved us from recruitment in the paramilitary forces.

One day during the bombing, my mother walked from our village Subotić to Priština to do some shopping. On the way she

was beaten by Serbian police because she was Egyptian. Men of our community did not dare to go out because there was a risk for their lives. During the NATO bombing, I was mobilised in the work place and I had to work 12 hours per day. Every night my family and I waited for the NATO bombs to fall on us.

On June 10, we rejoiced because the UN Security Council Resolution 1244 was adopted and the Kumanovo military technical agreement with the Yugoslav army was signed. Everybody celebrated



## LIFE AS A REFUGEE, 1999-2004

thinking that it was a “White Day”. Later on, it turned out to be a “Black Day” for minorities in Kosovo.

In the following weeks, my family was subjected to threats and verbal harassment by Albanians; some Albanians threatened us with raping our women. The Albanians who returned to Subotić were arrogant and behaved as if they were untouchable. They told us that if any man in our family created problems, they would ask the Kosovo Liberation Army (KLA) to come and “take care” of us. This harass-

ment continued for more than two weeks. Finally, on June 28 at around noon, my family was forced to leave our home in Subotić by Albanians in the village (some of them we knew, others were unknown to us), and KLA soldiers in uniform came to enforce this order. We were told that we had to leave Kosovo and go to Serbia, and this territory is now “Greater Albania”.

After we left the house, we went to the Kosovo Forces (KFOR) to ask for protection and for about seven hours between 12:00-7:00 pm we didn’t receive

any answer from KFOR. At around 7:00, pm we took a train and went to the Ace Marovic school in Kosovo Polje, where we joined another 4,000 displaced Roma, Ashkali and Egyptians. The school had three bathrooms for 4,000 people. Some of us were very sick and all of us were extremely traumatised.

After three weeks, I was informed that my house in Subotić had been burned down.



# ROMA RIGHTS 2, 2005: RIGHTS AND TRADITIONS

CHILD MARRIAGE A CULTURAL PROBLEM, EDUCATIONAL ACCESS A RACE ISSUE? DE-CONSTRUCTING UNIDIMENSIONAL UNDERSTANDING OF ROMANI OPPRESSION

ALEXANDRA OPREA



When I was approached to write about “child marriage and other abusive traditional practices,” the hairs on the back of my neck stood on end. Whenever I am confronted with the issue of child marriage described via the language of culture/tradition, my defenses rise. Reflecting on this reaction, I realise that it is not that I approve of child marriage by any stretch of the imagination. Especially when voiced by a white European, I construe the culturally phrased critique as an attack; after all, if they were so concerned about our welfare, they would not have undertaken centuries of oppression against us. Revisiting these thoughts, I am able to pinpoint the source of the discomfort: an insinuation of primitiveness. Code words such as “culture” and “tradition,” when used to explain dysfunctional behavior, bring to the fore the “us” versus “them”, “superior” versus “inferior” dichotomy. In child marriage discourses, the culture of the “other”, in this case Roma, is portrayed as deficient - a manifestation of their degenerate nature.

On an international scale, seldom has this phenomenon been more pronounced (with regard to Roma) than in the media coverage surrounding the arranged marriage of Ana Maria Cioaba, a 12-year-old Romanian Romani girl. News reports and the ensuing political discourse constructed Romani child marriage as a by-product and defining characteristic of a homogenous and backward Gypsy culture, which was contrasted against progressive Western/white culture. By implicating Romani culture as responsible for child marriages (a wrong) and positioning it against Romanian and European Union law (a right), the media constructed a dichotomy consisting of “primitive” Romani culture, on the one hand, and progressive, feminist, Romanian/Western/white culture on the other.

# HOW TO TALK ABOUT THIS TO THE OUTSIDE

MIRJAM KAROLY

In her latest report on Trafficking in Human Beings in South Eastern Europe, Ms Barbara Limanowska criticises the Romani community's attitudes towards trafficking. According to her research in 2003, many practitioners involved in combating trafficking emphasised *"...the involvement of some Roma people in trafficking, the lack of critical voices from within Roma communities and of Roma involvement in anti-trafficking work. NGOs working on trafficking issues complained about the lack of access to this group, the lack of interest on the part of the Roma community to address the issue and lack of co-operation between organisations – inside the community and between Roma and non-Roma NGOs."*

In recent times, attention is increasingly paid to the involvement of Roma either as perpetrators or as victims of trafficking

in human beings (THB). In particular, the appearance of "street children" in South-eastern Europe and in Western European cities seems to be a rising issue. However,



er, with few exceptions, such discussions are based more or less on anecdotal information and assumptions. There is a considerable need for a broader analysis of the extent to which Roma are affected by

human trafficking. Lack of documentation and analysis also helps sway public opinion towards the stereotypical views that Roma "traditionally undertake illicit activities" and carry on "outdated customs".

On the other hand, if we look at the possible root-causes of human trafficking such as poverty, lack of economic opportunities, crisis situations, and the pervasive discrimination against Roma and their overall exclusion, several communities definitely would fit into a "high risk" group. Moreover, as a consequence of the wars in the Balkans, many Roma are internally displaced, lacking any access to legal job opportunities, health services or proper education. All these factors might influence the vulnerability of Romani men, women and children, to human trafficking for sexual purposes, labour exploitation, illegal adoption and removal of organs.

## IN THE WRONG PLACE AT THE WRONG TIME: HUMAN RIGHTS PROSPECTS FOR ROMA IN UKRAINE

ISTVÁN FENYVES

This spring I travelled to Ukraine several times, and when I spoke to non-Roma about human rights related issues, many of them said: "Oh yeah, I have been beaten by police. So what? This happens. Anybody can be in the wrong place at the wrong time."

Police abuse, although by far not the only pattern of gross violations of Roma rights, is definitely the most widespread and violent type of abuse of Roma rights. It is no wonder that fear of the police is so widespread among Roma in Ukraine. For the majority of the Romani population this fear is not merely instinctive: it comes from experience of interaction with police. This experience varies from torture and ill-treatment in police custody, through fabrication of incriminating evidence, daily harassment and intimidation by the police and racist anti-Romani speech. Among the most vicious examples of police brutality against Roma in Ukraine was the 2001 incident in Kremenchug during which police set Roma on fire in their own house.

For the justice system in Ukraine, however, these offenses are non-existent. Perpetrators usually avoid justice and

continue to commit human rights violations with the confidence that the "system" would never fail them. Practice shows that the worst that a police officer

who had violated the law abusing the rights of a Romani individual can expect is to be demoted or simply transferred from one police department to another.



## CHALLENGING TABOOS: TESTIMONY

SELVIJAN RAŠIDOVA

I am a Romani girl and I live between two paths. One path is tradition which I must respect because I have to preserve my family's reputation. This path is narrow, it gives me no space to move, but I must follow it simply because I was born a Romani girl. I do not have the right to choose the other path – the one which allows the individual human being to reflect and to make choices how to steer her own life. If I chose this latter path, I am afraid I might lose my parents. So I shall live between two paths practicing tradition. I shall never be a person who can say, "I have an idea, I know to solve the problem". Someone else will always do it and I shall stand aside, watching someone else deciding for me, unwilling to hear that I already know what I want.

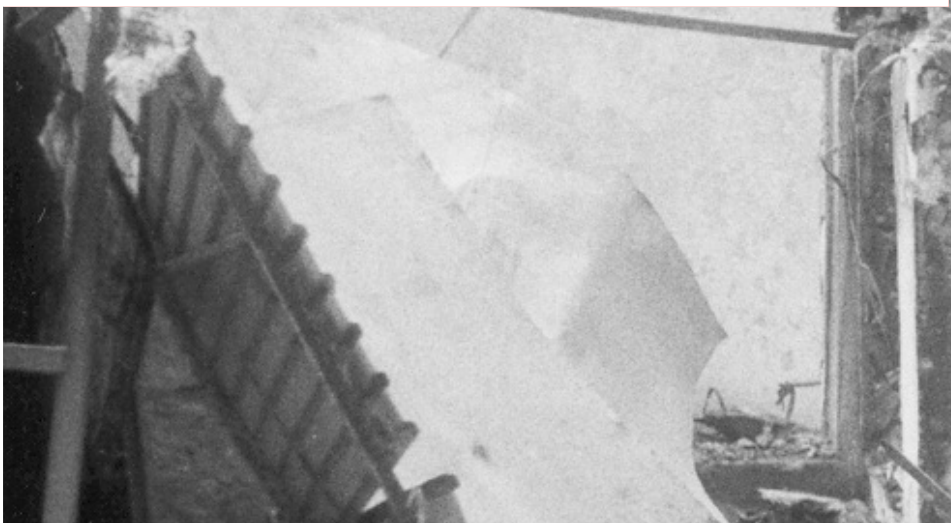
I grew up in a place where there were no other Roma living, in a socially integrated family, educated parents, and brothers. My parents taught me to study, to finish university, to be what I want to be. I got the freedom to decide what I want, to study where I want and my family always supported me. But I was also raised in the spirit of our tradition. I was taught to keep the tradition because it is a part of our identity. One of the traditions persisting in the Romani families in Macedonia is the custom and the myth of virginity. When a girl is getting married she needs to prove her virginity on the first night of marriage in order to keep her family reputation. Otherwise, she will be exposed to public humiliation and her family will lose the respect of the community.



## ROMA RIGHTS 3-4, 2005: JUSTICE FOR KOSOVO

In the aftermath of ethnic cleansing: continued persecution of Roma, Ashkalis, Egyptians Memorandum of the European Roma Rights Centre (31 January 2006)

Six years ago, after the end of the NATO bombing of former Yugoslavia, Roma Ashkalis, Egyptians and others regarded as "Gypsies" ("RAE") were violently cleansed from their homes in Kosovo by means of arson, mass destruction of houses, killings and rape. Today, persecution of the members of these communities continues, manifested in their systematic exclusion from access to fundamental human rights. Racial discrimination against RAE communities in Kosovo is pervasive, depriving tens of thousands from even a bare minimum of dignity. Anti-Gypsy sentiment among the majority is widespread, ranging from assaults on RAE individuals to verbal abuse and dissemination of defamatory images, including images stigmatising RAE as perpetrators of crimes against Albanians in the media.



## JUSTICE FOR KOSOVO

CLAUDE CAHN

Our first inkling of onset the single biggest catastrophe to befall the Romani community since World War II came on June 5, 1999, when a group of ethnic Albanian refugees from Kosovo in a refugee camp in Skopje, Macedonia, set upon a number of Roma in the camp and made a concerted effort to beat them to death, before camp authorities intervened. By mid-June, as the UN took control of the administration in Kosovo and NATO troops and returning ethnic Albanians flooded into the province, the ethnic cleansing of Roma and others regarded as "Gypsies", along with Serbs, had begun.

In early July 1999, the ERRC sent two teams to Kosovo to document the unfolding events... My memories of the period that followed remains for me the most enduring impression I have of the potential for human evil. That statement is not intended for the sake of melodrama. Kosovo in mid-1999 and for the years thereafter has been a collective human endeavor for ends completely devoid of the beneficent, the manifestation of a society founded on the principle of the violent eradication from the sphere of the present of anyone not belonging to one closely circumscribed ethnic group.

When we got to Djakovica there were men driving around on flatbed trucks brandishing Kalashnikovs proudly. We spent the afternoon taking testimony from the family of Mr. Bekim Ljalja, a man who had been picked up off the street and had disappeared. He is dead; to this day he has not returned. We then went to meet a family who, the previous evening, had been relieved of all of their property by a group of armed men who terrorised them for most of the night. Three days later, we met the same family again in Aslanova in Prizren. The armed men had come back in the middle of the night, gang raped one of the women, and told the family they would be killed if they were still there 24 hours later. They were on their way to Italy.



# SEEKING ACCOUNTABILITY FOR GROSS HUMAN RIGHTS VIOLATIONS AGAINST THE ROMA IN KOSOVO

Yael Fuchs

At the most immediate level, prosecution at the International Criminal Tribunal for the Former Yugoslavia (ICTY) would serve to punish and hold accountable those responsible for gross violations against Roma. Given the historical lack of redress, a prosecution could also serve a deterrent purpose by signaling that violence against Roma will no longer be tolerated... On a wider scale, prosecution at an international tribunal would make crimes against Roma more widely known, fighting the ongoing problem of invisibility of the Roma in the social, political and legal spheres.

To date, the ICTY Prosecutor has indicted three individuals in connection

with crimes against the Roma in Kosovo. The charges against Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj, were filed on March 4, 2005. The three former Kosovo Liberation Army (KLA) officers were charged with war crimes and crimes against humanity committed against Serb, Albanian and Romani civilians who were perceived to be not supporting the KLA. When the charges were filed, Haradinaj was the Prime Minister of Kosovo. He resigned in February 2005, after the charges were officially announced.

Among other crimes, the indictment accuses the three men of abducting and torturing three Romani men in Pejë/Pec.

The Romani men were beaten, cut, had salt rubbed into their wounds, and were then wrapped in barbed wire. They are all missing and presumed dead.

This indictment is a watershed in the struggle to combat impunity for crimes against Roma. It is the first time in the tribunal history that individuals were charged specifically with crimes against Roma. Of its thirty-seven counts, eight deal with Romani victims. For the first time, the names of Romani victims are listed in a document of an international tribunal, and the crimes committed against them are described in a public record.

## ROMA RIGHTS 1, 2006: EXCLUSION FROM EMPLOYMENT

### SYSTEMIC EXCLUSION OF ROMA FROM EMPLOYMENT

Ann Hyde

Recent research by ERRC, based on field research in Bulgaria, Czech Republic, Hungary, Romania and Slovakia... provides evidence that refutes most of the commonly held prejudiced opinions about the attitudes and commitment of Roma to work. It shows that very real barriers to employment are intensified by prejudiced and stereotypical views such as the comment made by the director of a Labour Office in Prague, who told the ERRC:

*"It's because of the Romani culture and their lifestyle; they do not fit with the discipline of work. Roma do not have the motivation to work; they are unreliable, lazy and prefer to live on social assistance than earn a living."*

Very small numbers of Roma work in restaurant/ hotel type work or in shops, which is surprising given that these types of occupations usually offer some unqualified opportunities for people at the lower end of the labour market. The evidence provides a strong case that employment discrimination is preventing Roma from being employed in jobs which involve contact with the public or with the preparation or service delivery of food.

*"I am a qualified cook. I was made redundant when the firm I had been employed by for many years was closed down. So I applied and was hired to work as a cook in a spa resort but there was an important condition the person in charge of recruitment imposed: I would be hired as a cook*

*and perform my duties on the basement floor where I could not be seen by doctors and patients."* (ERRC interview, Czech Republic, May 2005)

The most prevalent incidence of employment discrimination against Roma is at the job search stage and in the recruitment practices that companies apply. Raw, direct discrimination prevents applicants from even reaching the phase of the interview. Many companies have a total exclusion policy regarding the employment of Roma and practice across-the-board unmitigated discrimination against Romani applicants. As a result, Romani job seekers are eliminated and excluded from the application process at the very outset; regardless of education, qualifications and competences for the job.





# ROMA RIGHTS 2-3, 2006: ERRC 10TH ANNIVERSARY

## 10<sup>TH</sup> ANNIVERSARY SPEECH: ARYEH NEIER

As an American, I was conscious of the difficult path that the National Association for the Advancement of Colored People, the NAACP, had in trying to make headway through litigation on behalf of American blacks. The NAACP was founded in 1909 and embarked on a specific litigation programme to desegregate the schools in 1930 and only made its great breakthrough in 1954. It takes that kind of a time-period even in the relatively favourable context of litigating in a country with a common law tradition. Nevertheless, it seemed to us that one had to begin this work and that it was necessary to establish the ERRC.

For me, the accomplishments of the ERRC are many: among them, it seems

to me, is its indispensable role in creating a generation of Roma rights activists with the training and the skills to be effective in advocating for Roma rights. Whatever else happens, the fact that there are several hundred Roma people who have acquired the skills to act on behalf of Roma rights seems to be an enormous accomplishment.

Second, it seems to me that the ERRC has created an awareness of the deprivation of rights that Roma suffer and also the significance of engaging in battles to promote Roma rights. Third, there have already been a number of significant victories in litigation on behalf of Roma rights that have been achieved by the ERRC.

And, finally, perhaps as significant as any of the others, the ERRC has paved the way for comprehensive efforts to advance the cause of Roma equality that are epitomized by the launch of the Decade of Roma Inclusion, with emphasis on Roma education and other aspects of Roma equality.

There is a very, very long way to go. There are no quick ways that I know of to fulfill the goals of ERRC. But I think that those of us who had a part in helping to launch the ERRC feel enormously proud of what has been accomplished. We are grateful to the ERRC for making us proud. *Thank you very much!*



## 10<sup>TH</sup> ANNIVERSARY SPEECH: CLAUDE CAHN

These presentations of necessity have conveyed only a narrow sliver of the broad spectrum of actions we have undertaken in our first ten years. By way of synthesis, I would like to tell briefly the story of ERRC Publications Officer Dzavit Berisha.

Dzavit lived in Kosovo until he and his family were expelled violently to Macedonia during the ethnic cleansing in 1999. His house was burned to the ground by ethnic Albanians. He and his wife Bolije returned to Kosovo as part of a voluntary returns program in 2001, aiming to make a positive contribution to life in post-conflict Kosovo, and to re-establish their lives there. However, after several months in Kosovo, Dzavit was picked up and mauled by ethnic Albanians and he and Bolije subsequently fled again to Macedonia. Dzavit entered our orbit first as an ERRC extern in a Skopje-based organisation, then later, after Macedonia refouled Dzavit and Bolije to Kosovo in 2003, as a plaintiff in a lawsuit at the European Court of Human Rights. After they came to Hungary the same year, Dzavit also became first an ERRC intern, and then later an ERRC employee. Dzavit is responsible for the handsome ERRC publications you see here today.

I recount Dzavit's story because it exemplifies one of the central lessons of a decade of Roma rights – the Romani issue is very close at hand. It is all around us. The legendary wild and exotic Gypsy is in fact your neighbour, your barber, your bus driver, your brain surgeon, your prime minister, your colleague, your family. If that is not true yet, then it will be soon.

The work of the ERRC in the next years will be to see realised the promise that Roma can live with equal dignity in the societies to which they belong and in Europe as a whole.

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## 10<sup>TH</sup> ANNIVERSARY SPEECH: DIMITRINA PETROVA

Ten years ago there were only several cases – first in Bulgaria and then in Hungary – in which Roma had claimed their rights in the court rooms. I am counting as a first victory the Pazardjik case, in which a Romani man successfully sued the Ministry of Internal Affairs in Bulgaria, for violent police conduct during a punitive raid of a Romani neighborhood. This was in 1994. In 1996, ERRC started building its litigation program, on an almost empty place. Not only were Roma at that time too weak to defend their rights in the courts but the legal, political and social ingredients for public interest law were still missing in the region.

Today, Roma have prevailed in the courts in hundreds of cases. Fortunately, numerous organizations work to combat racial violence and discrimination against Roma throughout Europe, and ERRC helped kick-start some of this work through institutional grants to human rights and Romani NGOs in the period 1996-1999, when, due to the underdeveloped state of Roma rights, we were performing the additional role of a donor. We had to do this work because otherwise the ERRC enterprise would have remained in a vacuum for too long.

Though many organizations take on cases today, the ERRC, with its strategic litigation program first developed by the US lawyer Jim Goldston, remains to date the biggest and most victorious litigator on behalf of Roma and also perhaps on behalf of any minority in Europe. In the European Court of Human Rights alone, we have won 15 cases and lost only two (and three were inadmissible). In international jurisdictions generally, including the ECtHR and UN treaty bodies' individual complaint procedures, we have won 22 strategic cases and lost four. In domestic courts, we have litigated – alone or together with others – over 500 cases, with a success rate unparalleled by Roma rights groups. Not all cases of course are of the same strategic value, but some are trail blazing, and many go beyond established jurisprudence, as well as beyond satisfying the individual Roma clients.

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## 10<sup>TH</sup> ANNIVERSARY REFLECTIONS ON ROMA RIGHTS AND THE ROMANI MOVEMENT

### ANDRÁS BIRO

I consider the rights based approach to be a bold step ahead for the community. First of all the modern (younger) leaders of the community realised that on the long and arduous way of social integration this approach contributes to the development of citizen-consciousness among the deprived Roma. Secondly, that in the concrete cases of discrimination the very process of legal defence can repair the offense, thus prove to the powerless that it is a workable proposition. Thirdly, that ethnic cohesion and solidarity appears as a positive tool in furthering collective visibility. This aspect seems to be of cardinal importance as existing sub-ethnic divisions and the predominance of traditional kinship mentality still are stumbling blocks. Thus the acceptance of positive ethnic solidarity may become the main tool in order to have their voices heard.

Obviously the rights-based approach is but one of the tools in the liberation process. As in the case of many deprived communities the job, habitat, education and health problems, which are overwhelming, need to be addressed one by one and in their complex interrelationship. But with discrimination being conspicuous in all these aspects, in my view, human rights defence is the cement of the building to be erected.



## TEN YEARS' EFFORTS TO CHANGE THE IMAGE OF ROMA IN THE MEDIA

**GÁBOR BERNÁTH**

One non-governmental organisation founded around the same time as the ERRC is the Hungarian Roma Press Center (Roma Sajtóközpont – RSK).

*Gábor Bernáth:* We published our first article in December 1995. Our main goal was to have Romani journalists writing about Roma, in addition to the Gadje journalists. The main goal was to change the image of Roma in the mainstream media by seeking to publish our articles in the mainstream media.

*ERRC:* What did the image of Roma look like 10 years ago?

*GB:* We first conducted research in 1996 about the image of Roma in the Hungarian media. Roma were associated with three main topics: poverty, crime and culture. Crime and culture each constituted about 25% of the articles, poverty covered 25-30% of the Roma-related news and the rest were various other topics. There were only a few discrimination cases covered by the media, although racial discrimination against Roma was as common as it is nowadays. Today, this ratio has radically changed; the most prevalent topic related to Roma in the media is discrimination. I believe that the RSK played a role in this.

Mainstream media is much more sensitive to discrimination cases than ever before. Unfortunately, this is only true for national newspapers, since local ones are still more interested in poverty and cultural issues. The association between Roma and crime has almost disappeared. It is an interesting phenomenon that a discrimination case which occurs in a small village gets onto the national television and radio programmes, but local media often fail to report on such cases. This happens because local power interests have more direct influence on local media, but also because victims of discrimination are easily identifiable at the local level.

## CZECH ROMAPHOBIA: NOTES FROM THE LAST DECADE

**GWENDOLYN ALBERT**



As readers of Roma Rights are all too aware, this country of the “Velvet Divorce” – the separation from Slovakia which took place peacefully in marked contrast to the Yugoslav wars in

the 1990s – is home to some of the most violent and virulent racism in Europe, focused largely (but not exclusively) on the Roma minority. While the last decade has brought a great deal of international attention to this issue, and most Czech officials have mastered the politically correct rhetoric required of them by the EU, the attitude of the average person in the street has not changed much. Most Czechs still do not want a Romani neighbor, son-in-law, or grandchild, and they are not shy about saying so.

Human rights groups such as the ERRC have documented skinhead and other violence committed against the Roma since right-wing extremism resurged here in the 1990s. The violence committed in the Czech Republic has been extremely brutal, often resulting in death, with off-duty police officers sometimes alleged to have been perpetrators. Brutality by on-duty police has also occurred and been prosecuted, with varying results; successful prosecutions have required a great deal of tenacity on the part of attorneys, and, even so, sentences have been light (often suspended or probationary only) when victims are Roma.

During the “Velvet Divorce” from Slovakia, the Czech state drafted tricky legislation attempting to deprive Roma of citizenship, leaving many in legal limbo. Czech educators oversaw the segregation of 70% of Roma children into “special schools” for the mentally inferior. Czech Airlines marked Roma passengers on their flight lists, and when the Roma began emigrating, UK consular officials went them one better by pre-screening passengers flying from Prague and informing those who looked Roma that they would not be admitted into the UK. Czechs built a wall to block out the sight of their Romani neighbors in Ustí and Labem. They have been turning impoverished Roma onto the streets in increasing numbers, institutionalizing their children for parental infractions as insignificant as failing to buy a pram, and scrawling “Gypsies to the Gas” in letters large and small across this country.



## THOUGHTS ABOUT ACHIEVEMENTS, CHALLENGES, THE PAST AND THE FUTURE



*Isabela Mihalache:* One great achievement is that there are many Roma involved in the work of governments, non-governmental or inter-governmental organizations both on national and international level ... The second significant achievement is closely linked to the previous one: due to the involvement of Romani people in various

organisations, the Roma issue became high on the policy level and started to appear in almost every international strategy, country report, various recommendations and policy papers of the Council of Europe, European Union, United Nations or OSCE. Another positive thing is the establishment of a common consciousness about being

Roma, the shaping of the Roma identity. My generation started collecting memories of our parents and grandparents, about their history, culture, lifestyle and traditions. It is good to see that, based on this reanimation of Romani heritage, we have an increasing number of university departments on Romani studies, books and academics who teach and write about Roma.

One negative thing is that, although we have Roma-related policies and special provisions for Roma on the political and human rights agenda, Roma issues are not mainstreamed but pushed to the periphery ... Another negative thing I have to highlight is the increasing poverty that Roma face, which has gradually deepened in the last decade. And the irony is that, although Roma rights advocates improved their skills and managed to set up NGOs, ordinary Roma people lack basic facilities and social services. The truth is that we have still a long way to go, and we cannot effectively help Roma without a real and constant government commitment and investment in Roma communities. Unfortunately, the social context is much stronger than our efforts alone could ever be. This is one challenge we continue to struggle with.



*Beata Olahova:* The three best things that happened for Roma in the last decade are: the emergence of international, governmental and non-governmental organizations and local NGOs that focus their activities on the rights of Roma; greater awareness of the situation of Roma in Europe; and the reaction and support of donor institutions and governments towards the cause of Roma.

The three worst things in my opinion were: the continued deprivation of the rights of Roma people in Europe by states and other non-state actors; the unwillingness by European governments to respect and implement legislation in a coordinated manner regarding non-discrimination and social inclusion of Roma; the continued increase of anti-Romani sentiment all around Europe.

*Iulius Rostas:* In order to remain able to keep on fighting, you need to be very committed. And this can also be a difference between Roma and non-Roma who work for Roma rights. As a Roma, whatever you do, wherever you work, you will remain the “Gypsy” for your colleagues, whereas non-Roma can freely choose and change workplaces and for them, working for Roma can also be just an “exotic experience”. For us Roma, being and advocating for Roma is something we cannot live without, we cannot choose to forget about the difficult plight of our families and communities. It is part of our identity and a way to express it.



# ROMA RIGHTS 4, 2006: ROMANI WOMEN'S RIGHTS MOVEMENT

OSTALINDA MAYA OVALLE

The Romani women's movement has evolved organically through the wider pursuit of Roma rights by Romani women and men over the years in response to the initial (and mostly continuing) lack of attention to women's issues on the part of the predominantly male "leaders", some of whom viewed patriarchal traditions as integral components of Romani identity and culture. Romani women's first steps to speak out about their rights as women and to challenge the idea that certain practices are a part of Romani culture have often been met with criticism, re-

jection or have been simply ignored. The fact is that women's rights in all contexts tend to be a cause of controversy, but particularly when in juxtaposition with other characteristics such as race or ethnicity, disability, sexual orientation, etc.

Is the struggle in which many Romani women activists are currently engaging to defend their rights a "movement"? What do we refer to when we say movement in the context of Romani women? Is this movement part of the Roma rights movement? Part of the feminist movement?

Of both? None? ...Movements have often been perceived as collective mobilisations with an organisational structure. Looking from this narrow perspective at the Romani women's rights movement, we could conclude that there are only a few dozen, or at most a few hundred Romani women activists, because we would only be seeing the few relatively well-educated and relatively privileged Romani women who continue to emerge as the primary actors of the movement. What I propose is to look beyond the organised Romani women's movement.



## ROMANI WOMEN'S RIGHTS AT THE EUROPEAN LEVEL

LIVIA JAROKA MEP



The 2004 EU accession occurred without the presence of a solid EU level policy on minorities. In many cases anti-discrimination directives were not transposed into national legislation or were not fully implemented in practice unless concrete steps were taken by EU bodies. Before 2003, very few Roma-related topics and reports were discussed in the European Parliament, despite widespread knowledge of the gravity of the situation. This lack of attention has had an impact on the Romani community. This is especially important if we take into account that the number of European Roma is equal to that of the population of Austria or of Sweden.

During the first period of my work in the European Parliament in 2004, my first aim was to raise awareness and provide understanding about the Romani issue. The goal was to properly inform the European Parliament about the situation of the Romani people, and

the main focus of our work was to replace the old paternalistic view with a professional sociological and economic discourse, which, previously, had only provided by a few European-level Roma-related NGOs. This period can be characterised by the process of mainstreaming Roma issues within the European Parliament in all fields and at all levels.

My own initiative report on the situation of Romani women in the EU urges Member States to quickly investigate and prosecute perpetrators of human rights abuses, including coercive sterilization... Full access to unbiased health care for Roma in all Member States is emphasised. In the education sector, Member States are urged to use the framework of the open method of coordination to create legislation providing equal education for Roma and leading to the desegregation of schools. Work must be undertaken to improve the physical situation of Romani communities by creating necessary infrastructure: including waste removal and the provision of electricity.

## COPING WITH COERCIVE STERILISATION

LUCIE FREMLOVÁ



Since the emergence of the Ostrava-based Group of Women Harmed by Sterilisation towards the end of 2004, the fight for Czech Romani women's rights has acquired a new dimension. At present, the Group is a unique identity group, possibly the only one of its kind in the Czech Republic, which brings together Romani victims of coercive sterilisation practices carried out both before and after the 1989 Velvet Revolution. At regular monthly meetings, their legal representative informs the members of the Group of the latest developments in the cause; the women support each another by sharing their stories, talking about the personal or health problems caused by unwanted surgery, as well as sharing any good news, which unfortunately tends to be rare. Needless to say, like other Romani-related issues, the issue of coercive sterilisation is still seen as unpopular and

is very much ignored by most members of the mainstream population in the Czech Republic, not to mention by high-level Czech authorities.

The members of the Group of Women Harmed by Sterilisation have "stepped out of the closet of anonymity" for the first time. They have told their story in public and, as a result, have been fiercely attacked and viciously ridiculed by the Czech media. Apparently, further victimisation of the victims of coercive sterilisation by the mainstream population is permissible in the absence of a complex anti-discrimination law. The current social climate allows this to happen without any severe repercussions for those persons resolved to undermine the victims of coercive sterilisation.

# ROMA RIGHTS 1-2, 2007: SOCIAL ASSISTANCE

## THE CHANGING FACE OF WELFARE

SINAN GÖKÇEN

The welfare state attempts to enact social justice for citizens by mitigating unfairness created by market economies through proactive social assistance schemes. In the past, these have consisted of unemployment benefits, public health care, and other social services. Recent labour market reforms have also introduced “market-friendly” activation policies, which aim to reduce public costs for social assistance by re-integrating the excluded into the labour market.

While these policies seem promising in some respects, their real effects on

the most vulnerable groups have been mixed, and in some cases harmful. For Roma, who as a group, are most in need of the assistance and the re-integration promised by the welfare state, these new social assistance schemes may pose a serious danger. Due to the interplay of multiple exclusionary factors as well as open discrimination, Roma are often unable to access and benefit from these measures. When these measures fail to lead to jobs, as they often do, Roma are left with no work and no social assistance, victims of more “efficient,” but less just, welfare policy.



## EQUAL RIGHTS FOR THE ROMANI POPULATION

JEAN-MICHEL BELORGEY (GENERAL RAPPORTEUR AND FORMER PRESIDENT OF THE COUNCIL OF EUROPE'S EUROPEAN COMMITTEE OF SOCIAL RIGHTS)



“Ostracising Roma is not confined to eastern Europe and the Balkans. And although pogroms are not such an established tradition in western and northern Europe as they are in Slovakia or Romania, we are well aware from experience in Béziers, France, or at the Bobbin Mill Encampment in Pitlochry, Scotland, that all sorts of excuses, such as illegal presence

in the country or unlawful settlement on a flood plain, are used to justify the refusal to offer Romani and similar children normal, or any, schooling. Other techniques are used to deny Roma access to housing, evict them or drive them away, such as increasing the parking charges on caravan sites, destroying the dwellings they occupy (since 2006, several hundred

homes occupied by Roma have been destroyed in greater Istanbul and Bursa, on the Black Sea and in Turkey in general), restricting caravans to increasingly confined areas, attributing the rejection suffered by Roma and Travellers to their antisocial behaviour and, as in the case of French law, criminalising breaches of legislation that exclude such persons and are deliberately designed to provoke such breaches.

The Romani presence is pervasive in eastern Europe, where opposition to it has often taken violent forms, whereas western Europe has only ever experienced the backwash of Romani migration, though it has been no more successful in coming to terms with it. Yet between the two there is a certain obscure and obscene connivance. An example is the systematic rejection by the French Office for the Protection of Refugees and Stateless Persons of asylum applications from Roma, whether Christian or Muslim and whether from Serbia, Croatia or Kosovo, all areas ravaged by civil war and ethnic cleansing. In these conflicts, as under the Nazis, Roma have borne more than their share of such cleansing.”



## TRÈS DIFFICILE: PROBLEMATIC OF CIVIC ASSOCIATIONS' INTERVENTION IN HUMAN RIGHTS SITUATIONS

LARRY OLOMOOFE

Therefore, various government agencies simply abdicate their own responsibility to address social phenomena such as segregated education and housing, and discriminatory practices in social services, healthcare, employment, etc. This is a highly contentious point to assert, but one that is valid nonetheless. Governments often talk of partnerships between the state sector and the civil sector. These “partnerships” are valuable normative fields within which to work, but they are simply not viable due to the restricted role played by state agencies. I contend that state actors feel that their role is simply to provide the bureaucratic/institutional framework – policy development and implementation, limited funds, processes of accountability – for civil organisations to conduct their activities, and do little or nothing else.

Therefore, the perception has been allowed to develop that civil organisations are the correct and appropriate institutions to conduct some of the work they do and not governmental state agencies. I have seen this in other spheres of human rights activities through my work with refugees and asylum-seekers in the Central and Eastern Europe (CEE) region, as well as through the experiences of ethnic and other minority groups in Europe and the USA. The perception has reified into a “natural state of affairs” and suggestions otherwise would seem unnatural, or in the very least, counter-ethical. Well, if it is “unnatural” to critique the role of civic-minded NGOs then we need to question the current state of affairs.”



## EMPLOYMENT ACTIVATING SOCIAL ASSISTANCE SCHEMES NOT WORKING FOR ROMA AND TRAVELLERS

TARA BEDARD

Tellingly, none of the Romani and Traveller RMI/RSI recipients interviewed in the course of the study had ever achieved regular employment as a result of insertion measures linked to RMI/RSI. Nor had anyone been offered or entered into subsidised work contracts financed by the French government in order to integrate RMI recipients into the labour market. In Portugal, several individuals had been offered traineeships within the RSI programme wherein they worked for several months with a firm, but none had been hired on as regular employees at the end of the traineeship. These individuals were extremely frustrated with the RSI process and felt that they would never secure employment given the current level of effort by the government to assist them.

# EUROPEAN COURT OF HUMAN RIGHTS DELIVERS JUSTICE TO ROMANI VICTIMS AFTER SEVENTEEN YEARS

CONSTANTIN COJOCARIU

On 26 April 2007, the European Court of Human Rights delivered judgments in two cases concerning anti-Romani pogroms that took place in Romania at the beginning of the 1990s. The Romanian Government acknowledged responsibility for breaches of a number of articles of the European Convention on Human Rights, committed to paying considerable amounts of money as damages and costs to the applicants, and undertook to implement measures aimed at improving living conditions and interethnic relations in the aggrieved communities. These judgments emphasise the failure of the Romanian judicial system to provide adequate redress to the victims of widespread ethnically-motivated violence that took place in Romania at the beginning of the 1990s. The European Roma Rights Centre (ERRC) and Liga Pro Europa (LPE) assisted the applicants during domestic and international proceedings.



## ROMA RIGHTS 3, 2007: PERCEPTIONS

### IN THE EYE OF THE BEHOLDER: CONTEMPORARY PERCEPTIONS OF ROMA IN EUROPE

LARRY OLOMOOFE

I have witnessed the alchemy of race and ethnicity being used to inform policy and behaviour toward Roma in many countries by public officials and the general public alike. In many instances, I have often been shocked at the rampant racist doctrinal attitudes being expressed by people who would nominally be considered as “liberal” minded ...



All of the issues elucidated above crystallise around the broader social cognitive processes that ascribe value to particular behavioural practices and traits. For many Romani people, the long history of discrimination and marginalisation that they have had to endure has generated a counterfactual process within their communities, putatively in defiance to the discrimination they regularly encounter. Therefore, particular practices that are considered “traditional” and therefore central to Romani generic identity become more important due to the fact that Roma are seldom accepted by their non-Romani social peers and counterparts in society. Roma also become almost exclusively dependant upon the internal “in-community” processes of affirmation since they feel that they will never be accepted as equals by broader non-Romani society. Indeed, when Roma are invoked in the perceptions of wider society, it is almost always in oppositional terms through the positing of a juxtaposition of “them” and “us”.



## RESEARCH AND THE MANY REPRESENTATIONS OF ROMANI IDENTITY

ADRIAN MARSH

There are then, a number of issues to be addressed by Romani researchers producing Gypsy historiography. Can these be seen differently for Romani writers of Gypsy history, as opposed to non-Gypsy authors? ...I would suggest that the necessary engagement with the theoretical implications of modern historiography, for Romani history writing, is one that must be undertaken, as part of the shift towards a more critical Romani studies. This shift is one that the Romani writers of Gypsy history may be best placed to undertake...

The writing of Romani history remains a contextual and highly contested arena, where the discourse of “authenticity” and “resilience” jostles with that of “social isolation” and “marginality”. Scholar-

ship and activism are contrasted as two opposing poles, with the engagement in one argued by many as compromising the other. In this sense, Romani ‘self-writing’, can be seen as the necessary corrective to *gadje* derived scientific criteria, and positivist notions of objectivity. In this context, Gypsy researchers’ positions are very similar to that of other writers from minority ethnic backgrounds; it is the assumption that the activist agenda is always to be identified at the heart of the argument, the inability to stand ‘objectively’ above the debate.

In the purveying of popular ideas of the Romani past, the imaginary Gypsy, and his/her connection to “the wild” or exotic, maintains its hold on both the European conception of Gypsy people, and

the understanding of how they came to be. The current prejudice and discrimination displayed towards Gypsies in Europe utilises this discourse in order to mobilise the notions associated with it, underpinning stereotypical representation through the media of feckless, irresponsible parasites. The portrayal of Gypsies in terms of history is significantly undercut by reference to delegitimised “travellers”. A great deal of research and reports published engage critically with this discourse, arguing for a rights-based approach that ultimately challenges some of the conceptions surrounding notions of social inclusion and citizenship, especially as these are frequently ethnicised across social, economic and political factors further marginalising Gypsy communities.

Photo: Romani Arts

# ANTI-ROMANI SPEECH IN EUROPE'S PUBLIC SPACE - THE MECHANISM OF HATE SPEECH

**HENRY SCICLUNA**

Hate speech can take various forms, ranging from offensive remarks to incitement to violence. In the case of Roma, hate speech covers the whole range of abuse and follows a pattern distinct from ordinary abusive speech against any given group. Whether it is a minor insult or an outright incitement to killing, the purpose of the perpetrator is the same: To exclude and eliminate Roma from society. What is noticeable in most countries is a constant and systematic escalation in the gravity of hate speech rather than sporadic incidents.

Hate speech is particularly dangerous because all anti-Romani activities - evictions, school segregation, physical aggressions - spring from it. Vilifying statements by high officials, including ministers, politicians and various authorities, echoed by the press have provided legitimacy for hatred and hence for exclusion. As a result, the ordinary citizens, fortified in their prejudices, condone and support discriminatory measures against Roma.

Anti-Gypsyism is not a form of discrimination based on differences of culture

and behaviour, but an attitude of utter contempt. It is not intended to criticise but to humiliate and demean. Anti-Romani speech in the public sphere does not indicate dislike but hate and is intended to hurt. Roma are not disliked for some characteristics which are perceived as negative - they are hated because they are Roma. It is not even aimed at assimilating Roma by force - which would also be unacceptable - it is merely aimed at excluding them.

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## “LAW IS KEY BUT ATTITUDES ARE JUST AS IMPORTANT”

**DR JENŐ KALTENBACH**

What 'integration' means and what it should mean "to integrate" was not very clear at that time and nor has it been ever since. Second was the issue of identity, and the preservation of the ethno-cultural identity of those who would like to preserve their identity. To give the opportunity to the people to be as they are. Before that – because of historical reasons – Hungary was one of the most assimilation oriented countries in the region.

There was a case in a hospital where special rooms for the pregnant Romani women were established. They simply segregated non-Romani and Romani pregnant women. We undertook an investigation and, of course, the medical circles were very angry and regarded this as interference in their professional sphere. Several similar instances happened in many cases against local opinion leaders, primarily mayors. Local ad-

ministrations and local politicians were distressed because most complaints were against them, naturally. So, we have had a very controversial relationship with powerful segments of society...

In an article written about my period in office by a Hungarian journalist last June, it was stated, "his endeavours were blocked by the narrow-minded administration and by ignorant politicians."

Conflicts are inevitable; they are in the nature of the Ombudsman Institution (but also in the nature of public affairs). This reality consequently leaves you in a position in which you have to fight with different actors in society. First of all, of course, there are politicians. The opposition usually likes the institution because of the very nature of the institution; because we are usually criticising the powerful, the institutions, and the ruling administration and their politics in general.

Secondly, there are powerful and influential circles in society. I can at this point mention one of the cases to you. One of the most powerful professions in Hungary is the medical one.



# ROMA RIGHTS 4, 2007: CHILD PROTECTION

## ROMANI CHILDREN AND THE HUNGARIAN CHILD PROTECTION SYSTEM

MARIA HERCZOG AND MARIA NEMÉNYI

At the same time, deficiencies of professional staff, in terms of size and competences, and the low standard of administering services and professional control prescribed in the law, are also important factors behind this situation. As a result, owing to their insufficient expertise and personal biases, the decisions made by these professionals are not founded on firm and unbiased grounds, i.e. devoid of any subjective judgments, so it is hard to determine whether children concerned are, in fact, victims of parental negligence, or just suffering from hopeless poverty.

Understanding the behaviour of parents is decisive with regard to the fu-

ture of children, since – as we have seen – often many or all of the children are taken away from parents that have many children, even when the family is really more in need of social assistance. This is especially true in the case of Romani children, who are taken away from their family in even greater proportions, compared to non-Romani children of similar background – whether because of their greater distress, or due to the negative perception of Roma. We have seen that the overrepresentation of Roma in institutions providing protective care is greater precisely in counties where the proportion of Roma within the population is lower, and economic conditions are better.

Another evidence that poverty and social deprivation form the actual basis of judgments with respect to these children, as opposed to negligent treatment, is inherent in the fact that the youngest age group is the most affected by this motive of institutionalisation which is so hard to define: Children who are often not even taken home from the hospital after birth, whose accompanying documentation therefore cannot include any detailed study of the environment, or negotiation with the family, and so there is nothing to support the belief that the decision in their case was made to actually serve the interests of the child.



# CHANGES IN THE CZECH SYSTEM OF CHILD PROTECTION

HANNA ZUROVKOVA AND KUMAR VISHWANATHAN

In the year 2003, Professor Kevin Browne from the UK's University of Birmingham with his team revealed in the report "Mapping the number of institutions across Europe at risk of harm" that Czech Republic, from 33 European countries, has the highest percentage of children below the age of 3 in institutional care. There are 60 children per each 10,000 children under 3 years in institutional care. For example, in the United Kingdom it is less than 1 child per 10,000. The Czech Republic shares a communist past with the former times with Czech Republic, the rate of children under the age of 3 is much lower, at 31 children per 10,000. The rate of children above 3 in institutional care and this is slowly increasing. In the year 2007, there existed 225 institutions where 7,600 children were placed; the Czech Home Ministry statistics published in October 2007. Report 15/2007 of the Czech Institute of Health Information and Statistics (hereinafter referred to as CIHIS) published in October 2007, 21% were of Romani origin. From our experience, in almost all the child-care institutions that we have visited, a significant number of children are in institutional care.

In our modest opinion, the key to reducing the enormous percentage of children in institutional care in the Czech Republic lies with the social workers. Are they more insensitive and cruel than other social workers from neighbouring countries? Or, is there room for their further education and change in attitude? Or, is it a great systemic failure with serious legislative limitations?



## LIFE IN THE AFTERMATH OF

JOZSEF GALYAS

I was five-years-old when I went into state care in 1989. I was placed in the home in Berkesz, in Szabolcs-Szatmár and Nyírség county.

While I was in the home, my parents did not visit me often, and during those many years very good friends of my parents came to my hometown in Tiszadob, where I learned the trade of a carpenter. They survived Real Life (with a capital L). They just kept to their jobs.

After finishing vocational school, I went to Budapest to find a job. I survived. I will be able to. I settled in Tiszadob. I met many people who were working for the Romani Minority Self-government and for the state. Many young adults who grew up in state care have to face the same challenges.

## A FRESH WIND ACROSS THE PRAIRIE – THE EUROPEAN COURT OF HUMAN RIGHTS AND THE CASE OF EDUCATION OF ROMANI CHILDREN FROM THE CZECH REPUBLIC

ANDI DOBRUSHI

On 13 November 2007, the Grand Chamber of the European Court of Human Rights announced the much awaited decision in the case of *Horváth and Horváth v. Czech Republic*, which has been commonly referred to, "the Ostrava case". By a striking majority (13 votes to 4), the Grand Chamber held that there had been a violation of Article 14 (prohibition of discrimination) taken jointly with the Article 2 of Protocol 1 (right to education).

Undoubtedly, the case will enter the court's annals/history as the first one where it spelled out clearly its standards and approach on non-discrimination in the area of education of the most disadvantaged minority in Europe, Roma, who face and suffer from discrimination in all facets of their lives. The case is by far the most significant in the area of education. It challenged the practice of channeling Romani children to special remedial schools based on assessment procedures. The case came amidst lots of skepticism following the Chamber decision in early 2006 that rejected all the claims raised by the applicants' representatives. The decision was welcomed by the human/civil rights community as to the ability of this Court to define its position/stance with regard to forms and constitutive elements of discrimination.

Not without reason, the general feeling prevailing after 13 November was that the Court had redeemed itself and restored faith in its perceived impartiality, especially for vulnerable groups and minorities. The decision is particularly important in light of the broader evolution of European anti-discrimination law. The decision is in force of the Race Equality Directive and subsequent domestic anti-discrimination laws adopted in most EU member countries. It paves the way for other countries and sends a strong message to the governments that the Court will not tolerate such situation.

er and characteristics of children under three in in-  
e age of 3 in institutional care.<sup>3</sup> In Czech Republic,  
ild per 10,000. Even in the Slovak Republic, which  
0,000. We also have a very high number of children  
at is 80 children out of every 100,000, according to  
after “UZIS”) states that of the 1,673 children taken  
significant proportion of the children are Romani...

orkers. But, is this because they are, as individuals,  
n attitudes of the social workers? Or, is it that there



## STATE CARE

Hungary, together with my six sisters and brothers. Unfortunately, we were placed all around the country separated from one another. I was  
arBereg County, and that is where I started primary school. At that time there were about 20-25 other children placed in the town.

me at all; not even on one occasion. I did not know what it was like to grow up in a family. As children in the home, we learned a lot from each  
ndships developed. When we finished primary school and had to choose a profession, it was very hard to part from each other. I went back to  
e of a welder. When I was in state care, they did the laundry, the cleaning and the cooking for us. Unfortunately, they did not teach us how to  
elling us, “When you get out, you will see.”

st where I realised that as a young adult formerly in state care, I was alone. Based on my experience, it is my belief that those who want to  
y wife, who had lived in state care as well. We have had two children and, in time, we became foster parents as well. Since 1998, I have been  
at Tiszadob because I feel responsible for improving the lives of Romani people. For years I was preoccupied with the terrifying situation that  
e when starting his or her independent life, away from the home.

## HUMAN RIGHTS ACKNOWLEDGES SYSTEMIC DISCRIMINATION FROM THE CZECH REPUBLIC

se of D.H. and others v. The Czech Republic, or as  
d been a violation of Article 14 (prohibition against

rimination. Most importantly, it did so in the context  
most important challenge of racial discrimination in  
is designed for the majority. The foregoing decision  
atives and brought/raised serious doubts within the  
rimination.

ved image as guarantor of human rights in Europe,  
nation law in the past five years, since the entrance  
s the way for challenging similar practices in other



# ROMA RIGHTS 1, 2008: ROMA EDUCATION: THE PROMISE OF D.H.

## THE IMMEDIATE REACTION OF THE CENTRAL STATE AUTHORITIES TO THE ECHR JUDGMENT

KATARINA HRUBA

The ECHR judgment did not find the Ministry in its best condition – namely without a relevant departmental minister ... The current Minister of Education, Ondrej Liska, was not nominated to his post until 4 December 2007 ... In contrast to the intense discussion that immediately followed the ECHR judgment in the non-governmental sector, the first reactions of central state authorities were somewhat scanty.

Minister Liska in reply to the direct question of a journalist as to whether or not he

wants to change the practice identified by the ECHR as discriminatory, saying that he “naturally plans to do so because it is one of the big issues.” Minister Liska stated that in spite of the fact that the Czech Republic was not found guilty of directly discriminating against Romani children, the truth is that the state did little to avoid the discrimination and it actually permitted the discrimination to occur, be it consciously or unconsciously.

The Minister stated explicitly that it is no solution “to abolish the name of special

remedial school but to let the principle function under another name in the same way.” ... At the beginning of April 2008, in its new Open Bulletin, the Ministry, the Minister admitted that because of past neglect of the issue of the equal access of all children to education “one of the results is also the well known European Court of Human Rights judgment about violation of the ban on discrimination in conjunction with the right to education that has cost the Czech Republic money and unfortunately also a little reputation.”





# BEFORE AND AFTER THE OSTRAVA CASE: LESSONS FOR ANTI-DISCRIMINATION LAW AND LITIGATION IN THE CZECH REPUBLIC

DAVID STRUPEK

The case *D.H. and Others* was from its very beginning based on the theory of indirect discrimination. This does not mean that open racism and a direct intention of school directors or child psychologists had not played a role in the placement of Romani children into special schools. It obviously had, but it simply could not be proven. Similarly, we hardly could base the application on requesting the ECtHR to review the mental capacity of our applicants at the moment of placement – first, it is scientifically practically impossible to do so retroactively, and second, it is not the Court's task to reassess the factual issues. That is why we based the case solely on statistical figures collected by the European Roma Rights Centre, supported

by reports from various organisations and the State's own admissions.

The Constitutional Court of the Czech Republic as well as the Chamber of the Second Section of the ECtHR refused that concept. The Chamber admitted that discrimination cannot be ruled out if a policy or general measure has disproportionately prejudicial effects on a group of people, even if it is not specifically aimed or directed at that group. However, according to the Chamber, statistics are not by themselves sufficient to disclose a practice that could be classified as discriminatory. Thus, the Chamber regarded as significant for its conclusions whether the reason or even a criterion for the applicants' placement to

the special schools had been their ethnic or racial origin.

The Grand Chamber completely reversed this view. It reacted to new development in the ECtHR's case law and referring to the decision *Hoogendijk v. the Netherlands* and the judgment *Zarb Adami v. Malta*, it stated that where an applicant is able to show, on the basis of reliable statistics, the existence of a prima facie indication that a specific rule – although formulated in a neutral manner – in fact affects a clearly higher percentage of members of one group than members of a comparative group, it is for the respondent Government to show that this is the result of objective factors unrelated to any discrimination.

## THE SCENE AFTER BATTLE: WHAT IS THE VICTORY IN *D.H. WORTH* AND WHERE TO GO FROM HERE?

LILLA FARKAS

It is noteworthy that although some domestic litigation – notably *actio popularis* litigation in Bulgaria and Hungary – has been made possible by the transposition of the RED, the majority of cases presently pending either predate it or fall in a sequence that pre-dates RED – e.g. Traveller and anti-Romani violence cases. Undoubtedly, however, a new wave of litigation is emerging and organisations engaged in such activities use the RED in their efforts. The judgment in *D.H. II* has significantly raised the profile of community law.

*D. H. and Others v. the Czech Republic: The judgments*

The ERRC hailed the judgment in *D.H. II* as bringing the ECtHR's Article 14 jurisprudence in line with principles of anti-discrimination law that prevail within the EU. Undoubtedly, since the adoption and transposition of the RED the most important and publicised legal battle relating to Roma rights covered by the RED has been fought and won in this case. And even though litigation in *D.H.* predates the RED, the length of proceedings before the ECtHR made it possible to raise arguments in this case based on the RED.

Inspired by Soviet educational dogma, in the Czech Republic, as in many other Central European countries, a system

of special schools had been established during Communism and maintained for decades even after studies by social scientists, psychologists and teachers found clear patterns of system failures resulting in ethnic discrimination. In the mid-1990's the slow reconceptualisation of the issue of misdiagnosis as a legal, not only as a sociological or pedagogical problem began. The then ERRC legal director, James A. Goldston, initiated

meetings with domestic stakeholders and argued that a legal challenge needed to be mounted to tackle this structural problem. In Hungary he failed to gather adequate support and it was not until 2006 that as a result of concerted efforts by Viktória Mohácsi, Member of European Parliament, and her team in this country that action for civil damages were brought on behalf of 17 misdiagnosed Romani children.



# ROMA RIGHTS 2, 2008: ITALY'S BAD EXAMPLE

## ETHNIC PROFILING AND DISCRIMINATION AGAINST ROMA IN ITALY: NEW DEVELOPMENTS IN A DEEP-ROOTED TRADITION

**PIERO COLACICCHI**

The period of the last 20 years has marked a change in the history of Roma living in Italy: In earlier decades, one could define a sort of "traditional" anti-ziganism, the kind of racism across frontiers that Grattan Puxon talked about when he wrote, "There was never much difference in the attitudes towards Roma in western and eastern Europe." Puxon described it as a generalised series of stereotypes involving fear and repulsion that forced Roma to live on the margins of urban areas and often by, or in, city dumps. This situation prompted Leonardo Piasere (an Italian anthropologist particularly well known for his publications on Italian Roma and Sinti) to give his 1991 book the expressive title *People of the dumps*,

"meaning [he explained] both in the sense of people living in dumps and of people considered and treated like trash".

After that period Italian anti-Romani Italian anti-Romani racism began to change and slowly acquired a new dimension. The old stereotypes started being manipulated as useful political tools and anti-Romani feelings were artfully spread through apparently objective publications and newspaper articles, especially at election times by the new fascist right wing to gain political consensus.

Soon it became a major component of Northern League campaigns and then, in more recent times, in less obvious hypo-

critical ways, by centre-left politicians. The 2007 campaign of Rome's former mayor Walter Veltroni's to build a new party was to a large extent based on securitarian propaganda and on the "terrorise and win" concept, in which Roma and Romanians (grossly confused as one) were assigned the part of the felon. This political use of old hostilities by the centre left, a part of which has been the generalised justification that Italians, typically emigrants, were not prepared to face immigration (while Roma have lived in Italy for the past six centuries), was definitely a new development in the field of anti-Romani racism and it now represents a growing danger both for Roma and Sinti communities and for Italian democracy as a whole.





## THE LIFE AND DEATH OF ROMA AND SINTI IN ITALY: A MODERN TRAGEDY

**HENRY SCICLUNA COUNCIL OF EUROPE**

The year 2007 marked a turning point in the campaign against Roma. What was previously “cleaning” operations at the initiative of individual mayors became a national mission to save civilization. Italy failed to listen to the message of Mr Amato, Minister for Internal Affairs, who on 15 August 2006, following a visit to a Roma camp, had this to say: “I know that many Italians are scared by Roma and by this camp in particular, because they consider this settlement as the house of crime, but we have to consider that here there are 4,000 children and that children are not predestined to criminality and are not criminal by nature. It is now time for the Italians to recognise their part of the responsibility in this and start

considering the Roma ‘problem’ as an Italian affair.”

On 18 May 2007, Pacts for Security were signed in Rome and Milan ... The Pacts left no room for doubt that the purpose was not to integrate but to isolate and repress.

Worse treatment was yet to come: An arson attack on a camp in Livorno led to the death of four children. The arson was allegedly the work of an unknown group “GAPE: Gruppo Armato Pulizia Etnica” (armed group for ethnic cleansing). Though there was ample evidence that a petrol bomb had been thrown at the camp, the parents of the four children killed were arrested for neglect and abandonment of children.

The perpetrators of the arson were never caught. At the children’s funeral, people were heard allegedly saying “Just as well, that’s four Gypsies less.”

The Council of Europe reacted immediately. In a statement of 15 August 2007, Ms Maud de Boer Buquicchio, Deputy Secretary General of the Council of Europe, said that “when a Roma child dies due to deplorable living conditions, the whole society bears the responsibility and not only the parents.” She invited the Italian authorities “to take the necessary steps towards Roma integration by adopting comprehensive action plans, including public information campaigns to combat discrimination and deep rooted prejudices against Roma.”

## LEGAL AND POLICY DEVELOPMENTS IN THE CONDITION OF IMMIGRANTS AND ROMA IN ITALY

### LORENZO TRUCCO

At present in Italy, a very serious attack is underway against the basic elements of human rights culture, especially regarding the legal situation of migrants, and Roma in particular.

Instead of fighting against poverty the Berlusconi government and the right wing coalition with the Northern League, are fighting against the poor.

The criminalisation of undocumented foreigners is going further, trying to

include also people who have legal status, introducing new crimes and, in general, creating new obstacles to make their life quite difficult or impossible. "Zero tolerance for Roma, illegal immigrants and criminals" has become a State priority, with anti-immigrant rhetoric playing on a sense of insecurity among citizens. This xenophobic policy has created a climate of intolerance and racism, encouraging very serious episodes of violence, especially against Romani people. The negative

stereotypes that a democratic society should overcome instead risk becoming commonplace in a political and cultural climate that tolerates, or even incites, racism, violence and exclusion; sometimes explicitly. Roma in particular have become the target of systematic violence and verbal and physical aggression. They have been forcibly removed from camps where they live, and their personal belongings destroyed. To better understand the recent legal changes in Italy, some background information is useful.

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## STANISLAV MARKELOV: ROMA RIGHTS DEFENDER ASSASSINATED IN RUSSIA

IN MEMORIAM: The European Roma Rights Centre (ERRC) is saddened and troubled by the assassination of a prominent Russian lawyer on 19 January 2009; a lawyer who built his career on using the legal system to defend human rights and social justice. Stanislav Markelov was a former ERRC associate, a young and brilliant human rights activist. He was killed together with Anastasia Baburova, a young journalist working as a freelancer for Novaya Gazeta, a publication highly critical of the Russian government. The two had just left a news conference where Mr Markelov announced that he would continue to fight against the early release from jail of Mr Yuri Budanov, a former Russian tank commander imprisoned for murdering a young Chechen woman. Mr Markelov and Ms Baburova were killed in broad daylight. The murder of Mr Markelov apparently bore the characteristics of a contract killing. Such assassinations are unfortunately not uncommon in Russia. The perpetrators of Mr Markelov's killing have not been found, nor has any link to the state been established.

However, Mr Markelov, who as the director of the Rule of Law Institute, had been bringing cases against the Russian military, Chechen warlords and murderous neofascists, clearly had many potential enemies both within government and without. Russian government officials have been implicated in other political assassinations, most notably that of Aleksandr Litvinenko. The ERRC is honoured by its association with Mr Markelov. In 2006-2007, he

worked with the ERRC on two Roma rights cases in Russia regarding forced evictions and fair trial. In both cases, Mr Markelov worked hard to keep his clients engaged, urging them to continue their fight despite the frustrations of a justice system that was not disposed to provide justice. Mr Markelov's death at the age

of 34 has caused deep sorrow and anguish in the human rights community. The ERRC offers its condolences to his family, friends, colleagues and the human rights abuse victims he represented. Most of all, his death is a great loss for Russia, where human rights abuses and xenophobia are on the rise.



# ROMA RIGHTS 1, 2009: HARD TIMES FOR ROMA: ECONOMICS, POLITICS AND VIOLENCE

## THE EXTREME RIGHT AND ROMA AND SINTI IN EUROPE: A NEW PHASE IN THE USE OF HATE SPEECH AND VIOLENCE?

ANDRZEJ MIRGA

Based on non-governmental sources and media reporting, an increase can be observed in violence and hate-motivated incidents targeting members of Roma and Sinti communities in several countries in the OSCE region. Arson attacks on Romani houses, physical assaults, racist slurs, property destruction and police violence are the dominant types of crimes reported. Among the reported incidents, some have resulted in death. Attackers often targeted whole families in their homes (Hungary, Czech Republic) or whole communities in isolated settlements (Italy, Czech Republic). There are those who think that violent acts targeting Roma and Sinti can also be traced to some of these parties and groups, although concrete evidence has been difficult to obtain in

cases of murder. The police and courts, which are usually slow or resistant to recognising the racial basis for the attacks, often compound the problem

What characterises the groups behind these hate crimes? Our hypothesis is that in the present circumstances those forces deliberately use hate speech and, eventually, incitement to violence as tools to gain political power and legitimise themselves in mainstream politics. While this approach has so far met with only limited success, anti-Romani elements were part of the platforms that helped a number of political parties gain seats in the June's elections to the European Parliament.

These groups revive demons from the past, like fascist symbols and language.

They play on people's insecurities in hard times and manipulate their feelings by channelling their grievances against easy recognisable targets like Jews or "Gypsies." They are more visible today than in the past as they have learned that anti-Romani rhetoric can pay off politically and attract votes. These groups and parties are dangerous because their strategy is to mobilise the segments of society that may not be willing to openly voice these ideas but agree with them all the same. The results of the European Parliament elections demonstrate that parties can use anti-Romani rhetoric to gain greater representation, a fact that could play an important role in upcoming elections, national or local, and potentially pose a danger to social cohesion and stability.



# NATIONALIST PRIDE AND POPULIST PREJUDICE

BERNARD RORKE



Renewed attention to the surge in anti-Romani violence against the backdrop of economic recession has led many commentators to insinuate that these phenomena are inter-related. Across media outlets this makes for easy copy in hard times. The sequence and substance of events in Italy, Hungary and the Czech Republic puncture this convenient narrative. The acts of violence against Roma by state and nonstate actors, the coarsening of public discourse coloured by inflammatory racist rhetoric and the increase in broad public hostility towards Roma predate the economic downturn and form part of a wider populist assault on the liberal content of contemporary democracy.

Prejudice has become a mobilising force, and unabashed and uninhibited anti-Romani prejudice has taken centre stage with crude ultra-nationalism as the core ingredients in a wider radical populist assault on the so-called liberal consensus.

To better comprehend the recent ominous and lethal surge in anti-Gypsyism it is more appropriate to attribute it to a wider political malaise than to forge a synthetic, reductive cause-and-effect linkage with current economic woes. Among the new Member States, political instability and an erosion of trust in democratic institutions has led to a situation where, as Jacques Rupnik put it, “Democracy has no rivals but is losing supporters. Populist movements, to some extent express that ambivalence and discontent.”

Described by Ivan Krastev as “the new, electoral version of the Molotov cocktail,” populism is not anti-democratic but profoundly anti-liberal. Common features include authentic anger, unrestrained hatred of the elites, cultural conservatism, Euro-scepticism, declared nationalism and undeclared xenophobia. At its extreme, expressed through radical rightist manifestations within an increasingly polarised political context, xenophobia is “declared” and much of the “authentic anger” is directed towards Roma and other minorities.

# SPOKEN TODAY, COMMITTED TOMORROW

JENŐ KALTENBACH AND CATHERINE TWIGG

This escalation in anti-Romani violence is probably more critical in Hungary than any other country in the region at present. Still, the incidents were widely met with a public response that is better defined as apathy than sympathy. Condemnations of the racist climate and the resulting violence are few and far between; instead, many voices in society calling for decisive action to address the “Roma problem” are largely legitimate and mainstream, wielding significant power.

Thus, the violence against the Romani community is both trivialised as random and mitigated through assertions that it is eclipsed by violence committed by Roma. Jobbik has published documents directly comparing the rates of violent incidents against Roma and by Roma. The information included is erroneous, misleading and dangerously inflammatory: Juxtaposing the violent incidents in this manner implies the possibility of a causal relationship and further increases the divide between Roma and the majority population.

In almost every one of the cases of violent attacks, the perpetrators remain unknown and at large, and the police – though investigating forcefully – seem to be groping in the dark. The only notable exception to date is the case mentioned above in Abádszalók, in which the family was able to detain the perpetrator at the scene of the crime. To date, the police have only independently identified people responsible for these crimes in one case. This can be accounted for partly by the actions of the police themselves.

Especially in the first case described above, in Tatárszentgyörgy where a young father and his five-year-old child fell victim to an arson attack and deadly shooting, their actions were inadequate. The official police actions at the crime scene and their public reaction to the crime fell direly short of the minimal professional requirements and appear to have compromised the investigation from the beginning... Despite the testimony of witnesses and evidence at the scene of the attack, police further compromised the investigation through their stubborn assertion that the incident was an accident, denying the possibility of an attack. Investigations and disciplinary proceedings were launched against some of the emergency personnel present at the scene of the crime concerning their actions, but to date no conclusions have been made public. An outside observer may logically wonder whether the official proceedings are less thoroughly conducted when the victims are Roma.



# HATRED IS THE CHEAPEST FUEL: POLITICAL POWER, NOT ECONOMICS, IS BEHIND RISING CZECH NATIONALISM

GWENDOLYN ALBERT

The key to understanding the general tolerance for extremism in the Czech Republic lies not in any economic factors, real or imagined, but is perfectly encapsulated in the remarks of the Mayor of

Chomutov, Ivana Řápková, shortly after the events described above took place:

*We want quiet in Chomutov, and therefore we will not permit any other similar*

*demonstrations, whether by Roma or by either left or right wing extremists. The only one who pays the price is the decent citizen.*

“Decent” citizens, in the view of not just Mayor Řápková, but of many people in the Czech Republic, are those who do not draw attention to themselves. They do not bother others with their problems, troubles or demands, political, social, economic or otherwise.

It is logically impossible, in this particular world view, for a Romani person to also be “decent” – Roma are, by definition, troublemakers, because for some unfathomable reason, after all their years of living off the state, they are always complaining. The substance of those complaints is immaterial – it is simply an irritation and must be silenced. Because the police, in the view of many in Czech society, are useless these days (compared to their heyday during totalitarian rule) Roma can only be counterbalanced by another “extreme” force, namely, the neo-Nazis, whose relationship to the “decent” part of society is never discussed.

It is best if this balancing act does not take place in public, because that would disturb those who are “decent”; rather, it should take place under the cover of darkness, through attacks by “unidentified perpetrators”, and it should ultimately result in establishing the kind of peace and quiet that Mayor Řápková and everyone else who spent their formative years under totalitarian rule experienced.



## TOLERANCE TO RACISM IN SLOVAKIA

STANISLAV DANIEL

When video footage of police officers torturing six Romani boys became public, mainstream Slovak politicians responded publicly that such acts of the police cannot be tolerated. However, the strength of their denunciations was tempered by repeated references to the alleged crime committed by the minors and statements that this type of treatment cannot be tolerated because one day it might happen to decent people. This was the sentiment of former Minister of Justice Daniel Lipsic,

who stated, “Such treatment is unacceptable also because if several policemen behave like this towards teenage delinquents, where is the guarantee that in the future also decent people won’t be objects of inhuman treatment?”

Civil society, Romani and pro-Romani non-governmental organisations were also surprised to see Slovakia’s Deputy Prime Minister for Human Rights publicly stress that the Slovak public should bear

in mind that the children who had been abused by police allegedly violently attacked an elderly woman, stressing that this happens often.

In the context of Central Europe – with a growing number of anti-Romani gatherings, arson attacks and attempted pogroms in the Czech Republic and a number of killings of Roma in Hungary – the situation in Slovakia can be considered much better.

## INTERVIEW WITH MORTEN KJAERUM, DIRECTOR OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (FRA)

*Since late 2007, reported acts of violence against Roma appear to have increased in some European countries. In Hungary alone, there have been at least 23 violent attacks since the beginning of 2008 claiming eight lives. What, in the opinion of the FRA, are the underlying factors of this?*

There may be a number of factors for this. In fact, we have seen increased violence across the board, not only against Roma but also against other groups. For example, anti-Semitism has also recently been on the rise and Muslims

face similar problems. Having said this, in the Eurobarometer and other Member State-based surveys, Roma have indeed consistently emerged as least-liked neighbours or family members.

According to a recent FRA report, Roma are the group with the highest levels of discrimination in the EU, and they share with North Africans the highest levels of racist violence. A key problem is that the main underlying factor, namely a deeply rooted prejudice against Roma (so called "anti-Gypsyism") has not yet been sufficiently addressed.

In particular, in times of economic crises we have seen that Roma have become scapegoats for populist politicians and are targeted either verbally or physically. There has been an increase in right wing extremism in a number of Member States, and during the past few months we have witnessed a number of rallies by extremist parties in several Member States, specifically targeting Romani neighbourhoods. Everyone – governments, NGOs, as well as organisations such as the FRA – must focus their efforts on combating the underlying factors of anti-Gypsyism in the coming years.



Photo: FRA/Wolfgang Voglhuber



# ROMA RIGHTS 2, 2009: MULTIPLE DISCRIMINATION

## MULTIPLE DISCRIMINATION: JUSTICE FOR THE WHOLE PERSON

### GAY MOON

People are diverse, complex and multi-layered. They do not see themselves as merely being women, black or homosexual. However, too often, our equality laws seek to categorise people with a single label. None of us would see ourselves defined adequately by a single facet of our being. We are not monochrome. Despite this, all too frequently, our equality provisions are only capable of dealing with a single ground for discrimination, not an undivided combination of grounds. While this is now widely recognised by those working in the equality field, little has been done to address the problems that are provoked.

It is important to be alert to the division, the inequalities and prejudice that lead to tensions and conflict in society. Discrimination that prevents people's talents being fully used restricts their potential. This is to the disadvantage of us all, because skills are not being fully utilised – neither within society, nor the economy.

It is important to address cases of multiple discrimination: those who experience it are among the most vulnerable, marginalised and disadvantaged within our community.

Roma may find themselves discriminated against not only because of their

racial or ethnic origin, but also because they are female, disabled, homosexual or elderly (or any combination of these). It will often be impossible to separate these different aspects of their identity. The discrimination that a Romani woman experiences, for example, may be wholly different from that experienced by a Romani man or a woman from the majority population. In a way, this single-issue approach is itself a form of discrimination. Sandra Fredman has observed: "The more a person differs from the norm, the more likely she is to experience multiple discrimination, the less likely she is to gain protection."



## MULTIPLE DISCRIMINATION BETWEEN THE EU AGENDA AND CIVIC ENGAGEMENT: THE LONG ROAD OF INTERSECTIONAL PERSPECTIVE

BARBARA GIOVANNA BELLO

In the European Union, the need to move from the traditional principle of formal equality to a strategy pursuing substantive equality has been largely recognised in practice. New EU anti-discrimination legislation, which followed the amendments of Article 13 of the Amsterdam Treaty, has enhanced the debate on how to achieve the substantive equality of the most marginalised people. It goes without saying that equal opportunities of the Roma minority belong among the priorities of an enlarged Europe. Since 2000, the concept of “multiple discrimination” has started appearing in the political debate and legal documents of the EU, but no definition or regulation has been provided so far.

Intersectionality was born as an attempt to deconstruct the monolithic idea of “women” and to overcome the dichotomy between race and gender by bringing race into the feminist discourse and by raising awareness of the specific vulnerabilities of women of colour. After focusing on the “triad of discrimination” or “triple jeopardy” deriving from the overlapping of class, race and gender, feminist discourse increasingly took into consideration other categories (sexual orientation, religion, illness, etc.). Intersectionality provided a broader approach suitable to tackling discrimination beyond traditional categories. This intersectional approach helps us understand how the convergence of multiple factors in a human being’s life takes place; and, more specifically, how racism, gender, class and other grounds contribute to create layers of inequality that help position human beings. In doing so, the approach challenges both monolithic constructions of specific groups and their stigmatisation or homogenisation. The approach can be used to describe each individual as a dynamic combination of categories (e.g. comprising gender, race, class, ethnicity, religion, age, health, language, economic and social status, affiliation and education).

## INTERSECTIONALITY BACKLASH: A ROMANI FEMINIST’S RESPONSE

ALEXANDRA OPREA

I would like to begin to respond to some of the backlash aimed at intersectionality in Romani contexts. Specifically, I would like to respond to the critique that intersectionality privileges Romani women and girls and marginalises Romani men in European policy discourses. I first heard it a couple of years ago at a conference at the University of Toronto, New College, organised by Ronald Lee, a Romani male feminist and a good friend of mine. I gave a talk that centred on the intersectional marginalisation of Romani women and how Romani feminists grapple with the dual task of criticising internal patriarchal structures while trying to avoid reinforcing negative stereotypes about the community. A white European woman in the audience said something to the effect of, “I have seen young Romani girls in Europe having more power than the older male leaders; they are put in power by the NGOs and are very disrespectful to the older leaders and to the culture.”

I was not sure what she had seen or where she had seen it. I tried to explain to her that what she was describing was an anomaly, that she would not be privy to the conduct that goes on in Romani homes and that if it were the case that she had seen young Romani activist women talking back to male leaders, it was an act of resistance, not of oppression (of those men). In many ways this mirrored stereotypes of the rowdy, overbearing, uneducated, shameless Romani woman – images that circulate throughout Europe. This lens coloured her perspective on strides that had been made toward Romani women’s empowerment such that seeing a Romani woman talk back to a male leader in a less than respectful tone became tantamount to oppression of that man. Thus, acts of resistance (no matter how minor) were placed on the same level as virginity tests, domestic violence, disproportionate childrearing, household responsibilities and the like. In other words, anti-subordinative acts (i.e. talking back) were not distinguished from subordinative acts and practices and thus were placed on equal footing. Context disappeared from this inquiry and so did patriarchal structures of subordination.

## (INTERSECTIONAL) DISCRIMINATION AS A PRACTICE OF INEQUALITY

ROMAN KUHAR

When the question of intersectional discrimination was introduced in the interviews and focus groups the first response was silence. The one-dimensional perception of discrimination is so prevalent and the practice of the dominant identity covering up others is so pervasive that understanding intersectional discrimination is generally difficult. To the question of how he would react if a Romani woman who is also a lesbian turned to him for help, the representative of a gay and lesbian organisation replied:

*We could only accept her and discuss her sexual orientation. We would, in a way, ignore the fact that she is Roma. Except if she said that she has difficulties because she is Roma. Then we would have to turn to someone that has experience with this, because we do not. [...] We would direct her there. Otherwise we would accept her as an equal. (Matjaž, EX)*

In general, the respondents never considered discrimination as a result of a joint effect or the intersection of several personal circumstances. Even non-governmental organisations generally function one-dimensionally.

As already mentioned intersectional discrimination is not the sum of one-dimensional types of discrimination but instead establishes a new content and requires a special attention, clearly shown in the next example. A respondent working in a shelter for women, victims of violence, mentioned that a Romani woman took refuge in their shelter once, who alongside domestic violence also experienced discrimination in the shelter (discrimination within the group of women who were victims of violence):

*We really paid her special attention for a couple of hours a day because we knew what a risk it would be if she went back. [...] [Other women from the shelter asked us:] “Why does she have to be here with us? Turn her away, she is not like us! Why does she not go to, I do not know, a psychiatric hospital? Why do we have to put up with her? Why do you not tell her to wear something different?” This is a sample of the society that these women bring with them. (Mateja, EX)*

## THE DIFFERENCE THAT MAKES A DIFFERENCE: WE NEED MORE GUTS!

### DJORDJE JOVANOVIĆ

When I arrived on this planet, for the first few years I felt very small and it seemed to me that so many other people were bigger and had more understanding of what was going on. I believe we have all experienced this. Day-by-day, the problematic world of adults becomes our own as we grow. “Teachers” who were supposed to teach us actually do only what was done to them. We find a “new” experience in the process of becoming civilised. This process has different values in different times and different places. In the time and place where I grew up, this process was mainly led by people with low self-esteem who openly or secretly undermined others to make themselves

feel better. In such surroundings, being a child, going through puberty or just being alive makes you feel ashamed. If, on top of all that, you are designated as being among the most stigmatised groups in Europe, you are in big trouble. Growing up Romani and gay in the 1980s in Serbia was something you really have to hear about!

When I was asked to write a testimony about the multiple discrimination I experience being both Romani and gay, it became a really big challenge to do so without re-living traumas and tragedies (which are certainly there, and there is a need to speak about them). On the other hand,

this story offers the hope that it is possible to cope with such things and at the same time feel pleasure and enjoyment in life. Things in themselves are neither good nor bad, but we give them those qualities through our perception of them. Something that most people believe is a curse can be experienced as a blessing.

My growth into an adult was the real drama, and of course I was quite the queen. In my drama, I went through all the main roles: from seeing myself as a victim I turned into a persecutor, full of hate; and then from persecutor I became a rescuer, realising my own responsibilities.



# ROMA RIGHTS 1, 2010: IMPLEMENTATION OF JUDGMENTS

## IMPROVING THE EFFECTIVENESS OF THE IMPLEMENTATION OF STRASBOURG COURT JUDGMENTS IN LIGHT OF ONGOING REFORM DISCUSSIONS

**CONSTANTIN COJOCARIU**

*NGOs and national human rights institutions across Europe are not fully aware of the possibilities, nor the mechanics, of engaging in this process, and so the Council of Europe could very usefully hold workshops or seminars to facilitate civil society engagement specifically in the implementation process (with a focus on states where there is still civil society activity and on states with the most serious, or most numerous violations).*

Romani organisations have yet to make full use of the possibility of communicating with the Committee during execution proceedings in relation to cases they have an interest in. The Committee of Ministers has received extensive information from NGOs in relation to the implementation of the landmark judgment *D.H. and Others v The Czech Republic* concerning the practice of segregating Romani children in special schools. Although it is still too early to assess its impact on the execution process, the expertise offered by NGOs can only be beneficial, especially considering the complexity of the measures required in this case.

NGOs also made a significant contribution in a critical phase of the implementation process in a block of cases concerning the anti-Roma pogroms which took place at the beginning of the 1990s in Romania, grouped around the judgment of *Moldovan and Others v Romania*. Two documents were submitted to the Committee in relation to these cases by the European Roma Rights Centre and a coalition of Romanian NGOs respectively, in

response to the Romanian Government's claims that its action plan including a set of community development measures had been successfully implemented. The NGOs demonstrated that the Romanian Government had failed to implement many of its commitments, which in turn triggered increased scrutiny from the Committee and a request for more detailed information as well as an updated calendar of execution.



## NON-EXECUTION OF EUROPEAN COURT JUDGMENTS INVOLVING ROMANI VICTIMS IN BULGARIA

**KRASSIMIR KANEV**

Execution of ECtHR judgments is at present one of the most serious human rights problems in Bulgaria. As of March 2010, the CoM was supervising the execution of individual and general measures in 159 judgments against Bulgaria. This is almost 50% of all the judgments delivered by the Court against this country. But, more importantly, a significant number of these judgments, which are under supervision, involve "leading cases", i.e. cases identified by the CoM as revealing systematic problems and requiring the adoption of general measures.

According to the latest CoM report on the supervision of the execution of ECtHR judgments in 2009, there were 72

such Bulgarian cases pending before the Committee. Among the Council of Europe (CoE) Member States, only Turkey had more leading cases pending supervision of execution in this period with 125. Bulgaria, however, had the highest share of such cases on a per capita basis. The Bulgarian share of the total number of the leading cases pending before the Committee had not decreased since 2008 – it was 9% of all such cases in that year and remained 9% in 2009.

Of all the cases against Bulgaria explicitly involving Romani victims, only one, *Asenov and Others v Bulgaria* from 1998, was declared by the CoM to be closed for execution of individual and general measures...



# THE MENDACIOUS GOVERNMENT: IMPLEMENTATION OF THE ROMANIAN POGROM JUDGMENTS

## ISTVÁN HALLER

Following the collapse of communism in Romania and until the middle of the 1990s, about 30 incidents of mob violence were committed against the Romani community. Hundreds of houses were burnt and several people were lynched: a total of 11 people died. In some instances authorities were present but did not effectively intervene to prevent the significant or fatal results. Even later, the authorities refused to address the complaints of the victims which were filed several times with the support of human rights NGOs.

Three of the four cases were resolved before the European Court of Human Rights (ECtHR or the Court) through friendly settlements. These cases were investigated and promoted by the author while working for Pro Europa League in Tîrgu-Mureş and taken up by the European Roma Rights Centre (ERRC) after 1997.

In short, it could be concluded that the Romanian Government has hardly implemented the ECtHR judgments in these anti-Roma pogrom cases at all. What it achieved, without significant impact, came long after the judgment and did not particularly benefit the Romani victims, who remain without houses to date, without important facilities and also without the promised jobs. Several victims, who could not recover their losses,

have left Romania to start a new life in Western European countries. Instead, the Government spent important resources on a small level of community infrastructure developments in an effort to create the impression of genuinely complying with the judgment.

The Council of Europe, although informed of this situation through communications

of the ERRC and others to the Committee of Ministers, has not taken any actions against the Romanian authorities. Meanwhile, the Court has imposed another “friendly settlement” on the Romani pogrom victims in *Tănase and Others v Romania*. These facts clearly indicate to the Romanian Government that it can abandon the implementation of these judgments with impunity.



# GREECE'S NON-IMPLEMENTATION OF INTERNATIONAL (QUASI-)JUDICIAL DECISIONS ON ROMA ISSUES

## PANAYOTE DIMITRA

In the 2006 letter, Commissioner Hammarberg mentioned that although abusive decisions about evictions are often taken at the local level, this does not absolve the central Government from responsibility under its international obligations. He added that the State should exercise oversight and, if necessary, regulate local action. It was reported that during a brief visit in September 2006 to Patras he saw Romani families living in very poor conditions including

a family whose simple home had been bulldozed away that day. It was obvious that the “procedure” for making the family homeless was carried out in total contradiction to well-established human rights standards.

Commissioner Hammarberg was also disturbed that non-Romani people appeared on both sites during his visit and behaved in an aggressive, threatening manner to the extent that his interviews

with some of the Romani families were disturbed. He had expected that the police would have offered more obvious protection and he did not get the impression of a principled, clear position by the local authorities against such xenophobic, anti-Gypsy tendencies. He concluded with a request for further information on the measures taken to compensate and relocate Romani families after eviction or “administrative suspension” and on their security of tenure in current housing.

## WHAT HAPPENED TO THE PROMISE OF *D.H.*?

LYDIA GALL AND ROBERT KUSHEN

Despite rudimentary government efforts to address discrimination in education against Romani children, more than two years after the judgment, there has been little effective change in the Czech education system and Romani children are still being segregated. Government statistics confirm that 30% of Roma are still being placed in practical schools compared to 2% of non-Roma. In some areas, Romani children are 26 or 27 times more likely to be placed in special schools than non-Romani children.

Furthermore, legal measures to ensure integrated education introduced by the government are vague, inadequate and ineffective. The mere change in name of special schools to practical schools, involving the same teachers, the same class rooms and facilities and the same curriculum does not amount to effective changes from which Romani children benefit. Non-Romani teachers and parents still favour segregation. Moreover, the Czech government has failed to introduce the safeguards necessary for addressing the special needs of Romani children in education. Such safeguards include the provision of targeted early childhood education programmes in all schools with a standard curriculum promoting co-education with non-Romani children and the adaptation of tests and other assessment tools to meet the needs of Romani communities. Measures such as Romani teacher's assistants and preparatory classes are by and large unused.

In addition, the government has failed to take sufficient action to disseminate and circulate the judgment among relevant national authorities, judiciary professionals, educators and the public. An example of the failure of disseminating the judgment in an adequate manner is a judgment by the Prague City Court last year that held that the plaintiff had to prove that he was placed in the school for ethnic and social reasons – contrary to the ruling of the ECtHR in *D.H.* which reversed the burden of proof in cases where a *prima facie* claim of discrimination is made.

## REFLECTIONS OF A FORMER EUROPEAN COURT OF HUMAN RIGHTS JUDGE

LOUKIS G. LOUCAIDES

When I was appointed to be a judge of the European Court of Human Rights (ECtHR or the Court) in 1998 I had already served as a Member of the European Commission of Human Rights for nine years and had the experience of a long career in Cyprus as a lawyer and as a Deputy Attorney-General. With this background I was well acquainted with the problems of the administration of justice and I knew the imperfections of human justice and the forces – personal convictions, inherited instincts, traditional beliefs, education, etc. – which, though not recognised, tug at human beings and give everyone his or her own outlook on life. As aptly put by the great American judge Benjamin Cardozo, "There is in each of us a stream of tendency whether you choose to call it philosophy or not which gives coherence and direction to thought and action. Judges cannot escape that current any more than other mortals."

Even though I was well aware of the shortcomings, deficiencies and limitations of human judicial institutions, despite the genuine idealistic objectives which led to their creation, upon my appointment as a judge of the ECtHR I was thrilled by the idea that I would be one of the jurists who would contribute to the building of a body of jurisprudence that would give protection to individual human rights vis-à-vis the omnipotent States of Europe. I was particularly enthused with the idea that an individual could at last secure effective international legal protection of his or her rights under the European Convention on Human Rights (ECHR or the Convention) through a court of law.



# ROMA RIGHTS 2011: FUNDING ROMA RIGHTS: CHALLENGES AND PROSPECTS

## INVESTMENT V RETURN IN ROMA EDUCATIONAL INCLUSION - A SOCIOLOGICAL PERSPECTIVE

MIHAI SURDU

There is a vast collection of studies, research reports, policy papers and official documents showing a consistent gap in the level of education between Roma and non-Roma. While majority of the research focuses on the structural factors impeding the access of Roma to quality education such as poverty, discrimination and segregation, only very few studies explore the reasons of low access to education from the point of view of Roma. In one of these studies conducted among a representative sample in Romania, it was found that parents are required to pay for school supplies, educational software, workbooks and additional teaching materials, school uniforms, sport equipment, and make contributions to the so-called "school funds" and "class funds," informal budgets which are not covered through official sources of income. More concretely, a recent study in Romania found that the most important reasons

for school dropout are of an economic/financial nature. In this regard, the reason for school dropout is for most Romanian Romani parents the lack of financial resources. In most countries of the Decade of Roma Inclusion, the segment of Roma living in poverty is bigger than that of non-Roma.

Contrary to the arguments of a large portion of the public that educational, or more generally social inclusion, programmes focused on Roma are an unjustified benefit of a minority group, economic and social research has found that the returns on such programmes are larger for society in general than for individual members of the target group. Among the first studies of the economic arguments of investing in the education of Roma (and more generally investing in the education of the poor) is that written by Gábor Kézdi and Gábor Kertesi examining the case of Hungary.



## ROMA INCLUSION AT THE CROSSROADS: CAN THE LESSONS FROM PHARE BE LEARNED?

**WILL GUY**

A 2004 comparative review was commissioned to “summarise the achievements of PHARE Roma Programmes in the five countries where integration of Roma minorities was specified as an Accession Partnership priority (Bulgaria, the Czech Republic, Hungary Romania and Slovakia).” This also considered to what extent PHARE had “contributed to a wider social inclusion agenda” in these five CEE countries...

It is doubtful to what extent the lessons of the PHARE programme have been learned and incorporated into Roma initiatives during the current ESF programming period. Recent reports from the Commission highlight examples of good practices supported by EU and other funding sources but these contain very limited discussion of shortcomings. Looking at the main areas addressed by Roma programmes – employment, education, housing and health – obvious gains are negligible, justifying a recent pessimistic OSCE assessment: “Progress in integrating Europe’s Roma populations has, frankly, been minimal and often does not extend beyond the adoption of legal frameworks and policies.” So, as a cautionary counter-weight to the Commission’s understandable desire to publicise “good news”, this article points to signs that earlier mistakes are being repeated.

But will strong words and firm assurances from the Commission result in “across the board commitment to bring about systematic change” in Member States? And if, as so often before, no effective action is taken by them, will the Commission then intervene and, in doing so, crucially change the relationship between the EU’s executive arm and its partners in the European social inclusion project? Ultimately, in a climate of ever growing anti-Gypsyism at a time of economic uncertainty, can EU laws and funding mechanisms protect Roma from further and deepening exclusion?

## ROMA RIGHTS 2012: CHALLENGES OF REPRESENTATION: VOICE ON ROMA POLITICS, POWER AND PARTICIPATION

### ROMA PARTICIPATION: FROM MANIPULATION TO CITIZEN CONTROL

**IULIUS ROSTAS**

In the last two decades, with the increasing interest and governmental involvement in problems faced by Roma, with support from international organisations, Roma participation has become an empty slogan. In almost every speech of politicians, government officials or representatives of international organisations, Roma participation comes up as the core value of and a necessary ingredient for successful Roma policies. Analysing the situation on the ground leads researchers to a different conclusion. In fact, Roma are rarely consulted, their involvement is marginal, and their voice is not heard during the policy-making process. Should one be surprised about the limited success in improving the situation of Roma all over Europe in spite of political commitments and resources allocated for Roma inclusion? The participation of Roma is a good indicator to predict the success or failure of policies targeting Roma, as well as of the commitment of the politicians to promote equal rights and social justice for all.

Roma participation is not only a Kantian moral imperative to treat people as subjects and not as objects, but also a very practical tool to ensure the sustainability

of the policies targeting Roma. For example, in education, if the government intends to decrease the dropout rate among Roma, then it makes sense to involve Romani parents in the process, and in deliberations with local authorities and with the educational structures, to include the parents in the decision-making at the school level, and to give them ownership over such measures. Only by involving Romani parents can the dropout rate be reduced, as parents, in general, are primarily responsible for sending their children to school. Failure to involve Romani parents will result in a failure to reduce the dropout rate.

Let us be more concrete about Roma participation. Nowadays, on the European and national level especially, there are few meetings concerning the situation of Roma where there are no Romani activists/professionals. Is that what is usually meant by “Roma participation”? One has to make it clear that Roma participation is not only a matter of having Roma among the participants. It is a larger problem, encompassing issues such as who participates, how they participate, the degree or intensity of the participation, and the type of participation.



Photo: Thorsten Futh/Redux



## DEPLETION OF SOCIAL CAPITAL: SHRINKING CIVIL SOCIETY INVOLVEMENT OF ROMA

ANGÉLA KÓCZE

Based on my observations, it appears that Roma civil society actors have gradually become actors in various political parties and they have also started to politicise their cause. Although there is a dissenting opinion, which states that NGOisation depoliticises the process as well as offering a co-optation for Roma activists, I would argue that NGOisation and involvement of Roma in civil society activism is a condition of their political participation. Civil society organisations offer a space for a broadly defined political activism. I agree with those political theorists, for instance Alberto Melucci, who conceptualise the so-called “new social movements”, such as feminism, or the green and youth movements, as working outside the formal institutional channels and using new issues, tactics and even constituencies. Scott refers to the definition of the politics as an extended domain for issues that had been considered as being outside conventional political action. Following their logic, civil society is an extension of

the collective politics that influence and transform formal political participation.

Within the framework of inter-governmental organisations, including the initiative of the *Decade of Roma Inclusion*, Roma and pro-Roma civic organisations (CSOs, NGOs) in Central and South-east Europe have frequently called attention to the human rights violations, social exclusion, territorial segregation, and inadequate civic and political representation of Roma – particularly internationally.

However, at the national level – particularly at the local grassroots level – the vast majority of marginalised Roma communities remain untouched by, and detached from, the activities of these CSOs. As a result, in most cases they are disconnected from the NGOs that are seeking to advocate on their behalf.

Roma civil society began in the early 1990s, largely as a donor- and elite-driven

project. Due to the general political climate in the 1990s, primarily international donors were channelling significant financial resources to support democracy, minority issues and human rights. Social rights and community development were in general considered to be of minor importance within Roma affairs.

The newly emerged Roma civil society focused primarily on international human rights advocacy, awareness-raising, and influencing pro-Roma policy-making, rather than on capacitating, working with, or mobilising marginalised Roma communities at the local level. Such an approach made sense 20 years ago, when awareness of Roma social and political exclusion by European politicians was low, when violations of Roma human rights violations were not generally recognised, and when coherent anti-discrimination legal and policy frameworks at European and national levels were absent. However, things have changed.

Photo: OSCE/Ursula Froese



# MECHANISMS TO IMPROVE THE POLITICAL PARTICIPATION OF ROMA IN CENTRAL AND EASTERN EUROPE

CATHERINE MESSINA PAJIC

Many mainstream political parties fear alienating their base by catering to Romani voters more than they desire the additional Romani votes that they believe can

be easily and cheaply bought. Without effective activism on the part of Romani communities to hold their elected representatives accountable, members of

parliament from any ethnicity or political party are unlikely to do a good job of serving this under-served constituency.

Reserved seats and favourable mandates would be unnecessary in systems in which the Roma population was large enough and influential enough to require political parties to compete for Roma votes in order to gain a majority. Without the votes that they need to win on their own, Roma are resigned to being junior partners at the mercy of larger coalition parties, or running as candidates of mainstream political parties. In either scenario, Roma issues can get lost behind larger party or coalition priorities and Roma candidates can be easily relegated to the bottom of the list unless an incentive exists to place them higher or preferential voting allows them to move up. Coalition agreements are often more about horse trading and patronage than policy, and thus encourage corruption and self-interest unless an active civil society or party membership intervenes. Nonetheless, coalitions are generally a path to representation for Roma in parliament and positions in government where they have more influence.



## ROME AND THE “ROMA EMERGENCY”: ROMA IN ITALIAN POLITICAL DISCOURSE, MEDIA AND PUBLIC OPINION

EMMI TEWKSBURY-VOLPE

Italian fear and prejudice towards foreigners continue to grow, as the number of immigrants increases and the economy stagnates. Following a series of high-profile allegations of criminal activity involving Roma, Silvio Berlusconi voiced these growing societal anxieties by likening foreign criminals to “an army of evil”. As Umberto Bossi, long-time leader of the Northern League, put it, “People want this country to remain theirs.”

As a result of Italy’s fragmented political system, Bossi held considerable leverage over Berlusconi, because withdrawing his party’s support from the ruling coalition could topple the government, as happened when Bossi withdrew in 1994, abruptly ending Berlusconi’s first term. In Berlusconi’s 2008 government, Bossi served as Minister for Reforms, an ideal platform to give more autonomy to

the north. The growing leverage of the Northern League within the PdL-led coalition was underscored by the results of the March 2010 regional elections, which saw the Northern League candidates surpassing the PdL in several regions.

Although far less publicised, the current climate has also led to an increasing amount of violence and torching incidents against Roma settlements. Commenting on the two attacks on the Ponticelli settlement in Naples in 2008, Bossi said: “People are going to do what the political class cannot.” Statements of concern over the mob attack on the nomad encampment of Naples came primarily from the left. Senator Emma Bonino of the Green Party stated:

*We risk missing the point if we make citizens believe, by manipulating politics and*

*the media, that safety issues are caused by Roma and not by organised crime perpetuated by the mafia or the camorra. Checks by patrollers can easily degenerate into punitive expeditions in search of vindication. They cannot and must not be tolerated or justified in a country considered the cradle of the rule of law.*

The Ponticelli settlement attacks can be seen as a catalyst for the State of Emergency Decree that was issued just a month later, with the Campania region (of which Naples is the capital) being one of the first three regions to demand this legislation. A troubling feature of anti-Roma rhetoric used by the governing coalition is not so much xenophobic statements made by party leaders, but the lack of condemnation of – and even implicit support for – ethnically motivated acts of violence.

# ROMA RIGHTS 2013: NATIONAL ROMA INTEGRATION STRATEGIES: WHAT NEXT?

## WHAT FUTURE FOR THE EU FRAMEWORK? WHAT PROSPECTS FOR ROMA INCLUSION?

**BERNARD RORKE**

Two years after the European Commission adopted the EU Framework for National Roma Integration Strategies (NRIS) up to 2020 to “make a tangible difference to Roma people’s lives,” there is little cause for optimism: progress remains negligible and discrimination pervasive; hate speech and anti-Roma violence continues unabated; and in many countries Roma exclusion has become even more pronounced. In a climate of rising intolerance and deepening poverty, the NRIS fall way short of what’s required to make the kind of tangible difference that’s needed by 2020. The European Commission has stepped up to the challenge; member states need to quit the foot-dragging and deliver on Roma inclusion, and meet their obligations to guarantee equality, justice, and security for all citizens regardless of their ethnicity.

Since the submission of the strategies two years ago, across the European Union, Roma have been shot, stabbed and beaten in racist assaults, homes have been firebombed, and neighbourhoods have come under attack by mobs of far-right hoodlums, or been besieged by uniformed paramilitary groups aligned to neo-Nazi political parties.

What is especially troubling about the wider phenomenon of anti-Roma violence in recent years is the indifference and

ambivalence of the majority towards the victims. Worse still, acts of violence often prompt open support from sections of the wider public for those who would mete out rough-and-ready “justice” and inflict collective punishment on Roma.

It is clear that a laissez-faire approach to the politics of hate just will not do. If the politics of hate seems to be in the ascendant and Roma most often in the firing line, a ‘business as usual’ approach is not just ethically bankrupt but politically reckless. The time has come to counter anti-Gypsyism with the kind of broad-based civic and political solidarity that’s needed to make a difference.

There is a very real prospect that the Europe of 2020 could comprise increasingly closed societies and illiberal democracies where inequality and poverty thrive unabated, and Roma and other visible minorities continue to be denigrated and humiliated as scapegoats and pariahs.

However the Framework hints at another possibility: a viable prospect of forward-looking and fully inclusive societies that foster a sense of common belonging, cohesion, and mutual respect among all citizens regardless of their ethnicity.





## ROMA WOMEN'S VOICES AND SILENCES ON UNJUST POWER REGIMES

ENIKO VINCZE

The post-communist history of Romani politics is marked, among other ways, by a division between the ethno-cultural and the social paradigm defined and used by different individuals and groups at local, national and European level. Nowadays this division is becoming more and more tensioned, as followers of ethno-culturalism are blaming socio-economically oriented activists for the failures of social inclusion policies. They assert that despite the measures taken in the past twenty years under the heading of inclusion, today the majority of ethnic Roma continue to live in poverty and the majority population is more and more ready to blame Roma for undeservingly receiving too much "social assistance". Ethno-culturally oriented elites insist that instead of victimising discourse and practice demanding redistribution, and of claims for universal human rights, one should better focus on cultural recognition, assuming accountability for one's own destiny, and acquiring respect and dignity.

The shift from defining Roma as a "trans-national European minority" to conceiving them as a "European social problem" was happening at the turn of the century, and it was consecrated for good with the launch, in 2011, of the European framework for Roma inclusion strategies. The latter had a great role in situating issues of Roma poverty and social exclusion in between the responsibilities of the European Union and the Member States, and it aimed at raising the awareness of all stakeholders about the gaps between Roma and the non-Roma population in all domains of life. Despite these achievements, this framework strategy pushed the realities of human rights violations, ethnic discrimination and racism to the background of Roma policies, and left no room for recognition politics or for addressing the relationship between this and social inclusion policies. It defined arguments for Roma inclusion in terms of the economic benefits that this might bring to European societies as a whole.

## EMPOWERMENT AND THE EUROPEAN FRAMEWORK FOR NATIONAL ROMA INTEGRATION STRATEGIES

THOMAS ACTON, ANDREW RYDER AND IULIUS ROSTAS

The Roma Framework can be described as a deliberative framework, and the European Commission has stressed the importance of on-going dialogue and partnerships between governments and Roma groups. The Commission has stated that resulting strategies should be "designed, implemented and monitored in close cooperation and continuous dialogue with Roma civil society and regional and local authorities". However, attempts to achieve empowerment are being frustrated by "NGOisation", whereby community groups become distant from the grassroots because of excessive bureaucracy or donor-driven agendas. In addition, tokenistic or hierarchal forms of dialogue between centres of power and Roma communities are stifling empowerment. Key questions are emerging: How can empowerment be achieved for Roma communities? How can Roma civil society be revitalised? What role should Government and the European Union take?

Deliberation centred upon forms of inclusive community development is needed

to mobilise the marginalised and legitimate the politics of a "Social Europe" with application to the Roma issue; for since it is the case that sympathy and support cannot be constructed by outsiders, the Roma themselves will need to win over "hearts and minds".

The effectiveness of the involvement of Roma, Gypsy and Traveller communities, as the proverbial "canaries in the mine shaft", is a crucial test of the viability of the construction of "Social Europe". However, as noted, present low levels of formal Roma community organisation and weak links of the existing advocacy networks to actual Roma communities, combined with a hierarchical approach to the Roma by government bodies, weaken all attempts in European society to mobilise marginalised people. This state of affairs might be reversed, however, by inclusive forms of community development which aspire to a more interventionist and redistributive vision of society and Europe, especially if policy makers actually respond constructively to these aspirations.



# FIGHTING DISCRIMINATION AND PROMOTING EQUALITY IN THE CONTEXT OF THE ROMA INCLUSION POLICIES IN EUROPE

DEZIDERIU GERGELY

In 2012 the European Roma Rights Centre looked specifically at how Member states have articulated a strong commitment to non-discrimination, awareness-raising to tackle prejudice, discrimination and the fight against anti-Gypsyism. Non-discrimination was indicated as a governing principle of some of the national strategies. However, the anti-discrimination measures reported in relation to education, employment, health, and housing were weak, and lacking in substance and coherence. The strategies envisaged improvements in these areas without offering a clear plan to effectively combat racial or ethnic discrimination.

The European Commission is very right to underline that in the absence of systemic measures to fight discrimination

the implementation process of national strategies will achieve no results. As stated before, without addressing the root causes of the spectrum of Roma rights violations and identifying concrete, measurable and effective actions to redress discrimination and promote equality these policies will remain elusive. But it is the Commission's role to hold the Member states accountable in this regard ... The fact that this year the Commission put forward a Recommendation for the Council of the EU on effective measures for Roma integration with a much stronger anti-discrimination approach is to be welcomed. It remains to be seen whether, and in what form, the Council will endorse this further political document and how Member states will adjust their national strategies in response.

The reality shows us that when speaking about Roma integration in Europe we are far from translating commitments from the European level to the local level. The key for success is at the local and regional level. There lies the need for genuine dialogue, to improve relations, to overcoming prejudice, to enhance mutual trust, to put an end to segregation at school, to forced evictions and to spatial segregation ... and the list goes on and on. There lies the need for Roma to be involved, to be consulted and to participate fully in the process on an equal footing with the authorities and the rest of the public. There lies the need for support, trust and full engagement. All these are still a "work in progress" that needs to become reality. It is possible but genuine will is needed.

## HORVÁTH AND KISS V HUNGARY - THE MISDIAGNOSIS CASE

JUDIT GELLÉR

In *Horvath and Kiss* the Court clarified and developed its position in relation to misdiagnosis. Moreover, it went further concerning the positive obligations on States to remedy past and current discrimination. Regrettably, however, it did not depart from its main approach elaborated in *D.H.*; in particular, it refused to find direct discrimination. Alarming, on closer examination, it appears to require proof of intent for finding direct discrimination. Thus, the Court found indirect discrimination despite the arguments presented by the applicants that, unlike in *D.H.*, in this case there was no general policy or measure which was apparently neutral: since the 1970s it was well documented and widely-known among experts in Hungary that the tests were not neutral but biased against Roma.

Although the Court does not define or establish segregation *per se*, it clearly stated that the arrangements of special schools

was followed and "where [the children] were isolated from pupils from the wider population" (§ 127). The Court explicitly imposed an obligation on states to introduce positive measures to combat discrimination in public education: States have "specific positive obligations to avoid the perpetuation of past discrimination or discriminative practices (...)" (§ 116) and must "undo a history of racial segregation in special schools" (§ 127).



in Hungary constituted a segregated setting, where the more basic curriculum

The judgment demonstrates that the ECtHR is willing to take a more robust approach to the segregation of Roma children. This represents an evolution in the case law since *D.H.*, although even that earlier judgment is still awaiting implementation six years later. Clearly the time has come for cases such as this to be resolved at the domestic level.



# ROMA RIGHTS 1 2014: GOING NOWHERE? WESTERN BALKAN ROMA AND EU VISA LIBERALISATION

## ROMANI MINORITIES AND THE VARIETY OF MIGRATION PATTERNS IN THE POST-YUGOSLAV SPACE

JULIJA SARDELIC, CITSEE RESEARCH FELLOW, SCHOOL OF LAW, UNIVERSITY OF EDINBURGH

At the end of January 2014, media in different European countries presented a story about a Romani man originally from the post-Yugoslav area now seeking asylum in Berlin. Similar newspaper reports had already appeared previously. They especially emphasised that the number of so-called “bogus” asylum seekers, mostly of Romani origin, had increased after the visa liberalisation process (for the Schengen area) had been finalised for Serbia and Macedonia.

The debate on the visa-free regime and its correlation with the increased

number of asylum seekers reached the European Parliament, which in December 2013 introduced a visa-free suspension mechanism for the Western Balkan states. However, the January 2014 media reporting on this topic was, to a certain extent, specific. Here the asylum seeker in question was not simply labelled as Roma, but also had his own personal name and even more unique story. His name was Nazif Mujić and he had, only a few months previously, won the Silver Bear Award for Best Actor at the Berlin International Film Festival for his performance in the movie “An Episode in the Life of an Iron Picker”,

directed by Danis Tanović. However, as Mujić later emphasised, this ephemeral fame did not improve his position as a Romani individual in the long run, nor did it improve the position of his family. Therefore, migration back to Berlin was a last resort and also became “an episode in the life of an iron picker”.

The life story of Nazif Mujić opens wider questions on how the decisions of post-Yugoslav Romani individuals to migrate are made and what macro-societal circumstances can be considered preconditions for such decisions.



## MACEDONIA – CREATING A PADLOCKED CAGE FOR ROMA CALLED “MEASURES FOR FALSE ASYLUM SEEKERS”

TEFIK MAHMUT, ZORAN BIKOVSKI

Citizens of Macedonia have enjoyed the right to visa-free travel to the Schengen Zone since 19 December 2009 and since that time have also enjoyed the right to visa-free travel to other EU countries within the Schengen Zone.

Unfortunately, when it comes to Roma from Macedonia and their ability to exercise their rights (even fundamental ones), opportunities are unequal and rights are violated. Many Macedonian Roma face discrimination and other inappropriate treatment at the hands of border officials when they try to leave Macedonia.

As a response to intensified calls from EU officials to manage migration “properly”, and threats to suspend visa liberalisation and re-introduce visa requirements, the Macedonian Parliament adopted an amendment to the Law on Travel Documents (LTD) introducing new grounds for refusal to issue a passport or to revoke an existing passport. Article 37 paragraph 1 point 6 of the LTD stipulates that a person who has been forcibly returned or expelled from another country, due to violating laws on entering and staying in that country, shall not be issued with a passport. If the individual already has a passport it must be confiscated for a period of one year.

This is a direct obstacle to the ERRC’s goal of ensuring that Roma are able to exercise their free movement rights. While the law is neutral on its face as to race and ethnicity, in practice it appears to result in a disproportionate number of Roma being deprived of their passports. The ERRC expressed its concern and has launched an initiative before the Constitutional Court of Macedonia claiming that amendments to the LTD of citizens of Macedonia are in conflict with the Constitution of the Republic as well as with international instruments for the protection of human rights and fundamental freedoms.



## ROMANI MIGRATION RESULTING IN STATELESSNESS: THE CASE OF BOSNIA AND HERZEGOVINA

MAYLIS DE VERNEUI

Last August, the Bosnian film director Danis Tanović opened the 19th Sarajevo Film Festival with the movie *An Episode in the Life of an Iron Picker*, which features a Romani woman who risks death because she does not have a state-provided health insurance card and consequently cannot be admitted to hospital for emergency care. The film, based on a true story, illustrates the current difficulty for Roma in accessing healthcare, like other basic rights, in BiH. Indeed, in the Federation of Bosnia and Herzegovina, access to health care is specifically linked to employment. Those who are unemployed must register as unemployed with the local employment bureau in order to be eligible for health insurance. However, anyone who does not register within 30 days of finishing school, losing a job, or moving to a new canton becomes ineligible. This article will outline in this first part, how, in the Bosnian context, such rules clearly put Roma at a disadvantage.

In the aftermath of the disintegration of Yugoslavia and of the Balkan wars, groups of people fell between the cracks created by new nationality laws and became stateless. Although many have since managed to establish their citizenship, members of minority groups, especially Roma, continue to face difficulties obtaining the documents necessary to confirm nationality. The recent accession of BiH to the EU visa liberalisation regime opened the possibility to discriminated individuals to leave countries of which they were not “nationals” and to migrate in search of a better life. Nonetheless, the EU pressured the Western Balkan countries to take “additional measures” in order to curb emigration, notably Romani emigration (see below). As a consequence, some Romani families were sent back to countries newly categorised as “safe”, creating further situations of forced migration and, in some cases, putting them at risk of statelessness.



# THE CHALLENGE ROMANI MIGRATION RESENTS TO EU SOCIETIES

ANDRIANI PAPADOPOULOU

The situation of migrant Roma, for example, Albanian Roma in Greece, is comparatively far worse than the likewise unacceptable situation of their national counterparts. They usually settle in unsuitable places, paying for them with high “rents”, or set up their dwellings illegally on public/private lands, at the outskirts of towns, very often near camps established by national (Greek) Roma. The social exclusion and absolute poverty that they faced in their home countries continues to plague them in their new host country. One can only imagine what they must have escaped in order for them to prefer to remain in a host country under such unacceptable conditions. Their situation is compounded by the problem of their symbiosis with their local counterparts and by the constant fear of their persecution/ deportation that could occur at any moment. An accident such as a fire or a car accident, or a personal altercation, can bring this about.

On the other hand, local authorities, overwhelmed by the additional demands imposed on them by the influx of more newcomers needing assistance, are unwilling or unable to deal with the problems presented and often, instead of working to resolve them, exacerbate them through their misguided actions. For example, cutting the supply of drinking water would not make the irregular Roma residents move to another place, but rather would make them find other ways of getting water. Similarly, if authorities choose not to facilitate the education of Roma children, there will be a much larger problem to solve in the future, namely that of an illiterate and unskilled group looking to survive by any means possible. Unlike other immigrants who move for the same reasons to EU Member States from very diverse, war-torn or poverty-stricken parts of the world, Roma encounter additional systemic and individual obstacles on the basis of their identity as Roma. Their perseverance and community-based life, which helps them survive, is itself oftentimes considered the cause of their predicament and exclusion.



## THE PURSUIT OF “HAPPINESS”

ELISABETTA VIVALDI

Upon arrival in the city of Naples, groups of Roma from the former Yugoslavia spontaneously settled in a cross-point area between Scampia, Piscinola and Secondigliano, under the bridge of via Zuccarini, where there is now a subway station indicating the stop of Piscinola-Secondigliano. They remained there, in the middle of the street, until one summer day in 1999 a road accident occurred and a local girl from Scampia, hit by a vehicle driven by a Romani person temporarily there to visit his extended family, lost her life. The incident provoked the resentment and reprisal of a local mob that indiscriminately attacked the Romani encampments in the area, set fire to their shelters and properties, and intimidated all the Romani population into leaving the area immediately. Due to this tragic event, on 24 July 2000 around 700 inhabitants of the most-affected area shifted to the New Camp (divided into sub-camps A and B) and benefited from containers supplied with water, electricity and toilets.

Perhaps due to a shortage of funds at first, or due to political indecision later, not all the Roma were relocated to this “Village of Solidarity”. Some families, in fact, remained in Scampia in a sort of accommodation limbo and still today inhabit the same Old Camp in via Cupa Perillo, which was probably created between 20 and 30 years ago.

Research participants confirmed they had moved to Naples not only because of the conflict that erupted in former Yugoslavia, but also to better their quality of life and economic situation.

*My husband called me and said: ‘C’mon come, come to Italy’... And what will I do there in Italy? I heard that many of our people had been there and knew how life is. So when he said ‘What to do? Over there you can work and if you don’t you can go begging...your kids don’t have to, they can go to school, it will be easier for you and the children’ [...] And they have not seen their father for three years, they were crying for him all the time, to see their father, I took the decision to come here. When I arrived, I came directly here; I did not even have a bed sheet. I asked what is this? Not even electricity, I was without electricity there for three years and here too! What is this?! Here, not only did I not have electricity but also nothing to cover myself. Nothing at all! (Sofia, Serbian Romani woman aged 36, January 2012).*



# BLITZVERFAHREN - GERMAN ASYLUM PROCEDURES FOR ROMA FROM WESTERN BALKAN COUNTRIES

HELENE HEUSER

Since 2012 there has been a real hysteria about the rise in the number of asylum seekers from Western Balkan countries, a rise which has actually been quite moderate proportionally. The overall number of applications for asylum dropped from 166,951 in 1995 to only 28,018 in 2008 and has risen again since then to 64,539 in 2012. This shows that today the number of asylum seekers coming to Germany is quite low compared to 1995; only two-fifths of the number at that time. However, the official discourse currently talks about rising flows.

Regarding Roma from Western Balkan countries a special debate was initiated by the Federal Minister of the Interior Mr Friedrich in October 2012. He stated in an official press release of the Federal Minis-

try of the Interior: "The increasing asylum abuse is not acceptable. The massive inflow of Serbian and Macedonian citizens has to be stopped immediately." This aggressive rhetoric was adopted by some of the media.

My experience from counselling refugees from Macedonia and Serbia in particular stands in contrast to that generalisation and has shown that people have many varying reasons for migration; some reasons are asylum-relevant, while others need more appropriate legal options for moving to Germany.

There are young people who have grown up or were born in Germany as children of war refugees who speak German fluently, studied in German schools and had a social network in Germany

until they were expelled after the end of the Yugoslavian war. After their return to the successor countries, some of them found no access to the newly created post-Yugoslavian nations, but German migration policy does not provide any opportunities for them to come back to Germany. Others have relatives in Germany, but the very restrictive notion of the nuclear family (parents and their minor children only) does not allow for their reunification. Some are internally displaced refugees who have not been able to return to their homes after the war (especially those from Kosovo). There are also ill people coming to Germany because they cannot find any adequate health support in their country of origin, as well as people without adequate housing who are fleeing the winter, violence, etc.





## COUNTING ON CONFUSION: ROMANI ASYLUM-SEEKERS IN THE GERMAN MEDIA, 2012-2013

CHRISTINA E. LEE

Despite being present throughout Europe for hundreds of years, the last few years have seen an uptick of news coverage in the EU depicting the Roma, Ashkali, and Egyptian communities as mysterious (and for the most part, unwelcome) newcomers who are arriving in mass numbers from the south.

This perception of an influx of poor, benefits-seeking Romani migrants became the backdrop for a campaign to limit welfare benefits, revoke the Balkan visa-free regime, and initiate “abbreviated procedures” measures exclusively for asylum seekers from former Yugoslav countries ... Could this confusion of numbers and stereotypes impact the public perception of visa liberalisation policy in the Western Balkans? To shed

some light on this question, a small-sample discourse analysis was conducted using news articles that discussed Romani migrants from the Western Balkans to see what predominant themes and attitudes were prevalent.

The use of words and descriptions indicating large amounts of people were prevalent throughout a majority of the articles. For example, in 15 of the articles (68 %) language was used describing large sizes, with many employing terms like “influx” and “flood,” even in the title. For example, “A Surge of Serbians and Macedonians,” “More and More Roma Move to Germany,” and “Poverty Migration: Dortmund Anticipates Costs in the Millions for Roma” were the titles of three articles from respected German news

sources. It is well-known that titles often over-simplify the greater content of the article; however such titles convey a broad sense of the characterisation carried out in the body of many of the articles examined, i.e., that Germany is being overrun by migrant Roma from the Balkans.

*German Interior Minister Hans-Peter Friedrich (CSU) notes that there are two major countries behind the growing influx: “The increasing misuse of asylum is not acceptable. The massive influx of Serbian and Macedonian nationals must be stopped immediately,”... A spokesman for BAMF told Focus Online that **many of these applicants are Roma**, who reported discrimination, but also a bad economic situation in their homeland. (Emphasis mine.)*

# ROMA RIGHTS 1 2015: IN SEARCH OF A CONTEMPORARY ROMA IDEN- TITY: IN MEMORIAM - NICOLAE GHEORGHE

## FROM CLIENTHOOD TO CRITIQUE - THE ROLE OF NICOLAE GHEORGHE AS MEDIATOR AND CATALYST IN THE ROMA AWAKENING

EDITED BY THOMAS ACTON AND  
ANDREW RYDER

**H**e Came with a Broom in His Hand  
Thomas Hammarberg

Nicolae shared with many other activists a very deep commitment to the human rights cause. This was combined with other characteristics which made him unique: intellectual rigor, a scrutinising honesty and an openness to change his opinion on the basis of experience. He became the sharpest critic of hypocrisy among both Roma and *gadje*. He told the truth even when it was inconvenient.

He exposed the symbiotic relationship developing between *gadje* Roma “experts” and Roma leaders which tended to perpetuate an atmosphere of Roma victimhood. “The role of Roma opinion-makers”, he wrote, “is to suggest new approaches, focusing on integration rather than being victims”.

He stressed that misbehaviour by Roma individuals should not be excused with a reference to a long history of repression. Criticism against someone’s criminal activities must be taken seriously and not just be dismissed as anti-Gypsyism.

Such statements – including Nicolae’s writings about “cunning” (*shmekeria*) and early marriages - could hardly have been made by any *gadjo* without causing misunderstandings. Indeed, the approach taken by myself and many of my *gadje* colleagues is that raising such “taboo” issues must be left to insiders. We decided not to give the anti-Roma propaganda any further ammunition. We have also felt that these social issues were indeed to a large extent the consequence of enforced misery and marginalisation.

Knowing that Nicolae did take up these issues was a relief and of course the best answer to those who used these negative social phenomena in their racist hate speech. While defining and pointing out such problems, Nicolae also gave positive inspiration to the Roma rights cause. Many of his messages could be summarised with the slogan “Yes, we can”. Real change must come from us ourselves, he repeated.

Of course, he was deeply aware of the divisions among the Roma people but he believed it would be possible to unite the various groups into one cultural nation. “The common aim of the Roma movement”, he once wrote, “should be the organization, mobilization and eventual remobilization of Roma, based on pursuing the struggle against racism and discrimination.”

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## US SENATE: REMEMBERING NICOLAE GHEORGHE

HON. BENJAMIN L. CARDIN OF MARYLAND

Wednesday, September 11, 2013

Mr. President, on August 8, Nicolae Gheorghe, one of the leading figures of the Romani civil rights movement, passed away. He was devoted to improving the situation of Roma, ultimately playing a pivotal role on the international stage and especially within the OSCE. Gheorghe lived an extraordinary life and will be long remembered for his singular contribution to the advancement of human rights.

In the context of post-Communist economic and political transition, Roma became targets of ethnically motivated attacks. In Romania, dozens of pogroms

against Roma were carried out between 1990 and 1997, prompting Gheorghe and others to found Romani CRISS in 1993.

Gheorghe argued that anti-Roma attitudes and behaviors could serve as a barometer to gauge the success of countries building democratic institutions, the rule of law, and “the consolidation of civil movements and associations and societies and states deeply distorted by the decades of pro-fascist, authoritarian and communist totalitarian regimes.”

His appointment as the first senior adviser on Romani issues for the OSCE Office for Democratic Institutions and

Human Rights, coincided with the deterioration of the situation in Kosovo, the NATO air campaign against Milosevic’s Serbia, and the subsequent deployment of a large OSCE mission to Kosovo. As a consequence of developments in the Balkans, he became immediately engaged on issues relating to the displacement of Kosovo Roma to Macedonia and elsewhere. Throughout his tenure with the OSCE, which lasted through 2006, his work was driven by the need for crisis management stemming from acts of violence and other extreme manifestations of prejudice against Roma - not only in the Balkans but elsewhere in the OSCE region as well.



## NICOLAE GHEORGHE, AN EXCEPTIONAL DESTINY

JEAN-PIERRE LIÉGEAIS

At that time in the 1980s, we should recall, the Internet did not exist and the dictatorship was well and alive in Romania. To even speak of the Roma was considered subversive, and hence prohibited. Nicolae, a researcher at the Institute of Sociology at the Romanian Academy, was not authorised to work in this field, nor even receive documents related to the Roma. Communication took the form of the diplomatic bag and was therefore subject to a certain degree of hazard. This is also the reason why Nicolae's first texts, published in France in 1982 in *Le Matin et L'Alternative*, necessarily came out under a pseudonym.

In September 1982 and March 1983, a small Parisian magazine called *Iz-tok*, which was produced in an artisanal fashion, published an interview with a certain Alexandru Danciu titled "Introduction to the Gypsy problem in the East". In the introduction to the interview, we read that "the following words constitute, in our opinion, an excellent introduction, both lucid and realistic, to the Gypsy problem [...] They are also lent interest by Danciu's original position [...] While combating anti-Gypsy racism and militating for the specific rights of his brothers and sisters, Danciu is nonetheless wary of reformist solutions (a few institutional concessions granted by the State to a minority)".

Everyone who had the opportunity to meet Nicolae Gheorghe met a man that was febrile and overflowing with passion for his ideas, politics, projects, regrets, and with some text or other always in a state of construction; there were always paths to discover, and activities and engagements threatening to explode his ever bursting calendar. Gheorghe was a man tormented by his devotion to improving each and every situation in which he found himself engaged, expecting and exacting as much from himself as from others. He was a man who played a singular role in the construction of Roma politics, the improvement of which was his true and unequalled passion. Indeed, he made this commitment his life, acting, speaking, and writing, and, finally, dictating his thoughts, until his very last breath.



Nihad Nino Pusija

## NICOLAE GHEORGHE AS A SOCIOLOGIST

THOMAS ACTON



Nicolae could get sociological concepts across to anyone, pope or peasant. He was a kind of sociological gun-runner, giving Romani organisations the weapons that could fracture the citadels of *gadjo* prejudice and misunderstanding. We continued to develop our ideas on multicultural politics for different audiences.

Nicolae came to a 1993-4 seminar that I ran for the Economic and Social Research Council at the University of Greenwich, and again, despite having only had two hours sleep, delivered an astonishing oration without notes, on the socially constructed – and therefore socially reformable – nature of identity politics ... Drawing on the concept of *homo ludens*, he showed how we all “play with our identity”, drawing on different parts of our experience to present ourselves differently in different contexts, and then went through the roles that Romani community leaders and activists were being called upon to play, pointing out that it is not only the “Gypsy Kings and Emperors” who are engaged in continuous re-invention. Although he makes no reference to the then-recent emergence of the theory of intersectionality, he anticipated many of the ideas with which feminists were to transform the study of stratification over the next decade, and made his strongest, and indeed prophetic, criticism yet of Romani nationalism:

*“My intellectual motivation here is that we need to criticise nationalist ideology as such. Within our criticism of the nation-state is implicit a criticism of what might be a Roma nationalism fashioned in the tradition of east European cultural nationalism. We need to look empirically to see how in politics some Roma groups/leaders try to participate within the dynamic of nation-states and their nationalist discourse and politics - to which maybe they will pay a new tribute of suffering in years to come.”*

I disagreed with him on many things... But I never ceased to marvel at the breadth and luminous intelligence of his scholarship, and the playful imagination with which he used it to tease an audience out of their set ideas. If I became, and have remained, a defender of the value of academic sociology, it is mainly because of Nicolae Gheorghe.

## THE RE-EMERGENCE OF INFORMAL AND TRADITIONAL LEADERS (BULIBASHA, VAJDA) AND THE ROLE OF ROMANIPEN

ANNA MIRGA

Looking back at the situation over a decade ago through policy papers and reports such as those produced by the Project on Ethnic Relations (PER) and other sources, one might develop a more informed outlook on how to assess the current state of affairs of Romani ethnic mobilisation. Nicolae Gheorghe was then, as he was in the last years of his life, accurate and bold in giving a diagnosis. In all of his efforts to analyse Romani ethnic mobilisation in Europe and formulate some prognoses for the future, the question of Romani leadership has been at the heart of the problem.

In the well-known policy paper *The Roma in the Twenty-First Century*, Nicolae Gheorghe and Andrzej Mirga point to the limitations of and future challenges for Romani ethnic mobilisation: the fragmentation and dispersion not only of Roma communities, but also of their leadership, the challenge of building formal structures of representation and participation, the Romani leadership's difficult search for legitimacy, its lack of unity and increasing internal competition, the challenge of choosing a collective framework for constructing Romani cultural and political identity (notably, the competing narratives of nationhood vs. the human rights and citizenship approach).

At that time, over a decade ago, they identified the key issues hindering Romani ethnic mobilisation, such as the lack of unified leadership and more transparent representation, the issue of their broad recognition and legitimacy, the internal disputes and frequent disconnections between the Romani leadership and its communities, or the sometimes distracting competition between traditional leaderships and the newly-emerging Romani elite.

From this perspective, taking this assessment as a baseline, it is paramount to ask: How much progress has been made?

## NICOLAE GHEORGHE: ACTIVISM AND SCHOLARSHIP

ANDREW RYDER

Nicolae Gheorghe was what can be described as a Renaissance figure, a polymath whose expertise and knowledge spanned several fields ranging from high-level diplomacy to advocacy and activism. Added to this we need to acknowledge his prowess in provocative and stimulating academic papers that made important contributions to knowledge production. One of the important lessons we should draw from Gheorghe's life as a sociologist is courage. Courage is what produces great sociology, emboldening researchers to challenge orthodoxy and the establishment. In 1978 Gheorghe wrote a letter to Radio Free Europe describing the difficult situation of Roma in Romania, and later on he was investigated by the Securitate. During the final years of communism Gheorghe was banned from travelling and only allowed to publish elsewhere under a pseudonym.

Gheorghe's courage as a researcher extended to dealing with sensitive and/or taboo topics. In the edited volume *From Victimhood to Citizenship* Gheorghe grappled with the perceived failures of civil society and its disconnection from Roma communities. In addition he bemoaned how some coping strategies within Roma communities were centred on reactive forms of tradition and/or survival tactics which reaffirmed negative stereotypes about Roma at the margins. However, in this critique it is evident that Gheorghe is desperately searching for an understanding of what is happening at the margins and within civil society, and seeking through mediation and dialogue to offer a new path, a reorientation in how Roma mobilise and frame their marginalisation. Gheorghe was surely timely and pertinent in his selection of dragons to slay, given that the initial flourish of optimism within Roma civil society and communities faded rapidly in the transition period, and to this day some considerable doubt remains as to whether Romani activism is sufficiently on course and on target to combat Roma exclusion. However, what is striking is that Gheorghe retained a "pedagogy of hope", a sense of idealism and belief that there was a way out centred on citizenship, redistribution and empowerment, but also that the Roma themselves had to make big decisions and be the masters of their own destiny in this reorientation.

## ROMA OR ȚIGAN: THE ROMANI IDENTITY – BETWEEN VICTIMISATION AND EMANCIPATION

NICOLAE GHEORGHE IN DIALOGUE WITH IULIUS ROSTAȘ

I have chosen to introduce myself as Roma. Otherwise I would have been free to go on with my evolution as a Romanian (from the point of view of the ethnic identity) - let's call it a masked Romanian, or a Romanian in disguise. I didn't experience any drawbacks, within Romanian society, as a Romanian. Well, of course, there are stereotypes, preconceived ideas... yes, but no major obstacle. So, it was my choice to introduce myself as a Țigan or as a Roma, at a certain stage of my life.

But there are cases and groups, also particular situations in day-to-day life, when you can't choose, you don't have this freedom as it is written in national and/or international laws. You are born with this 'ethnic uniform' and you are dominated by the group and its relationships with the surrounding world. Your entire life is shaped by the group, according to certain cultural models, which can look like interdictions and preferences, 'traditional' we call them, in order to sugarcoat the bitter pill of this way of dominating the individual, of limiting their rights to choose and to 'play' with an ethnic identity role, or roles. Social inclusion (as we now call Țigani integration or Roma inclusion) and personal development are their very dream. The Roma identity is a *choice*, an option, a *freedom exercise*, in public life, in societies organised according to democratic principles, as the ancient Greeks had started, in their polis, in their colonies.

The idea is – and this is something new, in the last decades – that in public and political speeches about ethnic, national minorities, about ethnic identity or 'national identity, it is not a compulsory point of view imposed by a smaller or a larger group, a minority or a majority one, not only in number but also in position, in the power hierarchies of society as a whole. Inside this institutional vision and practice, with regard to private and public life, ethnic identity is included in human rights, because it is a right that you choose and exercise, in a lawful system. You are not forced to have an ethnic national identity, as it is called, defined, classified by a dominant group or by the political elite of a socio-cultural group, representing a majority or a minority, in a given society, in a certain moment, after certain cultural models (stereotypes and ethnic preconceived ideas included).



# ROMA RIGHTS 2 2015: NOTHING ABOUT US WITHOUT US?

## ON ROMA CIVIL SOCIETY, ROMA INCLUSION, AND ROMA PARTICIPATION

IULIUS ROSTAŞ, MÁRTON RÖVID, MAREK SZILVÁSI

Contemporary conceptions of 'Roma inclusion' and 'Roma integration' often tend to be paternalistic as they rely on the exclusionary ethnic view of 'Roma civil society'. Accordingly, the undeveloped/marginalised/uncivilised 'Roma society' has to be included/integrated into the developed/just/democratic/civilised 'society'. 'Roma' often appear on the radar of the actors of inclusion as marginalised passive masses, a 'vulnerable population' that has to be assisted in their inclusion into society.

Roma inclusion policies are often closely tied with patron-client relationships where the benefits of patrons designing and delivering services – be it public authorities, international organisations or civil society – dramatically

exceed the benefits of activated 'Roma clients'. Hence, rather than directly empowering the excluded local Roma, the



existing system provides civil society and other actors with resources and paths for representing and servicing these 'clients'.

The patron-client relationship excludes the clients from the design of 'inclusion policies' and limits their participation in crucial decisions affecting their lives. Providing socio-economic services can often be aptly described as patrimonial as these services undermine the civil, political, and human rights of their 'recipients' by simply taking over their claims and representing their interests while having no accountability structures in place. The fact that this context allows human rights to be delegated from individual Roma to civil society suggests that the current system paves the way for a certain type of actor, who is already relatively empowered.

## THE ROMA MOVEMENT IN BULGARIA AFTER THE POLITICAL TRANSFORMATION IN 1989

RUMYAN RUSSINOV

Among the most drastic acts of xenophobia targeting Roma specifically, the notorious campaign for the expulsion of Roma from France was launched in 2010 not by a marginal anti-immigrant formation but by the French President. A mainstream French politician took an example from xenophobic parties in order to win over part of their support at the upcoming elections.

Events in old democracies such as the so-called "Nomad emergency" in Italy in 2008 and the expulsions of Roma from France in 2010 had strong repercussions in Bulgaria. They encouraged racist actors and gave them a new international legitimacy. Anti-minority movements and parties in Bulgaria multiplied. The notion that Roma were to blame for the disasters and troubles of the transition period enjoyed growing social support. In

2014, three parties with an anti-minority and anti-Roma orientation were elected to the Bulgarian parliament, and two of them are in the governing coalition as of 2015. Anti-Roma sentiment in the media has also been booming. In contrast to the beginning of the transition period, anti-minority and anti-Roma rhetoric has been sustained – directly or indirectly – by mainstream parties and media. The government seriously reduced its efforts regarding integration policies.

In 2011, Bulgarian authorities, with the active support of media, organised a brutal defamation campaign against Roma NGOs. Targeted NGOs were subjected to investigations by the police, security structures, and the prosecutor's office. Significant institutional resources were mobilised to investigate selected Roma NGOs on corruption allegations. After 18

months of unprecedented pressure on these Roma organisations, no evidence of corruption or illegal action on their part was found.

However, the media achieved what the institutional pressure had not manage to achieve. The brutal campaign against Roma and Roma NGOs in the media, although unfounded, seriously damaged their reputation. The NGOs which were attacked had been disheartened by the fact that international pro-Roma organisations in Budapest and Brussels, with the exception of the Roma Education Fund, remained silent during this campaign, although information about it had been circulated. Regardless of the fact that at that moment there were already many actors concerned with Roma issues, in this instance of massive political repression Roma were left alone in their struggle.





## THE GYPSY COUNCIL – APPROACHING 50 YEARS OF STRUGGLE

THOMAS ACTON AND ANDREW RYDER

From the late 1970s the Gypsy Council experienced a renaissance over which the English Gypsy **Peter Mercer** presided as chairman. Mercer had been taken into care as a child when a dog on the site barked at a visiting policeman, and placed in a Roman Catholic orphanage, and then when he reached the age of 16 placed as a skivvy (menial worker) in a hotel from which he had to run away to find his family again. A 2013 interview provides some insights into this experience:

**Thomas Acton** – “I always thought your abduction by the state and fighting your way back to the community gave you an inner steel”

**Peter Mercer** – “I was put into care [a Catholic children’s home] and taken away from my parents...a lot of this was down to what I am. I had to put up with the Sisters of Mercy (a community of Catholic nuns), their treatment of children! ...they would come and take you away. I was not a Catholic and they baptized me to keep me. I had just turned 8, I saw people come in and go and I would say ‘When can I go home?’, and they would say ‘When your mum gets a proper home, when she moves into a house.’ They were sadists, they would cane you for nothing, that was their idea of corporal punishment.”

His time in the Catholic orphanage and then the army gave him insights into the non-Gypsy world and an ability to bide his time, to build bridges and forge understanding, skills which served him well in local disputes over stopping places, and in his later roles as a Gypsy Liaison Officer and chair of the Gypsy Council and later the National Federation of Gypsy Liaison Groups. In this work Peter was sustained and supported in part through his strong working relationship with his brothers-in-law and co-workers John and David Day. Thus Mercer, through a more consensual and deliberative leadership style, managed to regroup and unify many of those who had left the Gypsy Council.



## TOWARDS 'CRITICAL WHITE'

VIOLETA VAJDA

While there is growing concern internationally with how to address the prejudice. This kind of insight seems to require immediate action of the kind that understanding of the root causes of anti-Gypsyism

One possible avenue to achieve a deeper comprehension “greater emphasis [...] to research ‘for’ and ‘with’ Roma circumstances, by the people who are its focus – is held in the hope that this would allow them to set the agenda based on people’s identities. It is difficult to create a philosophical and political issues of identity and power



## THE IMPORTANCE OF FEMINISM

ETHEL BROOKS

In *Writing Against Culture*, anthropologist Lila Abu-Lughod premises: feminists and ‘halfies’ – people whose na

Abu-Lughod goes on to say, “The importance of the dilemmas that reveal starkly the problems with cultural backgrounds, families, and communities – are quite

Romani people across Europe, who, through slavery, produced as outside of history, without an archive, have been the constitutive outside of not just European disruptions and heterogeneity of the constitutive of Europe, Romani critique – the work of ‘feminists and and takes seriously the limits of the archive.



## CHALLENGING PERSPECTIVES ABOUT ROMA

MARIA BOGDAN

The reflected images, the spoken discourses, shapes criticised, especially during recent years when the move to an unprecedented degree by the governing party

To illustrate this point I will briefly refer to a documentary film director László Pesty. In summary this film makes them a threat to the Hungarian people. The way questioning the veracity of any of the racist statements have a lot of children, are prone to crime and have

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## NESS' IN ROMANI STUDIES

the rise of anti-Gypsyism, seen as the “root cause of Roma marginalisation”, there is as yet little theoretical and practical understanding of seems even more precious and urgent in a context where some non-Roma are lurching towards more extremist views. While this pressure stops racism from happening, I would like to argue that “coming to understanding and resolving exploitation are linked” and even that deeper should be prioritised over problem solving.

ension of the everyday lives and aspirations of Roma and by extension perhaps also of how they are affected by anti-Gypsyism is to give Roma communities through community-based and participatory research”. Participatory research – meaning research with and in the best of circumstances up as a way of allowing marginal communities to become more central in development projects, in political processes, or even in academia, agenda. However, people don't operate in an ideal world but one where power struggles have resulted in unequal relationships of oppression and a situation in which participation as defined above gives real influence to excluded communities such as the Roma, without engaging with wider power.

## ISTS AND 'HALFIES' IN ROMANI STUDIES: NEW EPISTEMOLOGICAL POSSIBILITIES

Lughod argues for the importance of two critical groups “whose situations neatly expose and challenge the most basic of [anthropological] national or cultural identity is mixed by virtue of migration, overseas education, or parentage.”

These groups lies not in any superior moral claim or advantage they may have in doing anthropology, but in the special dilemmas they face, “cultural anthropology's assumption of a fundamental distinction between self and other.” Romani scholars – scholars who come from Romani and ‘halfies,’ moving between Romani and *gadje* worlds through processes of migration, education and parentage.

ery, migration, deportation and attempted genocide, have a Diaspora that reaches into the Americas, Africa, Asia and Australia, have been and subject to a crisis of representation that points to the limits of the topographic and geographic boundedness of Europe. Roma in this way Empire and Empire, but also of “law, political economy and ideology” and the logic of the nation-state. What would it mean for us to take up the outside? The impossibility of subject position and archive alike? Just as postcolonial critique has allowed for a reconfiguration of the archive of and halfies' in Romani Studies – can allow for a reconfiguration of postcolonial epistemology that goes beyond the nation-state and the empire

## ES – THE ROLE OF MEDIA REPRESENTATION IN KNOWLEDGE PRODUCTION

be the values of generations and thus public media in theory has a great role in shaping societies. This is why it is constantly examined and media law changed negatively in Hungary in terms of freedom of speech and censorship. This has allowed public media to become influenced and consequently sometimes violate the basic journalistic code of ethics.

documentary film titled *A cigány-magyar együttélés* in translation: *The Gypsy-Hungarian Coexistence*, made by a well-known Hungarian documentary filmmaker makes racist statements about Roma in an explicit way – its main message is that Roma are basically, and by nature, criminals, and therefore the act of questioning Roma people in the film is accusatory and asks for explanations from Roma people living in rural areas in Hungary, without questions made in the documentary. For instance biased and leading questions are posed such as why in the opinion of the interviewer Gypsies have different sexual habits.

# LGBTQIA, FEMINISM AND ROMANI STUDIES

JEKATYERINA DUNAJEVA, ANGÉLA KÓCZÉ AND SARAH CEMLYN

Invisibility is also an issue for Roma who identify as LGBTQIA. Daniel Baker's MA study highlighted the conflict experienced between being Gay and a Romani, with the resulting loss of connection through having to choose between one or other aspect of identity, or else 'passing' and submerging one aspect. Vera Kurtić documented the multiple oppressions of Romani lesbians both by majority Serbian society and the minority Romani community.

As a result of restricted views of what being a Romani involves, these and other commentators point not only to the failure to address the rights of Romani women and sexual minorities, but also to the losses to the wider Roma rights movement since many voices may be silenced and lives rendered invisible.

Lack of recognition of intersectionality within the Roma Movement is at odds with the activity of Romani women all over Europe, fighting against gender oppression and racism (though not all activists will describe themselves as feminists). The involvement of Roma in Gay Pride marches and conferences proclaiming and publicly celebrating LGBTQIA identity represent a highly significant political act in itself given the invisibility surrounding them.

One factor that has been seen as an influence on the silencing of Romani feminism is the urgency of defending the communities against the rampant media, public and political racism facing all Romani communities across Europe and resulting arguments that multiple perspectives within Roma politics might be seen to dilute its focus on challenging injustice.

## STILL MISSING INTERSECTIONALITY: THE RELEVANCE OF FEMINIST METHODOLOGIES IN THE STRUGGLE FOR THE RIGHTS OF ROMA

JELENA JOVANOVIĆ AND ANNA CSILLA DARÓCZI

In this paper, we argue that the Romani movement must incorporate intersectional approaches to a greater extent in order to avoid a narrow Romani identity politics that assumes national identity as having exclusive relevance to the experiences of Romani people at any given time. At the above-mentioned conference we were strongly affected by those voices we strive to challenge, those who recreated misconceptions that "feminism produces separatism within the Romani movement" and that "we [Romani political actors] are concerned only with national or ethnic identity". We believe that these misconceptions are based on the lack of understanding and/or the lack of acknowledgment of our feminism and intersectionality as the main approach originating in the feminist scholarship we strive to incorporate into the movement.

The Romani movement needs a higher level of solidarity among Roma themselves to be able to fight its own limits. If we fight for equality but suppress voices within, we praise nothing but hypocrisy and leave so many voices unheard. Therefore, the struggle for Romani rights must be a struggle for and with all Roma. We still need intersectionality to shape political discourses and conduct. If the Romani movement does not do this, it will further expose power relations and help preserve or even increase its own vulnerabilities. Romani feminist and LGBTQIA scholars and activist are often understood as those who fight for some "other rights" if they do not make the national or ethnic dimension of their identities central to their politics. If Romani political actors do not employ a stronger and more inclusive discourse on intersectionality (and not only including *gender* and *ethnicity* in the story), Romani political discourse is in danger of continuing to produce misunderstandings among people who in fact have the same goals.

- Educational level
- Reading/writing literacy
- Numerical literacy
- Computer literacy

- Male
- Female
- Trans
- Other

- Native Roma speakers
- Non-speakers
- Different dialects
- Polyglots



- Employment status
- Income level
- Housing location
- Refugee status
- Infrastructure

- Religious
- Secular
- Atheist
- Agnostic



- Lesbian
- Gay
- Bisexual
- Transgender
- Queer



- Children & minors
- Orphans & foster kids
- Elderly people
- Large families
- Divorced people

- Mental disabilities
- Physical disabilities
- Chronic conditions (eg. HIV, cancer)



20 February: **#WorldSocialJusticeDay**





# SPEAKING FROM THE MARGINS

ANGÉLA KÓCZÉ

**D**espite feminist and critical theorists' extensive work on the dynamic of knowledge and power, Roma-related studies still have not reflected on and do not problematise the unambiguous positions and powers which shape the very nature of Roma-related knowledge.

In the last couple of years there have been a variety of questions that have emerged from Roma scholars' discussions and debates with other members of the academy and beyond. For instance questions such as the following: Who benefits from the knowledge which has been produced on Roma? Whose knowledge is recognised and validated? In other words, who has the epistemic authority and privilege in Roma-related knowledge production? These are major issues that need to be discussed in a sincere way. The denial and banality of these questions in academia leads to disguising the fact that the system is structurally unfair and maintains a systemic disadvantage for the Roma.

Concerning the validation of Roma-related studies, there is a tacit consensus that non-Roma are in a better position to provide a more reliable and objective account of the situation of Roma. This assumption is based on the premise of 'objectivity' which has been challenged by feminist theorists. However, as I mentioned above, the epistemic privilege in a certain position can also be possessed by Roma, depending on their gender, class and even their geopolitical position.

The various privileges will become clearer when we apply them to a particular example and context. For instance, the current discussion about the forthcoming European Roma Institute (ERI) illustrates how Roma presence and voice in an academic context is still not validated. In fact, it can be disqualified, questioned and violently contested by non-Roma/white scholars.

# THE QUEER GYPSY

DANIEL BAKER

My research examined how 'out' Gay Romanies reconcile disparate and/or conflicting identity positions within their familial and cultural milieux. In-depth interview data was analysed in the light of contemporary identity theory in order to uncover narratives that convey what it means for some to be both Gay and Romani.

## Detachment

The interview data showed that all four men have experienced both emotional and physical detachment from their families and communities. This detachment seems to have increased after coming out, suggesting a general unwillingness to remain attached to a community that is unwilling to fully embrace them.

Even though all seem essentially proud of their Gypsy roots, all make it clear that their detachment occurred mainly through a difficulty in combining Gayness and Gypsiness. This suggests that in order to live as openly Gay these men compromised their Gypsy identity along with integration within the Gypsy community; a sacrifice that has repercussions both for the individual as well as the families and communities involved.

An alternative to this would be to 'pass' as non-Gay in the Gypsy community, a device which is much more common than being 'out' according to the interview data – but this solution is no less problematic as Balka and Rose suggest; "Passing not only hurts ourselves but also the communities in which we live, which don't reap the benefits of our authentic participation".

The interview data suggests that *not* passing also deprives all parties from "*authentic participation*". If being 'out' and being 'closeted' both result in dislocation within the Gypsy community, it is clear that any attempts to integrate Gay and Gypsy aspects of identity will be problematic until core attitudes towards Gayness within the Gypsy communities change.

# FACED WITH MULTIPLE 'VALUES' - FROM THE PERSPECTIVE OF THE ROMA LGBTQ COMMUNITY

DEZSŐ MÁTÉ

The Roma LGBTQ community suffers from multiple discrimination from both the heteronormative majority society and from their own minorities (ethnic and sexual). They face xenophobia in their everyday life because they are Roma and they struggle with homophobia because of being LGBTQ. These two categories lead them to daily actions which are used to hide and mask their real identity. The pressure to maintain this mask is tremendous. It is not enough to be a 'good' Roma, they must be extremely good Roma, outstanding with their study and with their work, they must be well-dressed and in good shape and of course must not show the 'typical Gypsy' stereotypical labels such as being dirty, a thief, vulgar and so on. The other sections of their mask are based on the heteronormative majority - to be a 'macho Gypsy bull' or 'the best traditional Roma housewife', and live what is perceived as a 'normal' life.

This paper will provide an overview of intersections of marginalised identities and will discuss the particular workings of oppression and identity-forming by Roma LGBTQ people.

Let us suppose the topic arises in a heteronormative conversation – the discussion has a high likelihood of centring on a number of derogatory words and viewpoints. In the non-heteronormative discussion, the direction can be a bit different and does not necessarily reflect biased views; rather, LGBTQ Roma are framed in exoticised terms, which are often connected to sexuality and sexual desire. For instance, such images emerge such as 'winnable prey' at the 'meat market'; common names are 'fresh Gypsy meat' or 'wild meat'.

This can create an "exotic savage" phenomenon which can offer new (mysterious) desires from the Roma LGBTQ community to the non-Roma LGBTQ community.

"...then he asked me if my chest is hairy or not ... what I like... It is really true that Roma guys' blood is much more heated than the Hungarians'? ...(he told me) ... My dream was always to make love with one beautiful Roma person like you." (LGBT Roma man, 25 years old)

## **“THEY BECOME STIGMATISED IN THEIR OWN FAMILY” - INTERVIEW WITH A ROMA LGBTQ ACTIVIST**

**DAVID TIŠER**

**ERRC: You are leading ARA ART, the only organisation in the Czech Republic devoted to the rights of the Roma LGBTQ. Why do you think Czech Roma need an organisation like yours?**

David Tišer: I think the world cares about people being oppressed either within the LGBTQ or in the Roma community, but there isn't any kind of research or study that would provide enough information about the Roma-LGBTQ minority. When there is a debate in a given country around LGBTQ issues, that debate is mainly focused on LGBTQ people within the majority society and their integration. But LGBTQ people in the Roma minority suffer from multiple cases of discrimination - they are subject to discrimination because of being Roma and being not heterosexual. It is completely depressing for those who are affected.

They have huge difficulties even in the Roma community, which clings to traditional family patterns and rejects homosexuality. It is very hard being a Roma and belonging to the LGBTQ group - people from the Roma-LGBTQ community do not even contact each other in person, only for example through the Internet.

**You mentioned during the roundtable discussion that you have been fighting for Roma LGBTQ rights for 8 years now. Unfortunately you couldn't get in touch with Roma communities concerning this issue for over 4 years. Why?**

It wasn't easy to gain trust in the Roma community with LGBTQ issues. It took 4 years until they started to trust me. The field research I did in 2014 can partly explain this. The decision to admit that someone is a homosexual is affected by fear of the reaction of the rest of the community. In Roma communities, the family is the most important thing, partly because of discrimination from the majority society. The home is the only safe place. Except for LGBTQ people: they usually lose this safety as soon as they come out. They become stigmatised in their own family.



# ROMA RIGHTS 1 2017: ROMA AND CONFLICT: UNDERSTANDING THE IMPACT OF WAR AND POLITICAL VIOLENCE

## ROMA AND CONFLICT: AN INTRODUCTION

**BERNARD RORKE**

**M**ore than fifteen years after the final Balkan war, across the republics of the former Yugoslavia many thousands of Roma lack basic documentation, remain displaced, their status uncertain and unresolved. Non-persons in the eyes of the authorities, many are effectively deprived of the very basic right to have rights. For those Roma who fled abroad as refugees to Western Europe, the virus of anti-Gypsyism ensured that Romani asylum claims were met with scepticism and suspicion by various authorities. Neither was there much public sympathy for the suffering and privations of Romani refugees – for many, they were just bogus economic migrants, nomads on the move and on the make. And as long as such narratives prevail, the persecution of Roma that closed the 20th Century is in danger of being wiped from public memory; and with it any understanding of the impact of forced migration on so many Romani lives.

As long as Europe's largest ethnic minority are written out and rendered invisible in the histories of Europe's wars and conflicts; and excluded from the politics of reconstruction and peace-making, the continent's self-understanding will remain fatally flawed. This misrecognition comes with practical and often fatal consequences, as is made clear by the flourishing of a politics of anti-Gypsyism in 21st Century Europe.

To reverse the politics of hate, and to get beyond the notions of *pathologised presence / normalised absence* which facilitate it, Thomas Hammarberg proposed 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 2015, the Swedish government produced its version, *The Dark Unknown History: White Paper on Abuses and Rights Violations Against Roma in the 20th Century*. This offers a practical example of a necessary first step, for Europe badly needs a deeper understanding of what Roma have faced and continue to face both in times of war and peace. And Roma in Europe deserve by right, a future structured by hope not hate.







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## ROMA ALSO FOUGHT: THE HISTORY OF ROMANI PARTICIPATION IN THE ANTI-FASCIST MOVEMENT IN CROATIA DURING WORLD WAR II

DANIJEL VOJAK

It is important to highlight that the insufficient research on the topic of Roma within the European anti-fascist movement also applies to the Croatian lands during World War II. In a way, the lack of systematic research of this aspect of Romani history is but a reflection of the lack of interest in Croatian and other historiographies of the topic. The historiography of socialist Yugoslavia examined the aspect of minority groups' participation in the Partisan (anti-fascist) movement, with emphasis on the role of the Hungarian, Czech, Slovak and German minorities. Scholarly and popular texts about the Partisan struggle against the German and Italian occupation forces and their allies, most of which were memorial in nature and published after the war, mentioned the participation of Roma in Partisan units only incidentally.

Some authors tried to link their participation in the movement as a reaction to Ustaša violence against them, especially in mid-1942, when mass deportations of Roma to the Jasenovac camp took place. More precisely, the Ustaša authorities, following a provision issued on 19 May 1942, attempted to resolve the "Gypsy Question" by deporting all Roma to the Jasenovac camp. Romani resistance against this broke out immediately after the deportations began, which is why the Ustaša authorities tried to deceive the Roma. It should be noted that one part of the Romani population was deported without any resistance to the Jasenovac camp. The background of this "passivity" of the Roma can be seen in their belief that Ustaša authorities would "settle" them on the estates of displaced Serbs and Montenegrins in Kosovo, displace them to Bosnia and Herzegovina or the central part of Croatia, or that they would be moved to a "Gypsy state" on an unknown territory.

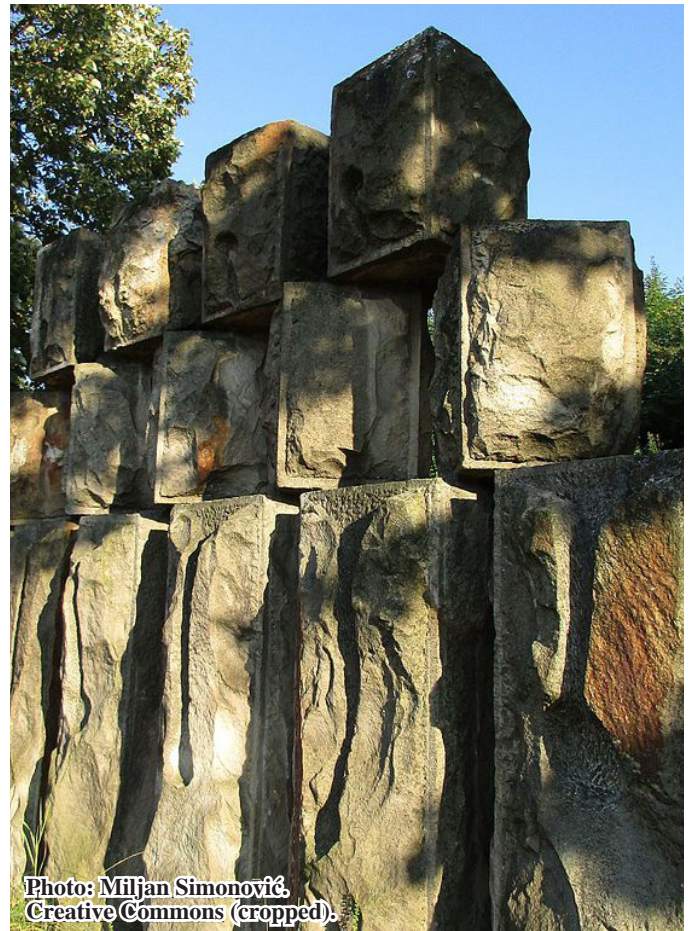


Photo: Miljan Simonović.  
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## WHOSE MEMORIAL? THE ARAPOVA DOLINA MONUMENT IN LESKOVAC, SERBIA

ANDREW LAWLER

Following the killing of three German officers in the vicinity of Leskovac, southern Serbia, in early December 1941, Leskovac's town officials were asked by the occupying forces to select citizens for summarial retaliatory execution. The officials, loyal to Milan Nedic's 'Government of National Salvation', recommended that the Germans round up people from the Arapova Dolina district of the town, an almost exclusively Roma neighbourhood. According to recent historical research, a total of 310 people were executed on a small field in the neighbourhood, at the foot of Hisar hill, which dominates the town's landscape. These numbered 293 Roma, 6 Jews and 11 Serbs, some of whom were already being held captive by the occupiers and collaborators on suspicion of having committed other crimes.

After the war, nobody was prosecuted for these executions. As noted, a lack of prosecution for crimes committed against the Roma population on the territory of Yugoslavia appears to have been a commonplace theme in the trials conducted by the Socialist Federal Republic (SFR) of Yugoslavia's Military Courts in the wake of the Second World War. The events at the site remained uncommemorated for more than three decades. In 1971, while designing the Monument to the Revolution, one of Yugoslavia's most celebrated architects Bogdan Bogdanovic (1922-2010) heard of this story. He decided to create a small memorial to commemorate those executed at Arapova Dolina.

# ANTIGYPSYISM AS AMBIVALENCE: FASCINATION AND FEAR TOWARDS THE SPANISH GITANOS IN THE POST-CIVIL WAR PERIOD (1939-1959)

ISMAEL CORTÉS

In the post-civil war period (1939-1959), the symbolic power of national-Catholicism was the main source of Franco's ideological project to rebuild the unity of Spain after the "spiritual crisis" that led to the civil war (1936-1939). Haunted by the spectrum of liberal republicanism, Franco created his own *intelligentsia* and resurrected the foundational myth of the birth of the nation: the unified identity of all territories of Spain under the Catholic kings (1475-1516).

Politically speaking, obviously Gitanos did not represent an articulated alternative to Franco's fascist ideology, but still in the public perception they were represented as deviant characters living a life based on freedom, commonality, hedonism, sensuality and leisure. To counteract the impact of liberal thinking in the field of popular culture during the last 50 years, Franco's fascist regime deployed a strong coercive and ideological device through the means of legislation and mass propaganda. Bringing back to the present the foundational myth of the birth of Spain, Franco's regime aimed to revive the spirit of social surveillance and moral control established by the Catholic Kings. In this regard, the *Law of Vagrants and Thieves* was restructured in 1943 by referring to the treatment of vagabonds, nomads, pimps and any other antisocial element. Many of the Civil Guard documents show that Gitanos were included in the category of vagrant, applied through Articles 4, 5 and 6 of internal regulations, which were in force from 1942 until 1978, and specified that the Civil Guard must keep close watch on Gitanos and their movements.

In practice, these measures were translated into episodes of police persecution and police brutality against the Gitanos. This official treatment was accompanied by a carefully designed strategy of mass propaganda deployed through state media, projecting a public image of the Gitanos as lazy, thieves, superstitious, antisocial, stateless, unpatriotic and sexually passionate.

Photo: Mick Baker,  
Creative Commons.



## ROMANI MINORITIES IN WAR CONFLICTS AND REFUGEE CRISES OF THE (POST)-YUGOSLAV SPACE: A COMPARATIVE SOCIO-HISTORICAL PERSPECTIVE

DR JULIJA SARDELIĆ

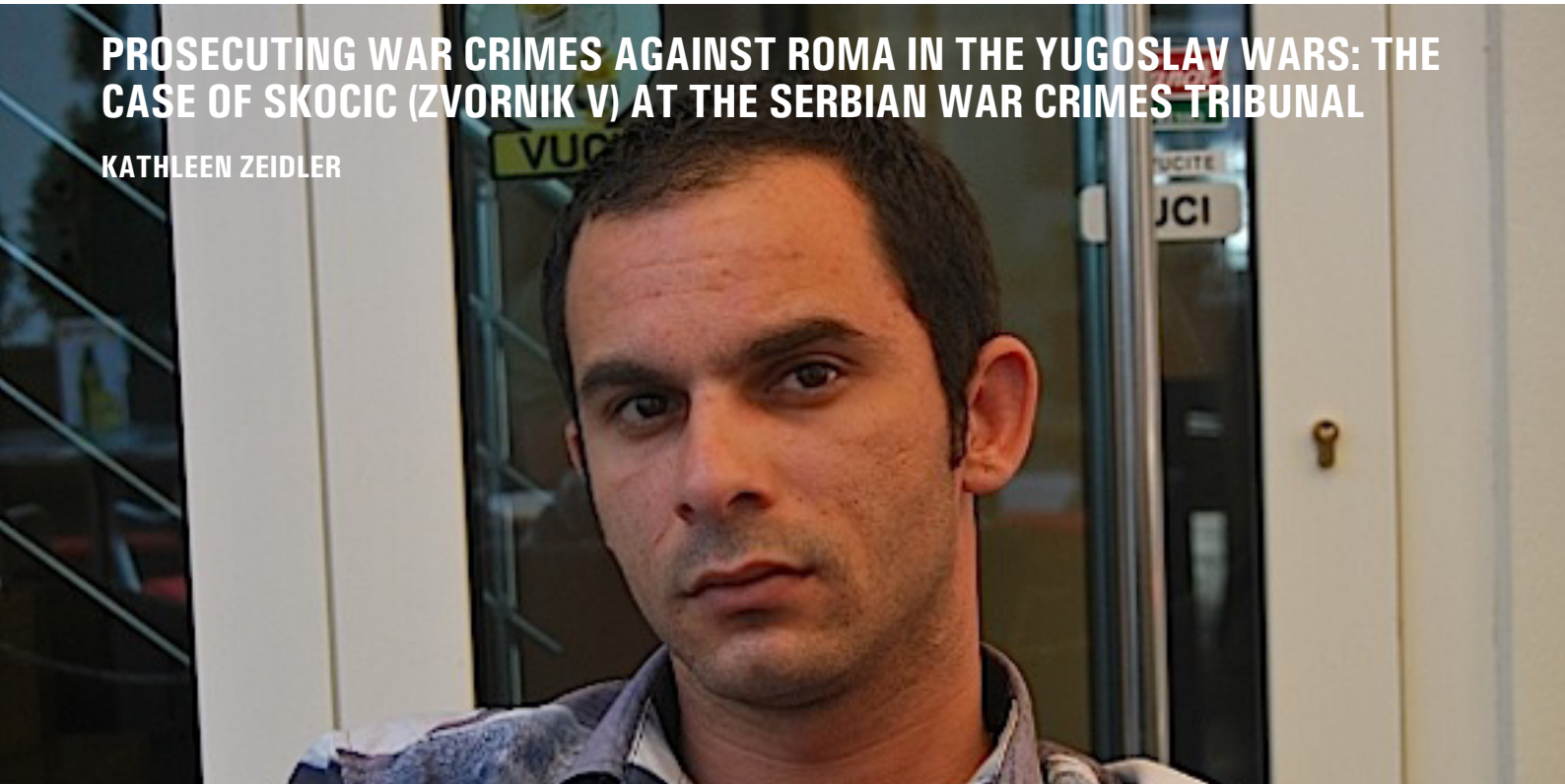
Romani minorities remain the most neglected victims of many conflicts, as often in the perception of the perpetrators Roma do not count as victims or attacks towards them are perceived as justified. Such logic affects Romani minorities not only directly in the war conflict or its immediate aftermath, but also has long-term consequences that significantly marginalise them and place them in a severely disadvantageous position in all spheres of society.

In March 2010, I co-interviewed Bisa from Medimurje county, whose parents both survived the concentration camps, but died later: her

mother returned from Dachau and her father from Jasenovac. She remembers from the stories of her parents how many Romani settlements in Medimurje were emptied and devastated during World War II. However, little memory of this was preserved among the majority population after the war. Bisa's parents had to fight for compensation as concentration camp survivors for decades, because there was disbelief that so many Roma were in concentration camps. Bisa remembered one of the commemorations of Jasenovac, where Roma were not explicitly mentioned as victims, but when she looked at the names of those killed in the concentration camps, she stated there were "kilometres and kilometres of our last names".

# PROSECUTING WAR CRIMES AGAINST ROMA IN THE YUGOSLAV WARS: THE CASE OF SKOCIC (ZVORNIK V) AT THE SERBIAN WAR CRIMES TRIBUNAL

KATHLEEN ZEIDLER



In September 2016 the case of Skocic (Zvornik V / Sima Bogdanovic et al.) was in the media again, when the only survivor of the massacre in 1992 had to identify his brother and sister, who were exhumed from a mass grave. The massacre of the Romani population in the Eastern Bosnian village of Skocic, close to Zvornik, took place in the summer of 1992 during the war in Bosnia and Herzegovina. This mass crime, which ended

with the execution of around 30 Roma civilians including women and children, was one of several incidents of violence against Roma civilians during the armed conflict in Bosnia.

The indictment included allegations of sexual violence such as rape and sexual assault. Still, very few cases of war violence against Roma reached any court, the only one for crimes in the war

in Bosnia being the Skocic case. This makes the analysis of the Skocic case especially fruitful. This article focuses on the question of what role the fact that the victims belonged to the Roma community played, and on the intersection with sexual violence. Central to this study will be the analysis both of the trial as well as media reporting on the case in Serbia and in Bosnia and the reaction of the public to the case.

## PATHOLOGISED PRESENCE/NORMALISED ABSENCE IN CONFLICT: LEARNING FROM IRISH TRAVELLERS AND THE 'TROUBLES' IN IRELAND

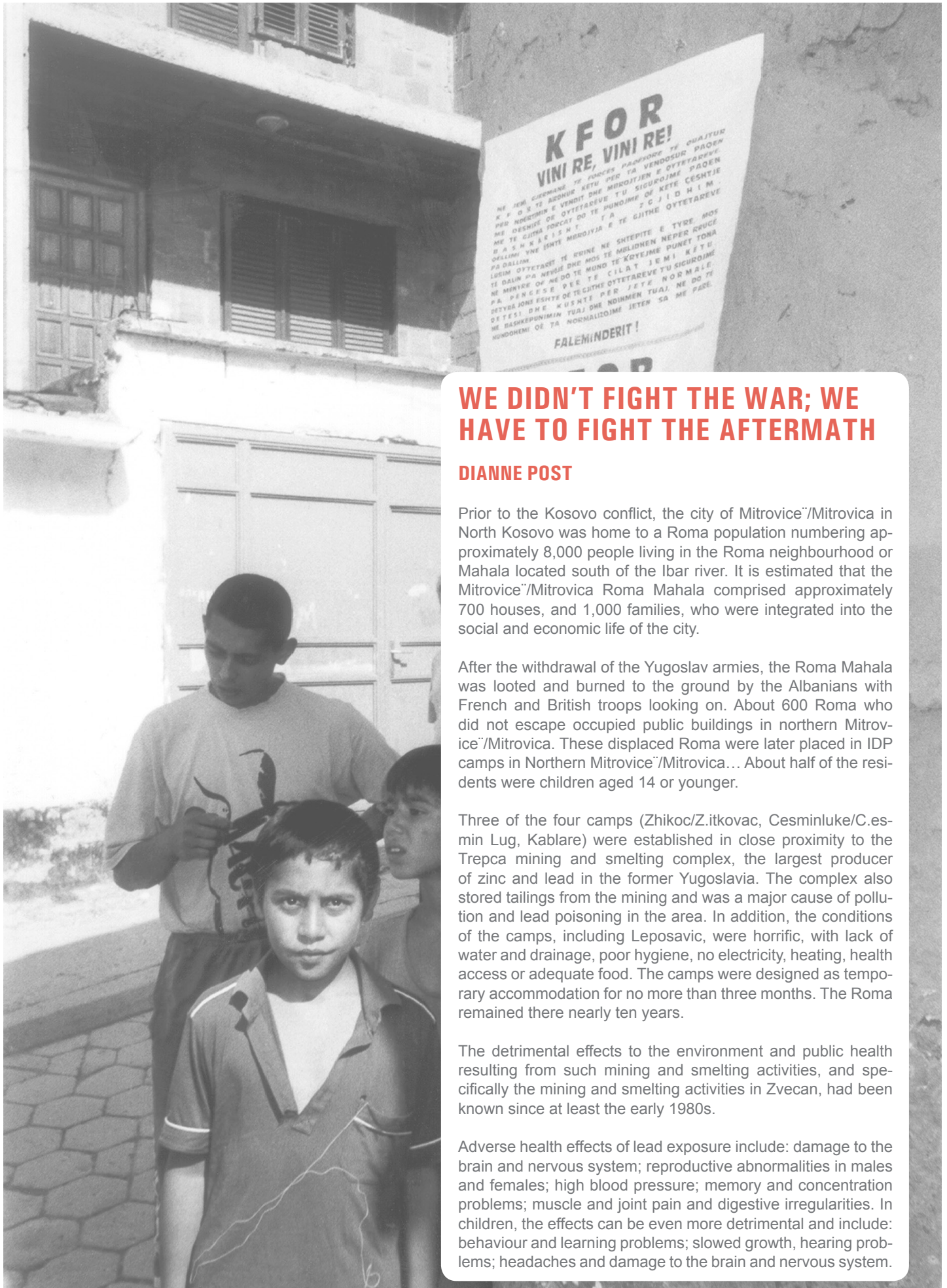
ROBBIE MCVEIGH

Travellers – like all other citizens of Ireland, north and south – were profoundly affected by this conflict. Despite this, however, Travellers have been largely written out of the narrative of the Troubles. It was as if the conflict – which consumed the whole of Northern Ireland society as well as impacting significantly in southern Ireland and England - had passed Travellers completely by. In recognition of this silence, Donegal Travellers Project - a regional Traveller organisation - secured funding from the EU Peace Programme for its Building Ethic Peace programme. As part of this programme, it commissioned research on Travellers' experiences of conflict. This was subsequently published as 'Travellers and the Troubles' in 2008.

Two key points emerged from this research. First, Travellers were significantly impacted by the conflict – the common-sense notion that they had been 'unaffected' by the conflict was simply wrong. Second, this impact was not necessarily the same as that on settled people. Some of the experiences were, of course, broadly similar – being caught up in violent incidents like bombs or fire fights for example. But other experiences suggested a Traveller-specific experience of conflict. This has ongoing implications for Travellers in Ireland. But it also has wider implications for the discussion of Roma and conflict.

The 'Travellers and the Troubles' research suggested a broad schema for further detailing Travellers' experiences of the Troubles grounded in both the background history and the oral history conducted for the research. Each of these categories involved Travellers being affected by the Troubles in different ways. Most real-life situations involved a combination of 'bad luck' and Traveller-specific treatment. For example, in Northern Ireland the location of Traveller 'sites' – the places where most Travellers lived - was often a function of the security situation. These 'halting sites' were frequently situated in 'no man's land' – close to military installations in places where no non-Travellers felt it safe to live. This reality made Travellers much more likely to be in 'the wrong place at the wrong time' than most settled people.





## WE DIDN'T FIGHT THE WAR; WE HAVE TO FIGHT THE AFTERMATH

**DIANNE POST**

Prior to the Kosovo conflict, the city of Mitrovicë/Mitrovica in North Kosovo was home to a Roma population numbering approximately 8,000 people living in the Roma neighbourhood or Mahala located south of the Ibar river. It is estimated that the Mitrovicë/Mitrovica Roma Mahala comprised approximately 700 houses, and 1,000 families, who were integrated into the social and economic life of the city.

After the withdrawal of the Yugoslav armies, the Roma Mahala was looted and burned to the ground by the Albanians with French and British troops looking on. About 600 Roma who did not escape occupied public buildings in northern Mitrovicë/Mitrovica. These displaced Roma were later placed in IDP camps in Northern Mitrovicë/Mitrovica... About half of the residents were children aged 14 or younger.

Three of the four camps (Zhikoc/Z.itkovac, Cesminluke/C.esmin Lug, Kablare) were established in close proximity to the Trepca mining and smelting complex, the largest producer of zinc and lead in the former Yugoslavia. The complex also stored tailings from the mining and was a major cause of pollution and lead poisoning in the area. In addition, the conditions of the camps, including Leposavic, were horrific, with lack of water and drainage, poor hygiene, no electricity, heating, health access or adequate food. The camps were designed as temporary accommodation for no more than three months. The Roma remained there nearly ten years.

The detrimental effects to the environment and public health resulting from such mining and smelting activities, and specifically the mining and smelting activities in Zvečan, had been known since at least the early 1980s.

Adverse health effects of lead exposure include: damage to the brain and nervous system; reproductive abnormalities in males and females; high blood pressure; memory and concentration problems; muscle and joint pain and digestive irregularities. In children, the effects can be even more detrimental and include: behaviour and learning problems; slowed growth, hearing problems; headaches and damage to the brain and nervous system.