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Ethnic Statistics

000001	000001	000001	000001	12345678	Germany	83251851	70000	70000	100000	130000
000002	000002	000002	000002	10987654	Czechia	10964020	150000	200000	160000	200000
000003	000003	000003	000003	10123456	Hungary	10174853	190,046	190,046	550000	600000
000004	000004	000004	000004	10987654	Iceland	3840838	23,681	23,681	22000	28000
000005	000005	000005	000005	12345678	Lithuania	57679825	120,000	120,000	90000	110000
000006	000006	000006	000006	12345678	Latvia	2385231	7,955	7,955	16000	16000
000007	000007	000007	000007	12345678	Lithuania	3610535	2000	3000	3000	4000
000008	000008	000008	000008	12345678	Luxembourg	442972	n/a	n/a	100	150

Dimitrina Petrova

FROM THE POINT OF VIEW of human rights defence, ethnic statistics can be defined as a component of:

- a) a right: the fundamental right to be free from racial discrimination should be interpreted as implying the right of the victim to obtain statistical data broken down by race/ethnicity, if such data would be critical evidence proving discrimination.
- b) a duty: the positive obligation of the government to ensure effective equality irrespective of race or ethnicity should be interpreted as including the collection, processing, analysis and use of personalised statistics disaggregated by ethnicity.

In 2004, the complaint that there are no reliable statistics on Roma has become trivial. So has the call on governments to collect them. Criticism and recommendations regarding this issue are coming from all quarters, including governments of countries with significant Romani populations. Over the last six-seven years, the *European Roma Rights Center* has been among the most consistent advocates of collecting ethnic data for purposes of fighting racism and discrimination and for drafting viable equality programmes. Our position has been initially developed in the context of implementing anti-discrimination law to benefit the members of the most disadvantaged groups in European societies. More recently, as part of accession obligations, governments of European Union candidate countries worked with the Employment and Social Affairs Directorate of the European Commission on Joint Inclusion Memoranda, to be followed by National Action Plans. In the process, the deficiency of reliable Roma-related statistics loomed large as a major obstacle to rights based policy of Roma inclusion. The *ERRC* addressed the issue in most of its advocacy interventions in this regard.

Although in the late 1990s the case law of continental Europe did not know the link between racial

discrimination and figures, statistics on racial disparities had been successfully brought in the courts of UK and some countries outside Europe as evidence in discrimination cases. Then in July 2000 the European Council Race Equality Directive (EC Directive 2000/43, para. 15) explicitly included statistics among the possible means establishing discrimination. This provision – as well as many others in the Race Equality Directive – improved the prospects for future anti-discrimination litigation – especially when challenging systemic inequalities.

In recent years, the need for statistics on Roma became ever more acute, as governments have begun to develop special programmes related to Roma. A common defect of all these programmes is that they are not based on reliable demographic, labour, health, education and housing statistics broken down by ethnicity. The reasons for the miserable state of Roma-related data include:

1. misperception that personal data protection laws prohibit the gathering of ethnic data;
2. failure to understand the strategic importance of ethnic monitoring for the fight against discrimination;
3. fear that ethnic statistics can be misused to harm the respondents;
4. weakness of political will of governments drafting programmes for Roma integration, lack of vision of genuine reform based on quantitative assessment of needs and readiness to allocate adequate resources;
5. fear in governments that they may be embarrassed if statistics reveals ugly corners in their societies;
6. methodological difficulty of the question: who should be counted as “Roma”, those who state

their Romani ethnicity or a much larger group defined through external attribution;

7. methodological difficulty of dealing with the refusal of Roma to “admit” their ethnic belonging - a refusal which differs widely across space and sub-ethnic identity.

Perhaps all of the above obstacles were present in a recent story covered by the Hungarian media. The Ministry of Health had commissioned a sociological survey on Romani health, involving the gathering of both objective and subjective data. On the subjective (opinion) side, the survey sought to measure attitudes toward Roma in the medical profession, as well as Roma’s perception of how the health care system treats them. In November 2003, the professional association of doctors and nurses in Hungary rebelled against the survey. A public debate followed. Purportedly, at stake were the doctors’ honour, the freedom of social research, and the future of the government’s policies on Romani health. Eventually, the debate subsided, unresolved. The results of the study were shelved. The Ministry of Health did not make them public, nor did it take a stand against the survey for which it had paid. Much-needed figures on Roma’s access to healthcare re-

main officially out-of-reach, whereas unofficially available to those who care.¹

This issue of *Roma Rights* revisits and recapitulates Roma statistics from several angles. Andrei Ivanov and Susanne Milcher present the UNDP experience in assessing the development needs of Roma in Eastern Europe. Ferenc Babusik reveals the dilemmas that Hungarian sociology has been trying to solve when collecting data on Roma. Lilla Farkas looks at the issue from the prism of international law, revealing the paradoxical epistemological situation of knowing while not knowing the numbers of Roma. Sasha Barton comments on the British practice of ethnic monitoring and presents grounds for optimism even as it transpires that Gypsies and Travellers in the UK have not benefitted from ethnic monitoring. Claude Cahn notes that the European Union has not yet provided meaningful guidance on ethnic statistics.

Together, the articles take the Roma rights approach to ethnic statistics to a new level, by building a more detailed case for numbers and percentages. This effort is meant as a response to the positive tendency to step beyond rhetoric and to get down to business in many of the departments where Roma-related programmes and projects are being drafted.

¹ The ERRC took the research results paper from the victims of Hungarian style censorship, translated them into English, and will be soon circulate copies, as well as publish a summary in the next issue of *Roma Rights*.



The United Nations Development Programme's Vulnerability Projects: Roma and Ethnic Data

Susanne Milcher and Andrey Ivanov¹

Introduction

Romani ethnicity is a high risk factor in Central and Eastern Europe. Although Roma in Western Europe are also faced with serious problems, the scope and depth of the problem is much greater in the former Communist countries – as was demonstrated by the unrest in Eastern Slovakia's Romani communities in early 2004.²

Although official poverty data disaggregated by ethnic status is limited, survey evidence for Bulgaria, the Czech Republic, Hungary, Romania and Slovakia, confirms that poverty rates for Roma exceed by far those of the overall population. In Hungary, Roma are approximately eight times more likely to experience long-term unemployment than the general population. Unemployment among the Roma substantially exceeds average non-Roma unemployment rates. In Slovakia, while Roma comprise 5 percent of those unemployed for up to six months, they represent as much as 52 percent of those unemployed for more than four years. Romani ethnicity in these countries brings the risk of permanent labour market exclusion.

Virtually all basic social indicators are worse for Roma compared with other ethnic groups in Central and Eastern Europe. Low levels of education, lack of access to health care, poor housing conditions, high unemployment and discrimination contribute to their low social status. In addition, Roma live predominantly in disadvantaged regions, where they face a deteriorating socio-economic situation – such as weak employment opportunities – disproportionately. In the

case of the new EU member states, the most economically depressed regions are likely to turn into “Roma-dominated regions of the EU” when the current national borders lose their significance. In the Balkan countries, Roma often make up a large part of refugees or internally displaced persons (IDPs), and this makes them more vulnerable in terms of income, access to health and education. Targeted social inclusion policies and reforms are required, and monitoring of vulnerable groups is a major prerequisite for any future policy measures. In order to identify vulnerable groups at risk of poverty and social exclusion, quantitative data disaggregated by ethnicity and other socio-economic characteristics is necessary. However, monitoring the socio-economic situation of the population by ethnicity is a challenging task. First, in some cases, such as in France, ethnic monitoring is prohibited by the Criminal Code. In many countries, however, data protection laws are largely misinterpreted to prohibit any kind of ethnic data collection, while this legislation only requires certain guarantees regarding the processing of ethnic data. Second, members of ethnic minorities might not be willing to self-identify as such because of fear of discriminatory practices.

Addressing a number of methodological problems, as well as a data deficit, are the main challenges confronting the United Nations Development Programme's work in this area. This article outlines the UNDP's previous experience with collecting ethnic data, the challenges encountered and the solutions to them. Subsequently, it presents the UNDP's planned initiatives in this area, which are also within the framework of the Decade of Roma Inclusion.

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² For details of unrest among Roma in Slovakia in early 2004, please see: <http://www.errc.org/cikk.php?cikk=1884>.

UNDP's Experience with Ethnic Data Collection

Household surveys and censuses often significantly underestimate the Romani population. In censuses, Roma often opt not to self-identify, for fear of discrimination. National representative survey samples are usually based on census data. Roma who did not identify as Roma in the census are therefore likely to be undersampled.

Data on household incomes and expenditures disaggregated by ethnicity is scarce. For many reasons, statistical institutes do not monitor household budgets by ethnicity. In the Roma context, this reflects both political sensitivity and resistance from Romani organisations. The latter have (not wholly unreasonable) concerns that ethnically disaggregated data could be used for discriminatory purposes (in access to jobs or active labour market policies for the unemployed).

And here both researchers and policy-makers face a peculiar vicious circle: Data is necessary but not available. When available, it is not reliable (different estimations of Roma can be equally acceptable and justified using different sets of arguments). As a result, the opportunity for data misinterpretation is disturbingly broad: Depending on whether higher or lower estimates “work” better in the particular political context, different actors can argue for or against some current political issue using data that does not accurately describe the situation of Roma.

Roma in Central and Eastern Europe

Filling these data holes (at least in part) was one of the objectives of the regional UNDP/ILO large scale survey on Roma in five Central and Eastern European (CEE) countries conducted in 2001. The survey looked at the situation of Roma from a “human development” perspective. With the ultimate goal of expanding people’s choices, human development looks at areas of health, education and living standards. In terms of living standards, Romani respondents were asked to assess their household incomes, main income sources, total expenditures, and expenditures by main product and service

groups. The results do not just show that Roma are among the poorest of the poor in Central and Eastern Europe (this is an evident fact). What is more important, they outline how much worse the situation of Roma is, and what the specific characteristics of their status are (for example, what are the income sources or the causes of unemployment). Answering these specific and concrete questions in quantitative figures is a necessary precondition, both for understanding the underlying causes and addressing them adequately.

The survey data collected from face-to-face interviews with 5,034 Roma respondents in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia was analysed in the UNDP Regional Human Development Report “Avoiding the Dependency Trap,” which was published in 2002. The results from each country are comparable because they are based on a common questionnaire, translated into the respective local languages, and on an identical sampling design methodology. The sample size in each country was close to 1,000, making the survey fairly representative of the Romani population in each country.

The data set contains over 400 variables, which are mostly qualitative. Overall, 100 questions were asked, taking into account equally the individual and household level. Half of the questions in the survey were “individually-oriented” and the rest were “household-oriented.” Individuals, not households, were interviewed, but some of the questions concerned the respondent’s household. Data based on the household rather than on the individual as the unit of observation is particularly important in order to calculate poverty rates and to perform quantitative poverty analysis.

The UNDP survey used stratified random sampling for Roma older than 18. Sampling was based on data provided by the last census in each country. The total number of Roma in the census data is most probably inaccurate due to (i) the time lapse since the last census and (ii) under-representation of Roma because of deficient self-identification. However, although in all countries the numbers of people identifying themselves as Romani are substantially below the actual Romani population numbers, it was assumed that the census results

adequately reflect Romani population structures in terms of rural/urban, age and sex distributions. The quotas for neighbourhoods and villages populated mainly by Roma were identified on the basis of census data about the territorial distribution of the population. Households were picked randomly within each sample cluster. In the case of Roma, complete sampling frames, such as lists, registered addresses or files are usually not available. Therefore, sampling households follows a systematic technique, such as picking each third house on the left side of the street within each sample cluster.

The exact profile of the respondent to be interviewed was determined for each sampling cluster. Field operators identified the individuals to be interviewed, corresponding to the profile of respondents for the cluster, with the assistance of local government administrators and social assistance services.

Regarding ethnic affiliation, the research team followed the Framework Convention for the Protection of National Minorities, which combines subjective self-identification with culturally-based objective criteria. Ethnicity was identified through a number of different questions, including self-identification (“*Do you feel Romani?*”), interviewer identification, language and ethnicity of the majority of children in school. Only 9 percent of the respondents identified by field operators, local administration and Romani NGOs as being Romani did not consider themselves to be Roma. The responses of those who did not identify themselves as Roma implicitly suggest that most of them are of Romani ethnic background but for various

PHASES OF A SAMPLE SURVEY

1. *Deciding on the target population (Roma, IDPs, refugees)*
2. *Sampling frame. This is the list of units from which the sample is selected, such as population lists, files or register forms. This frame is necessary so that any part of the population has a chance of being included in the sample. The major problem here is related to non-coverage: Where ethnicity is not included in the census question, population lists would not be available for Roma. Another problem could arise from the clusters of elements: In one dwelling there can be more than one household.*
3. *Sampling design.*
 - ◆ *Simple random sampling: This is a method of selecting households from the sampling frame with random numbers. It requires a complete list of the total population. Each household of the population has an equal chance of being chosen.*
 - ◆ *Stratified random sampling: According to this method, the target population is divided into non-overlapping groups (strata) that differ in characteristics, such as gender, age, ethnicity or geographical location. Within each stratum, samples are drawn randomly. The advantage of this method is that it also represents subgroups of the total population, such as minorities. Stratified random sampling may have more statistical precision than simple random sampling when the groups are homogenous in terms of the targeted variable (for example, income, education or health status), because variability is expected to be lower in homogenous groups than in the overall population. In the case of Roma, using stratified random sampling is helpful because Roma are very homogenous in terms of their socio-economic situation.*

Identification of regions/villages with high percentage of Roma, IDPs or refugees might be difficult due to lack of quantitative data and because ethnicity is not reported in the census. In addition, Roma may also belong to the group of refugees, a situation that makes the sampling of three separate groups almost impossible.
4. *Questionnaire and fieldwork. The problems here are related primarily to non-sampling errors that could occur due to mistakes of the interviewer or unwillingness of Roma to respond. Therefore, participation of people from the communities in the field-work is particularly important.*

reasons prefer not to reveal it. These respondents, however, share socioeconomic characteristics and cultural patterns with their Romani neighbours. Thus, 13 percent of the respondents who stated non-Romani affiliation answered that the ethnic majority in the school which their children attended was Romani. The same answer was given by 19

percent of the respondents in the overall sample. Further, 32 percent of the respondents who declared non-Romani affiliation use the Romani language at home. In the overall sample 54 percent of the respondents stated they use Romani language at home (see Table 1, below).

sub-samples: Roma, refugees, IDPs, and the majority population as a control group. For the data collection among all four sub-samples, a uniform questionnaire was used with the same basic objective: to better understand poverty and vulnerability among marginalised populations in Montenegro and

Table 1
Identification of Roma
(Percentage of overall sample)

Self-Identification	91
Language	54
Romani ethnicity declared in last census	48
Romani ethnic majority in school	19

Source: UNDP/ILO survey 2001

The UNDP dataset represents a valuable input for the analysis of Roma. The scope of the data allows for a comprehensive analysis of poverty among Roma. However, several shortcomings are visible. The survey cannot claim complete statistical representativeness as the question “who is Romani?” cannot be answered precisely. Due to such conceptual deficits, the size of the Romani population in each country cannot be set at a precise figure either. Also, the questionnaire was not designed to capture comprehensive household profiles on expenditures, education, health and employment. Even a perfectly designed sample is likely to over-represent the worst-off segments of the Romani population, since they are recognisably Romani and most unlikely to be integrated into majority communities. Furthermore, the missing sample of the majority population as a control group is also a shortcoming. Some of these shortcomings were taken into account by the UNDP when designing the survey of Roma in Montenegro.

Household Survey of Roma, Refugees and Internally Displaced Persons in Montenegro

The Household Survey of Roma, Refugees and Internally Displaced Persons, undertaken in 2003 on the initiative of the UNDP Montenegro, is a rich comparative analysis of the situation of vulnerable groups in Montenegro. The sample included four

to help develop baselines for regular monitoring. In addition to a household roster, housing conditions, durable assets, food and non-food consumption, employment and personal and individual income, the questionnaire also included questions on citizenship status, real estate in country of origin, plans for repatriation, family planning, etc. In total, the questions were to a great extent based on households, which provided the opportunity to calculate the poverty head count for Roma, IDPs and refugees separately, as well as other socio-economic indicators for the three groups.

The samples have been designed based on the data about refugees and IDPs received from the Commissariat for Displaced Persons and UNHCR. After territorial distribution and after municipalities were identified, households were randomly selected. The survey was conducted by the Institute for Strategic Studies and Prognoses (ISSP). In addition, based on the UNDP recommendation, an informal network of Romani non-governmental organizations “Romski krug” was engaged to complement expert data. Based on data received from this network, the sample for the Romani population was created.

The major problem that arises with this type of survey is that Roma can fall into more than one category (refugees, IDPs). The overlap of these three groups makes stratified sampling more difficult and comparison between the three groups may lead to

biased results. Possible solutions to overcome this challenge will be discussed below.

With concern for the cultural sensitivity of the Roma, Romani surveyors were given special training sessions, in addition to the regular training delivered for ISSP interviewers. For data collection, direct face-to-face interviews were conducted. The final form of the questionnaire resulted from previous ISSP experience, cooperation with the World Bank experts, comments of the UNDP office in Podgorica, as well as other UN Programmes (like UNHCR, UNICEF, etc.), and the Romani NGO network.

UNDP's Contribution to the Decade of Roma Inclusion

The Decade of Roma Inclusion corresponds to the Millennium Development Goals (MDGs) for the most vulnerable group in Europe – the Roma. The UNDP has consistently called for MDG disaggregation, so that the concerns of those most in need are reflected. Without data, however, MDGs – as well as implementation of sustainable policies for improvement of the situation of vulnerable groups – are empty slogans. Only based on quantitative data can the actors involved (governments, donors, implementing partners) outline priorities and measure progress. Disaggregated quantitative data is a precondition for relevant national-level policies for sustainable inclusion of vulnerable groups, and Roma in particular. This is the reason why the UNDP sees the elaboration of consistent and comparable quantitative socio-economic data disaggregated for major vulnerable groups as a precondition for sustainable improvement of these populations' situation and for the success of initiatives such as the Decade of Roma Inclusion.

South-Eastern Europe (SEE) Vulnerability Survey

Based on the UNDP's previous experience with ethnic data collection, as outlined above, its main contribution to the Decade of Roma Inclusion is a baseline household survey, representative for Roma, IDPs and refugees. In this particular case, however, the problems faced in the first survey on Roma in CEE have been given particular attention and the methodology

has been substantially improved. First, the survey will have a majority population sample as a control group in all the countries. It will not just provide comparative data for vulnerable groups and the majority but will provide an opportunity for a more sophisticated analysis such as correlation analysis using various data sources (like the Household Budget Survey). Second, the questionnaire design allows maximum comparability with the existing datasets on vulnerable groups, in particular the UNDP dataset on Roma in Central and Eastern Europe. However, more emphasis will be given to household questions on consumption, living standards, employment, education and health, in order to calculate household based poverty, deprivation and unemployment rates for the different groups.

The sample design will be similar to the one used for designing the survey in Central and Eastern Europe. However, certain lessons will be taken into account to ensure even better data reliability and quality. The samples should be representative for sex, age and rural/urban distribution of Roma populations, major refugee groups and IDPs communities living in the respective countries. The inclusion of the majority population in the survey will allow comparing the living conditions of the Roma with those of the majority population. Given these requirements, an increased sample is necessary to ensure representativeness. On average (with minor variations from country to country), the samples will include 700 households (Roma, refugees, IDPs and majority), which would not be sufficient for claiming complete statistical relevance (as in a microcensus for example) but would be sufficient for sociological representativity. Given the fact that the status of all members of the household (demographic, educational, employment, etc.) will be recorded, the total number of individuals covered by the survey will range between 2,000 and 5,000, depending on the specific group.

Since Roma in many countries are marginalised and vulnerable according to various criteria (for example, being Roma and refugees at the same time), some of the Roma households will appear in two samples, that for the "Roma" subgroup and that for the "refugees" subgroup. Sampling will be based on the available official data, from national statistical offices or other official institutions, adjusted by experts' estimations of population distribution and by information about unregistered migration provided by

international humanitarian organisations and local NGOs dealing with ethnic or vulnerability issues. Households will be randomly chosen and all household members that are present can respond to the household questions, so the survey is one step closer to a “census-type” exercise. The sample design and the fieldwork will be conducted with the active participation of NGOs dealing with issues of vulnerability and experts from international organisations (such as the World Bank and OSI).

The major challenge in this survey is the overlap of populations in the three groups. Roma can be in more than one category and will represent not only Roma but also refugees and/or IDPs. Therefore, taking three separate samples will be almost impossible. One solution could be post-stratification. This method is a sensible alternative when it is not known to what stratum the individual population elements belong. First, two separate samples will be drawn. The first sample is representative of the Romani population and the second sample represents the majority population. After the samples have been drawn, in the phase of data analysis, the households will be classified according to the strata (IDPs, refugees) to which they belong. The data will reveal into which category the households will fall and in this way create a virtual sample of refugees and IDPs. Post-stratification is especially useful where responses are not available. By dividing the households into strata after the samples have been drawn, correlations between non-responses and the target variable (e.g. the educational attainment of Roma refugees) within one stratum can be taken into account and the population estimator will be more precise. Whereas, using simple random sampling, a high percentage of non-responses can lead to large distortions in precision and biased results.

In addition to new sampling techniques, emphasis should be placed on improving the fieldwork. One of the major prerequisites for relevant data, as the experience with the Montenegro survey has proven, is participation and involvement of the communities surveyed in the process. The issue is particularly relevant for Roma who often feel isolated from the state – and any structures perceived as “alien” to the community. Due to high levels of distrust, without explicit efforts in this area, figures obtained during the survey may not correspond to

reality. This is the reason why Roma participation in the survey will be mainstreamed and consistently sought. After the sample model is ready and the sampling clusters are identified, young Romani individuals will be identified from each cluster with the assistance of Romani NGOs. They will be trained in the basics of sociological data collection, interviewing techniques and the contents and context of individual questions. The questionnaire will also be translated into Romani language. When the fieldwork *per se* takes place, each interviewer will be accompanied by an “assistant interviewer” from the surveyed community.

The role envisaged for the “assistant interviewers” is much broader than community penetration. These people could constitute the core of the future Roma data collectors, who could actively cooperate with the national statistical institutes and other bodies interested in collecting adequate data on the socio-economic status of marginalised groups. This is a long-term investment that goes far beyond the validity of the results of this particular survey.

Experts’ Group on Data and Measurements

As a second initiative within the framework of the Decade of Roma Inclusion, the UNDP coordinates the experts’ group on data and measurement. Apart from consulting and methodologically supporting data collection in individual countries involved in the Decade of Roma inclusion, the experts’ group will work on scaling up the experience generated within the survey on vulnerable groups, elaborating reliable methodologies applicable to specific countries’ contexts. They are expected to suggest specific (feasible) ways of overcoming existing barriers in the area of ethnically disaggregated data collection (in all areas – capacity, legislation and political commitment). The objective of this initiative is to develop capacity for collection of disaggregated data at country level. By 2006-2007, the whole responsibility for the data collection should be transferred to the relevant bodies in the individual countries. Ideally, the group should consist of one member from the national statistical office, one member from the respective government body dealing with minority issues and members of Romani NGOs.

Conclusion

Ethnic data collection, particularly sampling ethnic minorities, is far from being an easy undertaking. The UNDP has done tremendous work in this area, has learned from previous experience and is currently working on finding new methods to overcome these challenges.

Some major lessons learned are: First, with regard to sampling design, it is necessary to apply Household Budget Survey and Labour Force Survey type of methodologies. Second, sampling cannot be based on the official numbers of Roma registered by the censuses alone. Census data, however, gives a good idea of the structure and territorial distribution of Roma. It is possible to complement this data with expert estimates (taking into consideration particularly data from Romani NGOs) of the ethnic background of the population in certain areas or settlements. This could be sufficient for constructing adequate and representative samples.

Another crucial element in surveys is fieldwork. Even perfect samples would not do much unless there is sufficient work with communities and there is trust on the side of the respondents. Avoiding the mistrust among Roma is possible if Roma themselves are involved in the fieldwork. The UNDP is actively coop-

erating with several Romani and non-Romani organisations active in the area of Roma development on a range of issues, starting with the design of the questionnaire and extending the establishment of a network of contacts with Romani organisations that could be involved in the fieldwork of the survey, and later on, in the data analysis.

However, several challenges remain: First, if census data does not reveal ethnicity because of legal restrictions or unwillingness to self-identify, a precise sampling frame cannot be made and selection of the sample will be inaccurate. Therefore, wrong estimations can be made if one cluster of Roma is not represented in the sample. Second, even if legal constraints are absent, how can abuse of the collected data be prevented? Third, how can subgroups that overlap (IDPs, refugees) be sampled? Post-stratification seems to be a sensible solution, but the stratum that will be revealed from the data analysis might be small and is then not necessarily representative. The accuracy of this method also depends on the willingness of individuals to give correct answers to the questions that will categorize the strata. Also, self-identification and external identification might diverge considerably. To conclude, the UNDP has not overcome all challenges in terms of sampling vulnerable groups yet, but it is pushing governments and other agencies in Central and Eastern Europe to elaborate more on these issues.

ENDNOTES

¹ UNDP, 'The Roma in Central and Eastern Europe: Avoiding the Dependency Trap', *Regional Human Development Report*, UNDP Bratislava 2002.

² UNDP refers to the UNDP Regional Centre in Bratislava, <http://www.undp.sk/> if not otherwise stated.

³ Complete data sets and the regional and national Roma reports are available at <http://roma.undp.sk>.

⁴ Council of Europe, 'Framework Convention for the Protection of National Minorities', *Explanatory Report*, 1995.

⁵ UNDP Montenegro, <http://www.undp.org.yu/>, 2004.

⁶ World Bank, 'The Decade of Roma Inclusion', <http://lnweb18.worldbank.org/ECA/ECSHD.nsf/docbyid/5ACB3FB63019D944C1256D6A00438015?Opendocument&Start=1&Count=5>, 2004.

⁷ The survey covers Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Serbia and Montenegro (with Serbia, Montenegro and Kosovo treated as separate entities) and Romania.

Legitimacy, Statistics and Research Methodology – Who Is Romani in Hungary Today and What Are We (Not) Allowed to Know About Roma

Ferenc Babusik¹

THE QUESTION OF WHO CAN BE considered Romani in Hungary goes well beyond issues of ethnic identity or, in a wider sense, the cultural anthropological aspects of ethnicity. As will be shown below, the terms “Roma” and “Gypsy” themselves indicate a divergent web of problems burdened by various interests. This article discusses the topic from a number of fundamental aspects: legal, statistical, methodological, theoretical, minority policy and practice among research organisations – all independent from the issue of how the group in question, the Roma, identify themselves.

Let us begin with the least complex issue, the legal regulations. Prior to the political changes in 1989, and until 1993, ethnic classification in Hungary was not limited to ethnic self-definition. Accordingly, primary and secondary school statistics registered individuals of Romani origin, and teachers evaluated the educational development of Romani pupils separately. School statistics were centrally processed and were available to the public. Furthermore, school statistics reflected the judgement of teachers rather than the self-definition of the respective Romani students or their families. Before any humanist or human rights concerns are raised against this procedure, it has to be said that it was the prevailing distortion of census data that led to the method of “external judgement”. Namely, according to census data gathered once every 10 years (and based on self-identification), the number of Roma in Hungary was half the number calculable on the basis of the school data. Such distortion was apparent even in the 2001 census.

It is thus evident that the inherent contradiction in the question “Who is Romani?” must not be ignored. Clearly, those who deny their identity, for example, for reasons stemming from fear of discrimination,² but whose parents are Romani and, moreover, whose Romani environment considers them to be Romani, may “drop out” of the Romani *public* community. This means that, from a politically correct and a legally unassailable standpoint, these individuals are by definition no longer “Romani” while continuing to be treated as “Gypsies”.

The 1992 Data Protection Act imposed strict safeguards on data related to the ethnic or racial origin of the individual, by making access to and processing of such data subject to authorisation by law or the written consent of the individual. This legal regulation is in force to date and, for internal political reasons, is unlikely to change. Under the law, state bodies are not allowed to officially possess information about data concerning ethnic identity, unless they have the written consent of the data subject. The 1993 Hungarian Act on the Rights of National and Ethnic Minorities (Minorities Act) clearly made ethnic classification the exclusive right of the individual. Self-identification has thus become the sole legal ground for defining ethnicity. These new legal regulations have fundamentally changed the system of data gathering, and consequently any research concerning Roma. It is no accident that the Central Statistical Office is prepared to perform its first data gathering with a direct focus on Roma since 1989 in 2005-2006, following a fairly lengthy legal and methodological preparatory phase.

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² Personal research experience indicates that the memory of the Romani Holocaust is still alive. Many Roma tend to link the act of “census taking” to the extermination of Roma by the Nazis, and, consequently, they refuse to publicly acknowledge their ethnic identity.

The theoretical and legal debates notwithstanding, and given the huge distortion of the number of Roma in Hungary census data today, empirical sociology may come to rely on statistics based on the judgement of the environment about the ethnic status of the individuals. There has been a need to work out procedures that would simultaneously comply with both legal and statistical reliability requirements. Hungarian sociologists Gábor Kertesi and Gábor Kézdi first elaborated a method by which it became possible to estimate the actual Romani population in Hungarian settlements.³ In my own experience, this method of population estimation by settlement is the most valid one. It works as follows: The authors estimate the total Romani population using the last school statistics to take account of ethnicity (1993) – the census returns are dubious regarding the actual number of Roma, but they do provide fairly reliable information on age-distribution, average family size and the number of children per family. The number of Romani children in primary and secondary education offered a reasonable basis for an assessment of the total Romani population beyond school age. However, in the small village-type settlements of Hungary, several settlements may constitute one school district, and children from a number of surrounding villages go to school in the same settlement. Consequently, in a few hundred cases, the Kertesi-Kézdi estimation by settlement is incomplete. Furthermore, data concerning larger towns, and Budapest in particular, cannot be considered absolutely reliable, since assessments setting out from the school data were inaccurate in the larger districts.⁴ In spite of all its weaknesses, this population-assessment method has produced the only data series describing the level of Romani population in most Hungarian settlements. This can be used as a basis for research using as a sample reference point settlements with a known figure of the Romani population.

Before briefly describing the theoretical debates on the definition of “Roma”, it is worth mentioning a na-

tional data gathering and data processing practice concerning Roma that contains all the contradictions resulting from the legal constraints. Hungary’s Labour Centres (LCs) operate at the county level and in the capital. Their manifold tasks include reintegration of socially and economically vulnerable strata, including Roma, into the labour market. The existing legal regulations prohibit both employers and LCs from identifying and registering the ethnic status of their employees or the unemployed. A contradiction, however, arises from the fact that the state budget provides a targeted allocation for the integration of Roma in the labour market. That is, if the state is to pursue integration of Roma in the labour market, it has to identify in some way the members of its target group. The LCs resolve this contradiction by applying a special “trick”: They enter into contracts with the local Romani organisations and the Gypsy minority self-governments which then, as representatives of the Romani minority, gather information about who is unemployed and what qualifications they have. Romani organisations, which are also bound by the legal regulations on data protection, have data about those individuals who register with them in order to find a job. The Romani organisations may then hand over lists of potential employees to the LCs, but these lists cannot reveal data about the Romani ethnicity of the individuals listed by name. Data on enterprises that employ Roma in larger numbers is gathered in a similar way. Ultimately, through this procedure, the LCs “know” in practice who is Romani, though formally, according to the law, they possess no such information. During research I carried out in 2001 on enterprises employing Roma,⁵ I came across this practically insoluble contradiction: Although it is in the interest of the LCs to know these enterprises better, they are unable to reveal data for the purposes of research since *de jure* they cannot possess it.

Serious theoretical debates on “who is Romani?” began in the years following the adoption of the

³ Kertesi, Gábor and Gábor Kézdi. “A cigány népesség Magyarországon (dokumentáció és adattár)”. *Sociotipo*, Budapest, 1998.

⁴ *In the larger settlements or districts, that is, where the internal migration of the Romani community in both directions is strong, the population assessment based on the number of children is inevitably imprecise, because the annual school statistics are incapable of following actual migration.*

⁵ Babusik, Ferenc-Dr. Adker Judit. “Roma vállalkozások kutatása.” In: *A romák esélyei Magyarországon*. Kávé Kiadó, Delphoi Consulting. Budapest, 2002.

Minorities Act. Two opposing standpoints are worth mentioning in this regard. One is mainly associated with the Hungarian sociologists István Kemény, Gábor Kertesi and Gábor Kézdi. Gábor Kertesi's work has been briefly outlined above. István Kemény is seen as the "elder statesman" of Hungarian research on Roma, in appreciation of a number of national studies he has conducted since the 1970s. These authors have argued that empirical research and data accuracy have greater significance than the subtle philosophical debate on the essence of ethnicity.⁶ In their view, since ethnic self-identification results in major statistical distortion, Romani ethnicity can be determined through the judgement of the external environment. The authors are aware of the problem that, as a result of this procedure, Roma who do not consider themselves Romani, and who are not considered Romani by their own environment, "drop out" of the public community of the Roma. Nonetheless, the method seems to produce more accurate results. In trying to determine who is Romani, Kemény, Kertesi and Kézdi very frequently rely on non-Romani informers.

From among those who represent the opposing standpoint, the sociologists Iván Szelényi and János Ladányi stand out.⁷ They criticise the method of Kemény, Kertesi and Kézdi because, in its classification of Romani ethnicity, the most important implicitly present criteria for arriving at a judgement is the socio-economic status or, more precisely, the marginalised position of the individuals. The core of Szelényi and Ladányi's concept is that the judgement of the non-Romani environment is based on factors such as poverty and marginal status. Thus, if Roma are primarily perceived as the representatives of a poverty culture, then this group may include numerous non-Roma in a marginal situation, and *vice versa*: prosperous and educated Roma will be excluded from this category. Kemény's group, however, argues that a change in the social status and the level of integration with it will not result in

ethnic re-classification quasi-automatically or as a strong tendency.

The above-mentioned debate also appears at the level of views held by Romani politicians. Politicians who accept the view of Szelényi and Ladányi assess the number of poor and marginal Roma to be much lower, thus emphasising that the majority of Roma have been integrated as "productive citizens". On the other hand, politicians who are interested in increasing state support for Roma tend to accept the view of the Kemény group – after all, the nationwide representative surveys regularly indicate a large number of Roma living in severe poverty.

It should be noted, furthermore, that the very terminology involved in this discussion is under dispute. The words *Roma* [Roma] and *cigány* [Gypsy] are used as synonyms in Hungary, although there is no consensus on the correct un-stigmatised name. The Minorities Act, the various government documents and minority self-governments use the term *cigány*, as does the bulk of the referenced Hungarian literature. However, political usage internationally prefers *Roma* as the name for this ethnic group. International convention agrees that all peoples have the right to use the name of their choice. A great part of Roma in Hungary, the *Romungro* or "Magyar Cigányok" (Hungarian Gypsies) or the *Beás*, frequently do not call themselves *Roma*, yet the term *Roma* has come to be increasingly accepted in political usage.

I will now outline my own research experience, in which I have tried to find a way out of the aforementioned theoretical contradictions and the trap created by the legal regulations. In the process I present below, I have successfully carried out several nation-wide and regional research projects.

No objective data is available concerning the number of Roma in Hungary by locality, and the only valid data series in this regard are the estimates by

⁶ Gábor Havas, István Kemény and Gábor Kertesi, "A relatív cigány a klasszifikációs küzdötéren" in *Kritika*, 1998/3; Gábor Havas, *Cigányok a szociológiai kutatások tükrében = A cigányok Magyarországon*, Ferenc Glatz, ed. MTA. Budapest, 1999.

⁷ Ladányi, János and Iván Szelényi. "Ki a cigány?". In *Kritika*. Budapest, 1997/2; Ladányi, János and Iván Szelényi. "Az etnikai besorolás objektivitásáról". In *Kritika*, 1998/3.



Romani family in Gyöngyös, central Hungary, February 2003.

PHOTO: ERRC

Kertesi and Kézdi that reflect the situation as of 1993. Since there is no data about migration of Roma within the country, and, in the absence of any other data, no estimation is possible, the only available route is to mechanically extrapolate the 1993 data for the subsequent years. The work of László Habcsek, leader of the Demographic Research Institute of the Central Statistical Office, served as the starting point. The study developed a demographic forecast of the total population and the Romani sub-system until 2050.⁸ The forecast, which describes several scenarios overall, has a neutral version, according to which, in the period ahead, the situation of the Romani population will neither change catastrophically nor

improve radically. Based on this assumption, data can be extrapolated for a period of approximately 10 years following the date of the estimation (since the possibility of error in the projection will rise sharply after the 10th year). Thus the Kertesi-Kézdi data about the number of Roma according to settlements can be extrapolated up to 2009 without major errors.

The research set out with a selection of settlements in which the numbers of the Romani population were estimated according to the extrapolated version of the Kertesi-Kézdi data. In these settlements, the local Gypsy minority self-governments and the staff of schools produced their own estimations

⁸ *László Habcsek. A Roma népesség demográfiai jellemzői, kísérleti előreszámítás 2050-ig. KSH Népeségstudományi Intézet, Budapest, 1999.*

by settlement. Analysis of the surveys so far indicates a substantial difference between the two data series: one prepared by the Gypsy minority self-government and the other based on theoretical data by settlement. Meanwhile, the median of the three data lines regularly represents the extrapolated theoretical data by settlement. This means that the exact number of Roma in a given settlement cannot be established through this method either, but a fairly accurate picture of the number of Roma at micro-regional and regional levels appears. Since the ultimate aim of wider-ranging research is exact accuracy of assessment at the micro-regional level, it can be said that this method can soundly be used in drawing up settlement patterns for data gathering.

In the next step, the survey is partly based on self-definition of Roma and partly relies on the confidence generated by the involvement of the ethnic community in the survey. Our research team sent interviewers of Romani origin to the settlements selected on the basis of the above-described assessment. One of their tasks was to establish the distribution of Roma in a given settlement – identifying streets, town areas or districts where Roma live in larger numbers and locations where they live in fewer numbers. Help was sought from local Romani organisations who were familiar with the respective settlement. Once the settlement was mapped out, Romani interview-

ees were selected proportionally to the settlement “map”. People were asked if they would declare themselves to be Roma/Gypsies. In our experience, irrespective of their level of assimilation, those interviewed would identify themselves as Roma/Gypsies to an erudite interviewer of Romani origin, who is more integrated than assimilated.⁹

As demonstrated above, this method moves along the scale from judgement by the external environment to self-definition, but at the same time operates with the socio-psychological phenomenon of willingness to associate with an ethnic community. In my experience, this procedure can be used with reasonable accuracy, while remaining within the boundaries of the legal regulations.

Nevertheless, attention needs to be called to a problem: If the predictably high level of internal migration resulting from changes in the economic environment is taken into consideration, then, by circa 2010, even this method will not be suitable for representative research on Roma. Reshaping the legal framework will probably be insufficient to resolve this question. The strong inclination toward assimilation that drives nearly half of the Romani population of Hungary to conceal their identity in public surveys (a disposition catalysed by justifiable fear) will likely jeopardise the collecting of accurate data in the future.

⁹ *In this study I use the term assimilated to mean a person who strives to dissolve into the majority society, while integrated represents an individual who has managed to emerge from an underprivileged position whilst being proud of their ethnic identity.*



The Monkey That Does Not See

Lilla Farkas¹

BETWEEN THE RIGHT to the protection of sensitive data, such as one's ethnic origin, the right not to be discriminated 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.

If a person is Romani and claims this is his/her ethnicity, we need to see him/her as such. If a person does not identify as Romani but says he/she is perceived as such, then we need to see him/her as Romani. If a person claims to be Romani but is not perceived as such, then we need to see him/her as Romani. We might wonder, however, why the latter person claims to be Romani – especially if by doing so he can have access to additional rights, without suffering the disadvantages characteristic of the situation of Roma. In Hungary, for instance, citizens regardless of their ethnic origin, can vote for minority

self-government candidates. The wife of the mayor of Jászladány – a village notorious for segregating Roma primary school children from non-Roma – can hold an elected office in the local Roma minority self-government. Likewise, non-Romani parents can claim that they are Romani in order to conceal racial segregation.² Similarly, in court proceedings non-Romani employees testify to be Roma in order to found claims of ethnic discrimination. The play with minority origin does not only occur in relation to Roma. At present, the National Armenian Minority Self-Government has among its members a former MP – previously not known for his Armenian background.

These categories of persons exist in practice. A truly colour-blind state and its servants – be they policemen, judges, teachers – can never claim otherwise. If this is the case, a truly colour-blind legal regime must accommodate the rights and interests of all these persons. Failing to do so, the state and its law will be no more than monkeys which do not see.

Hungarian law at present allows for the handling of data on racial and ethnic origin only with the consent of the person concerned.³ This severely impedes the prospect of litigation against discrimination, simply in establishing the plaintiff's ethnic origin, which is required under domestic law, but more particularly in proving indirect discrimination or institutional racism.⁴

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² For a detailed case description, see Roma Rights 2003/1-2, pp. 107-108. In the summer of 2003 the Budapest-based non-governmental organisation Roma Press Center conducted fact-finding in relation to the alleged segregation of Roma in the school of Jászladány revealing that at one point non-Romani parents signed a petition in which they too claimed to be Romani.

³ Articles 2(2) and 3(2) of Act No. 63 of 1992 on the protection of personal data and the publicity of public data (Data Protection Act).

⁴ Under Article 19(1) b, of Act No. 125 of 2003 on equal treatment and the promotion of equal opportunities the plaintiff must establish his ethnic origin in order for the burden of proof to be reversed.

Furthermore, it gives rise to what is commonly known as “ethno-business” or “ethno-corruption”, especially in relation to participation in minority elections and election of minority self-governments. Finally, it diminishes the hope to devise or implement positive action programmes.

The situation is so desperate that now even the former Hungarian data protection commissioner is arguing for a reform that would reconcile the right to the protection of sensitive data with the policy need to generate accurate ethnic data. The same authority also recommends an official mechanism to control that only those eligible by virtue of their ethnic origin can have access to positive action measures and minority self-government offices.⁵

As researchers have argued for a decade, discrimination in fact is based not on self-identification, but on perception.⁶ And the collection of anonymous data relating to one’s perceived ethnic origin for research purposes is not explicitly prohibited.⁷ This is not contrary to the Hungarian Act on the Rights of National and Ethnic Minorities (Minorities Act) either, for the latter covers only those Hungarian citizens who affiliate with a national or ethnic minority for the specific purpose of having access to their (additional) minority rights (use of their mother tongue, right to cultivate their culture and to minority representation).⁸ The Minorities Act’s material scope does not extend to, for example, scientific research, whereas the Data Protection Act’s may. Further-

more, the Minorities Act has no argument to offer against arrest warrants crammed with references to the suspect’s ethnic origin, but the Data Protection Act may.

Indeed, at present the majority does vindicate the right to say who is Romani. Despite the lack of official data, when confronted by researchers, heads of prisons provide estimates about the number of Roma inmates. The Hungarian Helsinki Committee’s research into discrimination against Roma defendants in the criminal justice system was based on perceived ethnic origin. As researchers explained, they cared little about discrimination based on self-identification. Their focus was on discrimination stemming from the perception of policemen, prosecutors and judges of the defendant’s ethnicity.⁹

In Hungary, as well as in many of the ‘new’ Member States of the European Union, arguments based on community law have proved the most effective in the field of anti-discrimination. Thus, an analysis from a community law perspective seems the most fruitful here. The Race Equality Directive¹⁰ (RED) provides clear definitions for key concepts but fails to define racial and ethnic origin for its own purposes. Given that at present there is no definition in community law, practicing lawyers shall turn to domestic, regional and international law for assistance on this matter.

In Hungary, for instance, national and ethnic minorities are specifically protected under the Minori-

In any case, under Article 8 protection is based on ethnicity, thus he must clear this issue when bringing a case. In cases of indirect discrimination not only the ethnicity of the plaintiff(s) but also of the comparator(s) must be established. The latter may prove an impossible task, given data protection provisions.

⁵ See Majtényi, László. *A kisebbségek közjogi testületei, az identitás nyilvántarthatósága és a privacy fogalma (Minority bodies under public law, the registration of identity and the notion of privacy)*, pp. 1-3, March 2004, kézirat, unpublished paper.

⁶ *Two major camps fight in social sciences, those in favour of self-identity, such as János Ladányi and those in favour of perception, such as Gábor Havas, István Kemény and Gábor Kertesi.*

⁷ *Indeed, the Data Protection Act defines sensitive data as that relating to racial origin, national and ethnic minority affiliation – not perceived racial origin etc., see also footnote 3.*

⁸ *Article 1 of Act No. 77 of 1993 on the rights of national and ethnic minorities.*

⁹ See Lilla Farkas, Gábor Kézdi, Sándor Loss and Zsolt Zádori. “A rendőrség etnikai profilalkotásának mai gyakorlata”. (*The current police practice of ethnic profiling*). In *Belügyi Szemle (Interior Affairs Review)*, 2004/2-3, p. 33.

¹⁰ *Directive 2000/43 EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. Official Journal of the European Communities 2000, L 180/22.*

ties Act. This Act recognises 13 minorities, among them the most sizeable ones, i.e. Roma and Germans.¹¹ It does not, however, define the term ethnic or national minority. As a result of political negotiations, Jews and Chinese¹² are not included among national and ethnic minorities for the purposes of this Act, which, however, will not prevent them from being covered by the RED and general domestic anti-discrimination legislation.

Notwithstanding domestic concepts, international treaties ratified and pronounced by EU Member States, such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and regional instruments, for instance the Framework Convention for the Protection of National Minorities (FCNM), do have a bearing on every day practice. It must certainly be borne in mind that whereas ICERD has been widely ratified, this is not the case for the Framework Convention. Greece and France, for example, have not ratified it.

Article 1 ICERD takes ‘racial discrimination’ to mean “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”. ICERD’s personal scope is thus extremely wide, going much further than one would expect when hearing the word ‘race’.

As point 12 of the Explanatory Memorandum to the FCNM explains “[i]t should also be pointed out that the Framework Convention contains no definition of the notion of ‘national minority’”. It was decided to adopt a pragmatic approach, based on the recognition that at this stage, it is impossible to arrive at a definition capable of mustering general support of all Council of Europe member States.” This, it is suggested, does not narrow the definition provided in

ICERD. It shall also be borne in mind that the European Court of Justice, when ruling on fundamental rights, considers the common constitutional heritage of Member States. Taking into account the number of ratifications from Member States, it would be difficult to argue that ICERD does not form part of this common heritage.

If there were clear definitions, whether or not a certain plaintiff belongs to a racial minority could still be disputed in court. As has transpired during the training of judges in Hungary, two distinct categories shall be considered when ruling on these matters. First and foremost, one’s self-identification with a certain ethnic or national minority is not equal to his/her perceived belonging to such minorities. If these two categories were identical, then there could be no difference – as presently there is – between the number of those identifying themselves as Roma in the national census and those identified as Roma for the purpose of sociological studies dealing with the nature and extent of discrimination against Roma.

Perceived ethnic origin and self-identity are rather different notions, the former being an objective category, and the latter a subjective one. Neither can be established with indisputable certainty, as there will always be, for example, Roma who bear fewer visible signs of their ethnicity than the common stereotyped view of who is a “Gypsy”. By the same token, persons identified by the majority as being Roma may deny affiliation with this ethnic group on account of having lost cultural and language links with the group. What can be said with utmost certainty is that this axiom works not only for clearly visible minorities but also for less visible ones, such as Germans, Jews, etc.

Curiously, when penalising violence against a member of an ethnic group, Hungarian criminal law recognises the difference between self-identification and perceived ethnic origin and attaches the same criminal liability to violence committed on either ground.¹³

¹¹ Section 61.

¹² *The Jewish community refused to be included among the minority groups for the purposes of the Minorities Act, while in the case of the Chinese community, the request for the inclusion of the latter made by the Chinese Embassy was rejected by the Hungarian authorities.*

¹³ Article 174/B of Act 4 of 1978 on the criminal code.

As Hungarian judges seem to understand now, a plaintiff who does not profess himself in court as belonging to the Romani minority, can at the same time claim that he was discriminated on the ground of his perceived ethnic origin. It is in fact the perception of Romani ethnicity and not self-identification that establishes the ground of discrimination.

The fact that data protection laws may – as in Hungary¹⁴ – 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.¹⁵ 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,¹⁶ public interest lawyers are handicapped without ethnic data, as the “very notion of indirect discrimination implies a need for data”. Recital 15 RED, however, suggests that data do not have to come in the form of statistics.¹⁷

This is important, because even though in Hungary, on the national level, the existence of such statistics is denied, ethnic data is collected by many institutions – for the purposes of administering minority scholarships, for example.

It is submitted that EU Member States will have to reconsider existing domestic regulations in the light of the Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data, under which the processing of personal data, would still be permissible where it “relates to data which are ... necessary for the establishment, exercise or defence of legal claims”.¹⁸ Certainly, an argument for the need of ethnic data at national level and state liability for the failure of its provision could be advanced on the basis of this provision taken in conjunction with Recital 15 and Article 2(b) RED.¹⁹ Given that positive action programmes were implemented as allowed by Article 5 RED, the need for ethnic data would be even stronger.

In the fields of both sex and race discrimination, specific attention is paid to means on the basis of which indirect discrimination can be established. Commentators emphasise that these means are far from being reduced to using statistics. At present, viewing statistics as the main proof of indirect discrimination would indeed be counter-productive in race discrimination cases because of the widespread absence of such data. This, however, shall be rectified if strategies suc-

¹⁴ Articles 2(2) and 3(2) of Act No. 63 of 1992 on the protection of personal data and the publicity of public data.

¹⁵ *Roma and Statistics: Strasbourg, 22-23 May 2000, (2000), Council of Europe, Paragraph 41.*

¹⁶ James A. Goldston. “Race and Ethnic Data: A Missing Resource in the Fight against Discrimination”. In *Ethnic Monitoring and Data Protection: The European Context. CPS Books, Central European University Press–INDOK. Andrea Krizsán (ed.), 2001, pp. 19-41.*

¹⁷ “The appreciation of the facts from which it may be inferred that there has been direct or indirect discrimination is a matter for national judicial or other competent bodies, in accordance with rules of national law or practice. Such rules may provide in particular for indirect discrimination to be established by any means including on the basis of statistical evidence.”

¹⁸ Article 2 of Council Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. *Official Journal of the European Communities of 23 November 1995 No L. 281 p. 31.*

¹⁹ Article 2(b) of the Race Equality Directive states: “Indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.”

cessfully employed in the field of sex discrimination are to be transferred to race discrimination.

It is to be noted that Article 8b(4) of the Revised Equal Treatment Directive²⁰ calls on Member States to encourage the provision of information on equal

treatment for men and women and that this information may include employer-level statistics. Regrettably, a similar solution has not found its way into the RED. However, domestic lawyers should not shy away from drawing analogies between sex and race discrimination legislation in this regard.

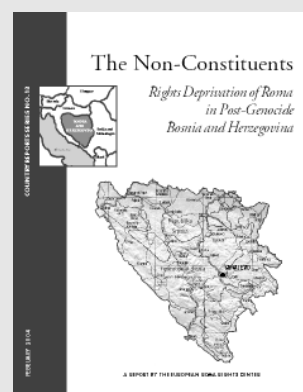
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²⁰ Article 8b(4) states: "To this end, employers should be encouraged to provide at appropriate regular intervals employees and/or their representatives with appropriate information on equal treatment for men and women in the undertaking. Such information may include statistics on proportions of men and women at different levels of the organisation and possible measures to improve the situation in cooperation with employees' representatives." See Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. Official Journal L 269, 05/10/2002 P. 0015-0020.

Ethnic Monitoring, Gypsies and Travellers

Sasha Barton¹

Introduction

Ethnic monitoring plays an important role in the UK in providing a source of evidence that can be used to tackle unlawful racial discrimination and also to develop policies and practices that promote race equality and good race relations. Although, in many parts of Europe, ethnic monitoring is feared, or even prohibited, the experience of ethnic monitoring in the UK has been positive. The Commission for Racial Equality (CRE), a publicly funded body set up under the Race Relations Act of 1976 to tackle racial discrimination and promote equality of opportunity and good race relations, believes that, provided the appropriate safeguards are in place, ethnic monitoring is a powerful lever to bring reform. The CRE provides advice on ethnic monitoring and on what these safeguards might be.

Statistics have been used effectively in the courts to challenge discrimination, and ethnic monitoring has been a key tool to drive changes in the public sector, in both employment and service delivery – in central government, education, local government, health, criminal justice, and a wide range of other areas. However, Britain's Gypsy and Traveller communities have not yet benefited from ethnic monitoring. There is little reliable data on these groups and this means that we do not fully know about the level of deprivation and discrimination that Gypsies and Travellers face. However, from the word-of-mouth evidence, and the scattered data that we *do* have, we can get an idea of the level of disadvantage that exists:

- ◆ Gypsies and Travellers are the group most at risk in the education system, and by halfway through

secondary school only 20 percent are in regular school attendance;

- ◆ Gypsies and Travellers have poor health, with the life expectancy rates 10 years less for men and 12 years less for women than for other ethnic groups;
- ◆ There are high levels of public hostility towards Gypsies and Travellers: In a recent poll, over one third of those questioned said that they felt personally prejudiced against Gypsies and Travellers – even more than were prejudiced against asylum seekers and refugees.

This article will start by looking at the successful use of ethnic monitoring in Britain, how it has been used to prove cases of discrimination, to inform and drive forward developments in policy and practice, and what safeguards are in place. It will then look at what data is collected on Gypsies and Travellers and what changes need to take place if these communities are to benefit from ethnic monitoring as other communities have done.

Ethnic Monitoring and the Courts

Ethnic monitoring has been important in Britain in proving cases of discrimination. In cases of direct discrimination, when a person claims they have been treated less favourably on racial grounds than another person is or would be treated in the same or similar circumstances, ethnic monitoring statistics are not so relevant in actually *proving* discrimination, but can be an important part of the background to establishing a case of discrimination. The example below

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illustrates the use of ethnic monitoring data in a direct discrimination case:

In West Midlands Passenger Transport Executive v Singh, Mr Singh complained of racial discrimination after he applied for promotion to senior inspector but was unsuccessful. The employer, West Midlands Passenger Transport Executive, denied racial discrimination, showing its equal opportunities policy and the system it had of ethnic monitoring of applications and appointments. The employer provided details of the ethnic origins, qualifications and experience of all applicants for the job of senior inspector, but refused to give details of the ethnic origins of the applicants for, and those appointed to, posts within a band of grades broadly comparable to senior inspector during the period since the equal opportunities policy was adopted. The Court of appeal ruled that the applicant was entitled to this information and that this material was relevant as it would help to determine whether the employers discriminated against Mr Singh. (West Midlands Passenger Transport Executive v Jaquant Singh [1988] 1 WLR 730). Important points arising from this case are that statistical evidence can be used to establish a clear pattern – in this case of the treatment of an ethnic minority staff regularly failing to obtain promotion – and that such a pattern indicates possible discrimination. While the statistics in themselves are not conclusive, they show disparities, and without a satisfactory explanation, it is reasonable to conclude that discrimination has occurred.

Mrs Edwards, a single parent with a young child, was employed as a train operator. Her rostering arrangements allowed her to be at home in the mornings and evenings until her employers, London Underground Ltd., introduced a new flexible shift system as part of a cost-saving plan, meaning that she would either have to work mornings and evenings, or earn less money for longer hours. Unable to reach an agreement with her managers despite union involvement, Mrs Edwards resigned and claimed unlawful sex discrimination. An industrial tribunal ruled in her favour because a considerably smaller proportion of female single parents than male single parents could comply with the rostering condition. London Underground appealed on the grounds that the comparator should not have been male single parents but all train operators to whom the new arrangements applied. A second industrial tribunal found that 100% of the 2,023 male train operators would comply with the new rostering conditions, but Mrs Edwards was the only one of the 21 female train operators who complained that she could not comply, so that the proportion of women who could comply was 95.2%. The tribunal concluded that taking into account the few female train operators and also that females are more likely to be single parents, considerably fewer females could comply with the condition and that the employers should have altered their new plans to accommodate the applicant. (London Underground LTD v Edwards [1998] IRLR 364)

In cases of indirect discrimination, ethnic monitoring statistics have been important in proving in the courts that discrimination has occurred. Indirect discrimination occurs when a policy or rule has a disproportionate impact on one group, and there is no acceptable reason for this condition. The example below is a sex discrimination case (statistics have been far more frequently used in sex discrimination cases than in race discrimination cases over the last few years) but demonstrates the effective use of monitoring in establishing discrimination:

In July 2003, amendments were made to the Race Relations Act² to introduce a second definition of indirect discrimination,³ in order to comply with the Race Directive 2000. The pre-2003 definition still applies to cases based on colour and nationality, but for cases taken on the grounds of race, ethnic or national origins, a new definition applies. The new definition of indirect discrimination is broader. It will cover informal practices in addition to more formal ones, and it does not require statistical evidence of disadvantage. So ethnic

² *The Race Relations Act of 1976 (Amendment) Regulations 2003.*

³ *The definition that applies to colour and nationality only (the pre-2003 definition) is that person indirectly discriminates against another...if “he applies to that other a requirement or condition which he applies or would apply equally to persons of the same group as that other but which is such that the proportion of persons of the same racial group as that other who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it; and which he cannot show to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied; and which is to the detriment of that other because he cannot comply with it”. The definition which applies to race or ethnic or national origins only in relation to certain*

monitoring may play less of a role in the future in such cases.

It is important to note, however, that this broader definition only applies to certain provisions of the Race Relations Act of 1976, and that in those other provisions, statistical evidence will remain important.

Ethnic Monitoring and Equal Opportunities Policies and Practices

Ethnic monitoring also plays a key role in the development of equal opportunities policies and practices. It has provided powerful evidence that has significantly influenced government policy and practice in a number of areas.

- ◆ All central government departments collect statistics on the ethnicity of their staff. On the basis of these statistics, targets are set for increased representation. Government statistics published in 2003 revealed that five central government departments had no senior ethnic minority staff, though, with the exception of the Ministry of Defence, all departments had ethnic minorities in their total workforces in numbers equivalent to minority representation among the population at large. On the basis of this, CRE questioned whether the target set by Whitehall was sufficiently challenging departments to guarantee sufficient minority representation, and it is currently working with the government to assist in improving the ethnic staff profile.
- ◆ A Cabinet Office report “Ethnic Minorities and the Labour Market” of March 2003,⁴ looked in detail at the variation of labour market achievement by ethnic group through analysing ethnic statistics. Key findings include: Indians and Chinese are doing well in school and often out-per-

form majority whites in schools and in the labour market. Pakistanis, Bangladeshis and Black Caribbeans experience far higher unemployment and lower earnings. All ethnic minority groups are not doing as well as they should be in the labour market, given their qualifications and other factors. Following the publication of the report, a cross-Whitehall taskforce was established and is taking forward key recommendations of the report and tackling the inequalities identified.

- ◆ People from ethnic minority groups experience much worse health than the white British majority in Britain. Disproportionalities are particularly pronounced in mental health. Research in 2003 revealed that black people constituted 30 percent of the patient group in medium secure services and 16 percent of high secure services; black people were over six times more likely than the majority population to be detained under the Mental Health Act; and women born in India and East Africa had a 40 percent higher suicide rate than those born in England and Wales. In light of these findings, the Department of Health launched a consultation framework for black and ethnic minorities identifying priority areas for improvement. Further work is now underway to take the agenda forward.
- ◆ Schools in England and Wales are now obliged to include Roma/Gypsy and Irish Traveller categories in the Pupil Level Annual School Census. This means that, for the first time, data on attendance and attainment is being collected for these groups. Initial findings, though based on small numbers, underscore the need for targeted action. At the age of 15-16, attainment for Gypsy pupils is less than half the national average and around half that of Bangladeshi and Pakistani pupils (the groups classed as amongst the lowest achievers).⁵ The Department for Education and Skills

RRA provisions (as a result of 2003 regulations) is that a person indirectly discriminates if “he applies to that other a provision, criterion or practice which he applies or would apply equally to persons not of the same race or ethnic or national origins as that other, but which puts or would put persons of the same race or ethnic or national origins as that other at a particular disadvantage when compared with other persons, which puts that other at that disadvantage, and which he cannot show to be a proportionate means of achieving a legitimate aim”.

⁴ The report is available at: <http://www.number10.gov.uk/su/ethnic%20minorities/report/pdf.htm>.

⁵ Unpublished.

is currently developing targeted programmes of work to raise ethnic minority achievement, and the new data has been influential in ensuring that government focuses its efforts on Gypsies and Travellers within this wider programme.

The Race Equality Duty

In the public sector, increased emphasis has been placed on ethnic monitoring in employment and service delivery through recent changes to the Race Relations Act of 1976.

These changes came about after Stephen Lawrence, a black teenager, was killed by white youth. An inquiry into the killing revealed the presence of institutional racism in parts of the police service. Institutional racism was defined by the Lawrence Inquiry as “the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin”. The report also highlighted the failure of the police to acknowledge the racial motivation of the offence and the lack of support and respect accorded to the teenager’s parents.

The Race Relations (Amendment) Act of 2000 was the government’s legislative response to the inquiry – the basic aim was to plan potential racism out of public sector systems by taking steps to proactively identify ethnic disproportionalities and to address the barriers to equality.

The government, quite rightly, did not confine the new legislative requirements to policing, or even the criminal justice system, but applied them across the public sector. The Race Relations Act of 1976 as amended by the Race Relations (Amendment) Act 2000 places a positive legal obligation on over 40,000 public bodies, including local authorities, police, schools, higher and further educational institutions, health bodies and central government to “have due regard to the need to eliminate unlawful discrimination, to promote equality of opportunity and good relations between persons of different racial groups” in carrying out all their functions (“the race equality duty”).

In order to assist bodies to better comply with the race equality duty, certain agencies have been given

additional specific duties. The main public authorities, including local authorities, police, health authorities and central government, have specific duties to prepare and publish a race equality scheme. In this scheme they are obliged to list the functions and policies they have assessed as being relevant to race equality, set out arrangements for consulting on and assessing the impact of new and proposed policies, monitor the impact of existing policies and ensure public access to information and training staff on duty. In addition such bodies have a separate duty to monitor their employment practices.

The additional duties for schools differ: Schools must publish a race equality policy instead of a scheme and assess and monitor the impact of their policies on pupils, staff and parents of different racial groups, in particular, the impact on the attainment levels of such pupils. They must also take reasonably practicable steps to publish annually the results of the school monitoring. Some public authorities, such as parish councils, only have to comply with the race equality duty and are not obliged to comply with the additional duties.

The race equality duty, supported by the additional duties, requires public bodies to be proactive about race equality. Ethnic monitoring is a critical tool underpinning this proactive approach. As was outlined above, many bodies are now required to collect data on employment, and they are to make arrangements to monitor the impact that their policies have on different racial groups. This will mean collecting data on service delivery and other functions. If a public body finds that a policy has an adverse impact on particular racial groups, then, if this impact cannot be justified within the wider policy aim, the body will need to make changes to mitigate this adverse impact. For example, if a local authority was collecting data on user satisfaction of particular relevant services and analysing this by ethnic group, it may discover that a particular group or groups was dissatisfied with the services offered or under-represented as users of particular services in comparison with local census data. The authority would need to look further into the reasons for this disproportionality and make necessary changes if the reason could not be justified. This places a new focus on ethnic monitoring, and it shifts the focus further onto the proactive use of ethnic data to promote race equality.

Some Necessary Safeguards

To ensure that ethnic monitoring is not misused and that people's rights are protected, safeguards are necessary. The CRE has recently published guidance on ethnic monitoring,⁶ setting out the measures that should be in place to ensure that this happens in practice. Most importantly, monitoring must be carried out in accordance with the Data Protection Act of 1998. This legislation enumerates rights for individuals about whom data is held and gives duties to those who hold data. Key points to be aware of are listed below:

- ◆ Personal data must be processed fairly, and sensitive personal data, which includes information about racial or ethnic background, can only be processed if it meets one or a set of conditions set out in the act. One such condition is that such data is needed to carry out equal opportunities monitoring.
- ◆ Data subjects' rights and freedoms must be protected – s/he does not need to give permission for data to be processed, but if the data will be used for another reason, then permission should be sought.
- ◆ Those collecting the data should try to make the process fair by making sure that the data subject knows who the person/organisation collecting the data is, that they know why the data is being processed and that they have access to any other important information.
- ◆ Data can only be collected for lawful and specified purposes and should not be used in other ways that the subject is not aware of.
- ◆ The data collected must be relevant, not excessive and must also be adequate to make useful findings;
- ◆ Data should be accurate and kept up-to-date and not retained for longer than necessary.
- ◆ Personal data must be kept securely, so there should be security systems and trusted staff.

- ◆ Data subjects must not be identifiable from published data, so, for example, if the numbers were so small that an individual could be identified, this would not be sufficient.
- ◆ A person has the right to object to racial/ethnic data collection on certain grounds – if, for example, it would cause him/her excessive distress.

The CRE's guidance also covers a wide range of issues including which categories should be included, how to compare data, how data should be collected, analysed and interpreted, how action should be taken on the basis of this data and targets set.

Ethnic Monitoring, Gypsies and Travellers

Gypsies and Travellers are not included in the national, 10-year census, and, since most public bodies base their own monitoring categories on those of the census, they are not monitored at the local level (other than in education, as set out above). Similarly, in almost every sector, research fails to generate statistics on Gypsies and Travellers. Effective implementation of the race equality duty relies on ethnic monitoring, and unless Gypsies and Travellers are monitored by public authorities, they may not fully benefit from the duty (even though lack of data in no way releases authorities from their obligations in relation to these groups). The CRE's advice is that authorities should base their monitoring categories on the Census 2001 categories, but adapt their ethnic classification system to the particular local circumstances, so that it includes the particular ethnic groups they employ or serve. So, for example, Gypsies and Irish Travellers could be included as a specific sub-category of "white other". However, the majority of authorities are not ethnically monitoring Gypsies and Travellers. And this means that there is no authoritative evidence to act as a driver for improvement, so Gypsies' and Travellers' needs are likely to be overlooked.

Take policing. We know, for example, that ethnic minorities are the most likely to be the victim of a

⁶ See CRE website www.cre.gov.uk and guidance document, "Ethnic Monitoring: A guide for Public Authorities", CRE.

racist incident. In fact, the 2000 British Crime survey found that the risk of victimisation for black people was six times more than for white people, nine times more for Indians and 10 times more for Pakistanis and Bangladeshis. But the Gypsies and Travellers who were victims of a racist incident are hidden somewhere among the statistics for white people. Most police forces are thus unable to identify how many racist incidents involve Gypsies and Travellers, nor how many stops and searches are carried out on Gypsies. The official report, which all criminal justice agencies are required to complete annually on criminal justice outcomes by racial group, may make no reference to Gypsies and Travellers at all. This picture is replicated across the public sector.

It is essential that more comprehensive data is collected across the board on Gypsies and Travellers, if accurate analysis is to be made and targets set for improvement. The Commission for Racial Equality argues that a category should be included for Gypsies and Irish Travellers in the next Census (2011), that public authorities should be encouraged at the local level to collect data on Gypsies and Travellers, and that government departments should set specific targets for improvements in each sector. The CRE recently consulted on a three-year Gypsies and Travellers Strategy, setting out how it plans to improve equality of opportunity for Gypsies and Travellers over the next three years. Work around improved ethnic monitoring is one key area, and the CRE has already begun discussions with the Office for National Statistics, which is responsible for setting the census categories.

However, while there is a major need for more accurate data, the issue of data collection is complicated. The level of social exclusion experienced by Gypsies and Travellers is such that, even if there were categories identifying them in local and national monitoring systems, many would lack the confidence to self-ascribe their ethnicity, fearing that this in turn would lead to further disadvantage and discrimination. When the CRE recently consulted on its draft strategy, this point was made emphatically. It was also suggested that monitoring would need to be carried out sensitively by members of Gypsy and Traveller communities or trusted third parties, and that the full benefits of monitoring would need to be explained and demonstrated in practice for any system to be workable.

Conclusion

Experience in the UK has shown that ethnic monitoring can be a key tool in identifying inequalities, in winning discrimination cases and in developing targeted action to promote equal opportunities for disadvantaged racial groups. Gypsies and Travellers have not as yet benefited from this approach, and the extension of ethnic monitoring to these communities is a key gap that needs to be filled. However, the development of a more robust monitoring system for Gypsies and Travellers must be accompanied by a campaign to raise awareness amongst Gypsies and Travellers about the reasons for, and benefits of, ethnic monitoring. It must also be sensitively established, with safeguards in place to ensure that monitoring does not risk further social exclusion and disadvantage.

Void at the Centre: (The Lack of) European Union Guidance on Ethnic Data

Claude Cahn¹

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. This paper further notes that the silence in the area of EU guidance on ethnic data is growing more evident, due to the growth of EU guidance on data (and other matters) in social areas generally. Indeed, the lack of guidance on ethnic data matters may be having the apparently unintended but nevertheless perverse effect of communicating to Member States the message that the EU may not be very serious in its commitments to racial equality, despite repeated action aimed at tackling racism. The failure to devote sufficient attention to ethnic data may undermine EU commitments to implementing the principle of racial equality.

The Union and Racism

Since the beginning of the 1990s, there has been serious concern at an increase in racism in Europe, as well as its most pervasive (if not always demonstrable) public expression, racial discrimination. Concerns at the continuing legacy of racism in Europe have been driven by a range of unsettling facts during the 1990s, such as (to name only two) the genocidal ethnic war just beyond the borders of the European Union in Bosnia and Herzegovina, and

the increasing success of explicitly racist or xenophobic political parties in the Union itself. Efforts to combat the growth of racism (or, perhaps more accurately, to extrude it from an embedded position) have been undertaken in a number of European countries, most notably in the United Kingdom, where a high level public inquiry pronounced the London Metropolitan Police services infected by “institutionalised racism”, after police investigation failed to prosecute a number of white youths suspected of the 1993 killing of Stephen Lawrence, a black teenager.

The European Union institutions have repeatedly entered the fray among those working to check the growth of racism in Europe. The Union proclaimed 1997 the European Year Against Racism. Also in 1997, the European Union Monitoring Centre on Racism and Xenophobia (EUMC) was established and in 1998 the EUMC commenced activities. In early 2000, European Union governments suspended bilateral relations with Austria after a xenophobic party – and one widely held to endorse racist views – joined the Austrian government. As a result of the Austrian episode and related concerns, amendments were included in the Treaty of Nice establishing a mechanism for the suspension of certain European Union treaty rights to Member States in the event of severe breaches of human rights or rule of law standards.²

Arguably the most fundamental change in the Union relating to combating discrimination and racism has been the adoption of a series of anti-discrimination directives, adopted pursuant to the revised Article 13 of the Treaty Establishing the European Community (TEC) after its Treaty of

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² Article 7 of the Treaty of the European Union, as amended by the Treaty of Nice.

Amsterdam amendments.³ Of particular significance, Directive 2000/43/EC “implementing the principle of equal treatment between persons irrespective of racial or ethnic origin” (“EU Race Directive”) introduced legal standards throughout the Union aimed at ending differential treatment based on the arbitrary criteria of race or ethnicity.⁴ The EU Race Directive provides details as to the scope and content of laws banning racial discrimination. The Directive includes, among other provisions, the requirement of legal remedies for victims of racial discrimination through “judicial and/or administrative procedures” for the enforcement of anti-discrimination obligations “available to all”⁵ and the provision that in cases in which complainants “establish, before a court or other competent authority, facts from which it may be presumed that there has been [...] discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment”.⁶ The EU Race Directive also requires that domestic law impose effective, proportionate and dissuasive sanctions for violation of anti-discrimination norms. These should include “the payment of compensation to the victim”.⁷ Directives are binding on all EU Member States⁸ and transposition has also been required of candidate countries.

Although a number of early hermeneutic efforts have attempted to view the EU Race Directive as specifying merely formal equality of treatment, the Directive resists such a reduction. In the first place, its name (“implementing the principle of equal treatment between persons irrespective of racial or ethnic origin”) anchors in place ambitions above and beyond mere formal procedural neutrality. In its textual provisions, the Directive provides a firm basis for moving toward securing equality of outcomes by banning both “direct” and “indirect” discrimination.⁹ The former sails to the wind of guaranteeing only procedural neutrality by defining direct discrimination as having occurred “where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin”.¹⁰ However, “indirect discrimination” is taken to occur “where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary”, thus opening the way for challenges to a range of policies, practices and laws which may have a disparate (negative) impact on certain eth-

³ *Beginning in 2000, and in particular under expanded powers provided by an amended Article 13 of the Treaty Establishing the European Community, the European Union adopted a number of legal measures which have significantly expanded the scope of anti-discrimination law in Europe, notably three Directives: (i) Directive 2000/43/EC “implementing the principle of equal treatment between persons irrespective of racial or ethnic origin” (“Race Directive”) (ii) Directive 2000/78/EC “establishing a general framework for equal treatment in employment and occupation” (“Employment Directive”) and (iii) Directive 2002/73/EC “on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions”, providing an increased level of protection against discrimination based on sex and amending an earlier directive in this area. In addition to the Directives adopted under Article 13, a revised Article 29 of the TEC now gives police and judicial authorities heightened powers to co-operate on matters related to, among other things, “preventing and combating racism and xenophobia”.*

⁴ *The full text of the European Union Race Directive is available on the Internet at: http://europa.eu.int/comm/employment_social/fundamental_rights/legis/legln_en.htm.*

⁵ *EU Race Directive Article 7(1).*

⁶ *EU Race Directive Article 8.*

⁷ *EU Race Directive Article 15.*

⁸ *Where Member States have not transposed elements of similar directives in the past, the European Court of Justice has applied the provision at issue directly.*

⁹ *EU Race Directive Art. 2(2)(a).*

¹⁰ *EU Race Directive Article 2(2)(b).*

nic groups. One important tool for demonstrating indirect discrimination against particular ethnic groups is statistical data on the impact of policies dis-aggregated by ethnicity.

The Union and Statistical Data

While the EU is a relatively new leader in the field of combating racial discrimination, the Union is a very established player in the area both of generating statistics (an entire EU division – Eurostat – works at the regular production of statistical data), as well as of “setting benchmarks” and elaborating “common indicators” – markers against which all member States must provide data. Traditionally, data gathered under Union guidance has been predominantly in areas of European Union competence. It should not come as a surprise that an institution which began as a treaty about coal and steel has focussed for much of its lifetime extensively on data regarding matters related to trade.

However, EU data activities have become, in recent years, ever more socially preoccupied. Thus, for example, key elements of the conclusions of the Lisbon European Council in 2000, which decided upon an ambitious programme of “modernising the European Social Model by investing in people and building an active welfare state” included the goals of “promoting a better understanding of social exclusion . . . on the basis of commonly agreed indicators; the High Level Working Party on Social Protection will be involved in establishing these indicators;” and “establishing, where appropriate, quantitative and qualitative indicators and benchmarks against the best in the world and tailored to the needs of different Member States and sectors as a means of comparing best practice”, to name only two.¹¹

Since 2000, the Union has acted upon decisions taken at Lisbon by developing the so-called “Laeken Social Exclusion Indicators”, named after the European Council at which they were approved. These

provide governments with guidelines to provide data under ten “primary indicators” and eight “secondary indicators”, measuring especially poverty, but also related issues such as “self-perceived health status”.¹² The data generated under the Laeken Indicators should provide comparability on a number of facets of social exclusion between EU Member States.

Guidance on statistical data is not only in process in relation to EU work on poverty generally, but is also increasingly a matter for individual EU divisions focussing on particular sectoral fields. Thus, for example, the EU Directorate General of Public Health is currently in the process of developing “common health indicators”. According to information provided on the European Union website, the 2004 work plan sets up seven working parties on lifestyle and other health determinants, mortality and morbidity, health systems, health and environment, mental health, accidents and injuries, and health indicators. Also according to the EU website, these working parties will in the future carry out projects in their fields with respect to: identifying and developing indicators; supporting the collection of data for the indicators at the domestic level; making data available at EU level; “reporting the knowledge deduced from the indicators” and other information and promoting the use of the results at EU level.¹³

EU data action on social issues has already proceeded extensively into the particular concern of equality. Equality, for the purposes of EU data efforts to date, however, is almost exclusively gender equality. Indeed, gender targets appear in very high level EU policy decisions. For example, in the field of education, the European Council has set five European benchmarks for the improvement of education and training systems in Europe up to 2010:

1. An EU average rate of no more than 10% early school leavers should be achieved;
2. The total number of graduates in mathematics, science and technology in the European Union should increase by at least 15% while at the same time

¹¹ *Presidency Conclusions, Lisbon European Council, 23 and 24 March 2000, pt. 37.*

¹² *See European Union Social Protection Committee, “Report on Indicators in the field of poverty and social exclusion”, October 2001.*

¹³ *See http://europa.eu.int/comm/health/ph_information/indicators/indicators_en.htm.*

the level of gender imbalance should decrease; (emphasis added)

3. At least 85% of 22 year olds in the European Union should have completed upper secondary education;
4. The percentage of 15 year old low achievers in reading literacy should have decreased by at least 20% compared to the year 2000;
5. The European Union average level of participation in Lifelong Learning should be at least 12.5% of the adult working age population (25-64 age group).¹⁴

Gender equality and data ambitions are even more explicitly linked in the very central EU policy area of employment. At the Lisbon European Council, the European Union set itself the goal of becoming “the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion”. The Council also considered that the overall aim of these measures should be to raise the overall EU employment rate to 70% and to increase the number of women in employment to more than 60% by 2010. The Stockholm European Council (March 2001) added two intermediate and one additional target: the employment rate should be raised to 67% overall by 2005, 57% for women by 2005 and 50% for older workers by 2010.

One might expect that the combined force of (i) long-term experience with gender equality policy, (ii) increasing attention generally to data in social fields, and (iii) vigorous new policy and law in the field of combating racism and racial discrimination, might together provide a sound basis for the expansion and enrichment of EU guidance on frameworks for data on the particular situation of ethnic groups

and the impact of race-neutral policies on particular groups, particularly where there are clear indications that socially exclusionary forces are very frequently race-based. However, to date this has not been the case.

Ethnic Data and Ethnic Data Frameworks in the European Union

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.¹⁵ 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.¹⁶ 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.¹⁷ 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.

Ethnicity occasionally slips into EU data and impact considerations via the gender gate, for example

¹⁴ Commission of the European Communities, “Commission Staff Working Paper: Progress Towards the Common Objectives in Education and Training: Indicators and Benchmarks”, Brussels, 21.1.2004, SEC(2004) 73.

¹⁵ European Commission, Eurostat, “European Social Statistics: Income, Poverty and Social Exclusion”, Detailed Tables, European Communities, 2000.

¹⁶ European Commission, Directorate General for Employment and Social Affairs, “The Social Situation in the European Union 2003”, Office for Official Publications of the European Communities, 2003.

¹⁷ COM(2003)773 final.

when EU policies note the need to pay particular attention to the needs of women from minority groups. Here some of the language is revealing, particularly in the apparent anxiety in some corners of the EU of even talking about ethnicity. Ponder, for example, the following formulation, from a document defining objectives in the fight against social exclusion: “the social integration of women and men at risk of facing persistent poverty, for example because they have a disability or *belong to a group experiencing particular integration problems*” (emphasis added).¹⁸ It is not easy to be optimistic about the prospects of success of policies to combat the exclusion of particular ethnic groups where those are designed by an institution which appears to fear giving voice to the possibility of ethnicity.

To date, a distinct tremulousness in the area of ethnic data notwithstanding, the Union has undertaken several key steps in the field of ethnic data. First of all, it has specified that generalised data disaggregated by ethnicity is not an area covered by EU data protection rules. Most recently, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 “on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data” states: “(a) ‘personal data’ shall mean any information relating to an identified or identifiable natural person hereinafter referred to as ‘data subject’; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity”.

Simply setting aggregate ethnic data outside the scope of data protection laws may seem like a negligible step (and it is not much really), until one becomes aware that the primary argument brought by authori-

ties as to why ethnic data is so scarce is that gathering ethnic data may violate data protection laws. For example, in its response to the Opinion of the Council of Europe’s Framework Convention on the Protection of National Minorities Advisory Committee, the German Government stated that “Germany could not consider collecting any such data due to basic legal considerations.”¹⁹ As a number of articles in this issue of *Roma Rights* make clear, this fig leaf is worn by the governments of a number of countries, particularly but not only in Central and Eastern Europe.

A second step taken by some divisions in the EU recently has been to begin telling Member States governments that they are free to – and should – gather and make public data on the situation of particular ethnic groups. In Directorate General Employment and Social Affairs, this has been referred to as encouraging the development of “tertiary” indicators (i.e., those developed at the level of the Member State), in the absence of “primary” and “secondary” indicators (agreed upon at the EU level, and therefore referred to as “common indicators”). In so doing, the EU joins a number of international monitoring bodies which have both generally called for the provision of data on the situation of weak ethnic groups, as well as repeatedly called on states – including European Union Member States – to provide statistical data on the situation of ethnic groups in various sectoral fields.²⁰

However, it is not at all apparent that this stop-gap measure is sufficient. In the first place, it is not clear why for example Italy should comply with a request that France won’t. Secondly, with data requirements from the EU increasing now at a dramatic rate, it does not seem likely that, absent other incentives, states will voluntarily add to their data production load. Finally, the central idea of the common indicators is to provide for data comparability between Member States. Without such comparative data, it will be

¹⁸ See European Union document, “Fight against poverty and social inclusion – Definition of appropriate objectives”, Brussels, 30 November 2000).

¹⁹ Comments by the Federal Republic of Germany on the Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Germany (19th July 2002), reference GVT/COM/INF/OP/I(2002)008, Section III, Re Art. 3, number 75.

²⁰ For a summary of such calls for statistical data, see Goldston, James A., “Race and Ethnic Data: A Missing Resource in the Fight against Discrimination”, in *Ethnic Monitoring and Data Protection: The European Context*, Budapest: CPS Books, Central European University Press – INDOK, 2001.

significantly more difficult to know which policies work and which ones do not. Or at least, it will not be possible to know which policies work better than others.

The View from the Member States

The primary obstacle to the production of ethnic data right now is that in the current conditions, the data generated will be embarrassing to those governments not yet willing to address the issues concerned seriously. This is evident already from responses to data generated as a stop-gap effort by non-governmental organisations and sociologists. To take only one example, the ERRC research conducted on the situation of Roma in the Czech school system in the school year 1998-1999 documented extreme levels of racial segregation in Czech schools.²¹ Intensive research was carried out in the Czech city of Ostrava. The ERRC secured from school directors (who are perfectly aware of the ethnic composition of schools and who in a number of instances already have such data on file) statistical data on the placement of pupils, by ethnicity, for the approximately 90 primary schools in the Ostrava municipality. This revealed that, during the 1998-1999 school year:

- ◆ More than half of the student body of so-called “remedial special schools” for the mentally disabled were Romani;
- ◆ More than half of the population of Romani children of the age of mandatory school attendance in Ostrava were being educated in remedial special schools;
- ◆ Any given Romani child was more than 27 times more likely than a non-Romani child to be schooled in a remedial special school.

These are massive racial disparities. The ERRC also conducted similar research in a number of other

Czech municipalities, and this research indicated that disparities were similar or, indeed, worse, throughout the Czech Republic.

In the intervening five years since this data was first made public, the Czech government has on a number of occasions had the opportunity to present its efforts to address the problem of racial segregation in schooling, and in particular disproportionate placement of Romani children in schools for the mentally disabled. Recent Czech government pronouncements indicate an increasing awareness that the issue of racial segregation in the school system is a problem, but as yet no basis for any assessment as to the impact of policy measures adopted. Here, for example, is the Czech government’s discussion of the issue in its December 2003 “Joint Memorandum on Social Inclusion”, prepared with the European Commission:

Groups with multiple disadvantages are the most vulnerable. Unemployment is high among the Roma. However, its levels can be only estimated, as no special ethnic origin-based statistics are available. [...] The unsatisfactory situation in educating children of the Roma community, who represent the majority of pupils from socio-culturally disadvantaged backgrounds, remains the permanent target of criticism from the inspection bodies of international human rights agreements, regular European Commission reports and local and international non-governmental organisations monitoring human rights compliance. They criticise especially the fact that a large proportion of them attend special schools, which *de facto* – although no longer *de jure* – limits their chances of attaining higher education levels and limits the possibility of achieving social integration. In vocational training these pupils are primarily directed towards obtaining qualifications for manual occupations. The percentage of Roma pupils attending special schools cannot be determined precisely and the existing qualified estimates cannot be generalised for the whole of the country.²²

The Czech government enters into more detail on

²¹ See *European Roma Rights Center, A Special Remedy: Roma and Schools for the Mentally Handicapped in the Czech Republic, Budapest, 1999.*

²² *Ministry of Labour and Social Affairs of the Czech Republic and European Commission Directorate General of Employment and Social Affairs, “Joint Memorandum on Social Inclusion of the Czech Republic”, December 18, 2003.*

the issue of disproportionate rates of placement of Romani children in schools for the mentally disabled in its May 2003 report to the United Nations Committee on the Elimination of Racial Discrimination (CERD).²³ Here, although a range of policy measures are discussed, it is again evident that no basis exists to determine whether any of these measures are having any positive impact. Absent the presentation of data on the impact of these policies, there can be no clear assessment of their efficacy or, indeed, if any of the measures described have any true life outside the confines of the Czech government's reporting to international bodies.

The Czech example is only one among many, but it is particularly illustrative, especially when data gaps are examined in light of the existing EU data framework. Precisely in the field of education, the current EU data framework seems especially prone to misread issues related to ethnicity. There are 29 "Indicators for Monitoring Performance and Progress of Education and Training Systems in Europe".²⁴ At least two of these may actually register racial segregation of Roma in schools for the mentally disabled as a positive measure. These are indicators 4 and 5 under the heading "Investments in Education and Training" which measure expenditures per pupil/student. Since in some Member States (including in the Czech Republic), expenditures for pupils in schools and classes for the mentally disabled are higher than those for pupils in mainstream education, racial segregation into substandard, inappropriate and inadequate schooling would, in the absence of other information, register under the present indicator system as a positive measure for Roma.

Conclusion

The focus of this article has been the EU data framework, although the failings described above

have been the failings of a particular Member State to provide adequate data on an ethnic basis. One challenge to the thesis of this paper might be, then, that the paper places its attention to the EU level, when a focus on Member States' frameworks might be more relevant. It has not been the intention of this paper to facilitate any interest in relieving the primary obligation of Member States to provide such data. It has been the sole aim of this paper to note that a void currently exists in the broader framework, and that in light of an expansion in other areas, this void is becoming increasingly noticeable and is having increasingly pernicious effects. Said differently, there is an increasingly powerful EU framework underpinning the Czech government's current (and traditional) line of defence of policy inertia cited above: "The percentage of Roma pupils attending special schools cannot be determined precisely and the existing qualified estimates cannot be generalised for the whole of the country."²⁵ The absence of data (and the studied unwillingness to gather it) is constant; the framework justifying it strengthens.

Among the most compelling reasons for elaborating an EU framework for ethnic data is that many governments are currently doing themselves and the societies they govern a very significant disservice. Gaps in race-specific statistical data deprive policy makers of a clear and justifiable basis for action. Data, particularly where such data indicates serious disparity, can be among the most powerful tools available for ensuring policy efficacy, facilitating social change and guaranteeing race equality. Without such statistical data, little concrete information exists which might motivate change. Perhaps most importantly, it can assist members of the public in arriving at an increased awareness of the societies in which they live, enriching the possibilities for democratic participation.

A number of concepts currently under elabora-

²³ See CERD/C/419/Add.1 23 May 2003, pts. 119-128.

²⁴ The 29 "Indicators for Monitoring Performance and Progress of Education and Training Systems in Europe" can be found in Commission of the European Communities, "Commission Staff Working Paper: Progress Towards the Common Objectives in Education and Training: Indicators and Benchmarks", Brussels, 21.1.2004, SEC(2004) 73.

²⁵ Ministry of Labour and Social Affairs of the Czech Republic and European Commission Directorate General of Employment and Social Affairs, "Joint Memorandum on Social Inclusion of the Czech Republic", December 18, 2003.

tion aim at pushing the requirement to avoid negative impacts on particular ethnic groups to the level of the policy itself, through the inclusion of regular assessments and adjustments to policy. Ever more will be heard in coming years about currently misunderstood approaches such as “mainstreaming”.²⁶ The European Union can and should facilitate increasing attention to the disparate impact of certain policies

on ethnic groups by elaborating its data framework to include ethnic data in all areas. This can only assist those (often embattled) policy makers seeking to combat racial discrimination, and will result generally in pressure on governments to tackle issues of exclusion on an ethnic basis. The intrinsic good secured finally is the cultivation of vibrant, multi-cultural societies characterised by social peace and regularly enriched by inter-ethnic understanding.

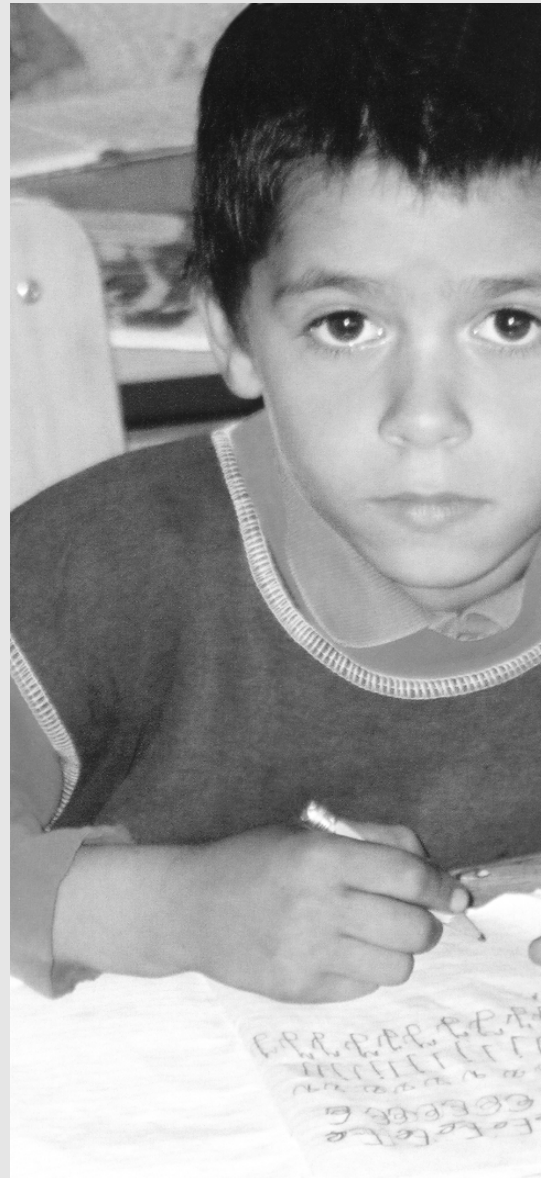
A new ERRC report:

STIGMATA

Segregated Schooling of Roma in Central and Eastern Europe

The new *ERRC* report explores how Romani children in Bulgaria, Czech Republic, Hungary, Romania and Slovakia are denied equal dignity by a system of racially-based segregation in education.

Order ERRC reports at: office@errc.org



²⁶ See for example “Mainstreaming Equality in European Union Law and Policy-Making”, a report prepared for the European Network Against Racism (ENAR) by Jo Shaw, Professor of European Law, University of Manchester and Senior Research Fellow at the Federal Trust, March 2004, forthcoming by ENAR, July 2004.

No Compromise with the Universality of Human Rights

In April 2004, the European Roma Rights Center (ERRC) held an interview with Ms Anna Karamanou,¹ Member of the Committee on Women's Rights and Equal Opportunities at the European Parliament.

ERRC: *Within the EU institutions, is there a clear understanding of the problems facing Romani women? Has there been any surveys, reports, etc., focusing on Romani women? Are there currently discussions about developing programmes targeting Romani women in particular?*

ERRC: *In general, to what extent have minority women benefited so far from equal opportunity policies in the EU? Have there been any studies to assess the impact of equal opportunity policies on minority women?*



Anna Karamanou:

I think understanding of these problems is increasing. The Enlargement will further boost European Institutions' interest in combating discrimination. The Committee on Women's Rights and Equal Opportunities of the European

Parliament, for example, has already invited the *European Roma Information Office (ERIO)* to testify about Romani women's problems. However, at this stage, I don't think the problems of the minorities in Europe are very high on the political agenda. We have to intensify our efforts in order to increase awareness and sensitivity in the EU and therefore promote implementation of minority programmes. We know that the EU has an interest in solving the problems of minorities and creating a common space for freedom, equality and respect for human rights. Human rights are a basic value of the EU, as is evident by its inclusion in all major European documents, as well as in the Preamble of the draft EU Constitution.

A.K.: I don't think minority women have had adequate access to gender equality programmes. I don't think there has been special interest in the problems of minority women in general. The Committee on Women's Rights and Equal Opportunities has made reports on the problems of women, including Romani women, and we have tried to give prominence to their concerns. Nevertheless, despite our efforts, little progress has been made. This pertains not only to the situation of Romani women but also to the situation of women belonging to religious minorities; women from Islamic countries; women coming from places where severe human rights violations are taking place, or even women belonging to some groups who have brought along practices which violate women's rights, such as genital mutilation. We know that this hideous practice is taking place within the borders of the EU and I don't think much has been done to tackle these problems. Violations of basic rights occur also within the Romani community, such as forced marriage, for example. We know that there is violence against Romani women. Even though violence against women is universal, the structure of some minority communities is more patriarchal thus encouraging such abominable practices.

¹ *More information about Ms Anna Karamanou can be found at: www.karamanou.gr.*

ERRC: *How can we avoid the reinforcement of anti-Romani stereotypes while carrying on an open discussion on human rights violations taking place within the community, such as domestic violence and other violations of womens' rights?*

A.K.: I believe that only through an open, sincere, public dialogue we can find functioning solutions for such complicated problems. Dialogue has to take place within the EU institutions and within the Romani community. The dialogue can be promoted by Romani women themselves. This is the only way to avoid the reinforcement of stereotypes, because stereotypes are based on ignorance and dialogue promotes knowledge and understanding of our share in the problem.

Certain communities have different perceptions of the respect for human rights. What the rest of us may consider a violation of human rights, in the Romani community may be considered a privilege. For example, challenging the practice of fathers to select a husband for their daughter is regarded, by some Romani people, as a violation of the father's rights. We need to understand the roots of human rights violations and the whole structure of the minority community, in order to have an effective policy. We cannot judge minorities all the time according to our own standards. On the other hand, we must bear in mind that human rights are universal and there can be no compromise. As regards the Roma community, we have to, first and foremost, improve their living conditions and level of education. We have to recognise full citizenship for Roma, full access to education and decent housing, in order to combat the feeling of exclusion they experience and promote their sense of belonging to

our communities, of sharing our values and thus respecting such universally accepted human rights.

ERRC: *One serious obstacle in implementing effective Romani policies has been the lack of data about the state of Roma in various sectoral fields. This same problem applies to data about minority/Romani women. Are you aware of collection of data disaggregated both by ethnicity and gender within the EU?*

A.K.: We need to act on EU level and on national level. We have to cooperate with local authorities if we want to have a clear picture. It is true that there is complete lack of data. We don't even know the numbers of Roma. If we don't know how many they are, how can we have data on their living and working conditions? We need research on Roma and I think this is a responsibility of the EU and the Eurobarometer.

Furthermore, the history of Roma is not known in Europe. We know that they are not all the same, even within one national state there are differences in language, in traditions. Since the 1st of May, we have millions of Romani European citizens. It is a high time we learnt more about them.

Roma add to the cultures of Europe. We have to preserve their culture as part of the multitude of cultures in Europe. At the same time, we have to ensure that Roma have access to material wealth, to educational wealth, and to full enjoyment of human rights. This development will be a benefit for Europe. It is not enough not to discriminate against Roma. We have to recognise their right to be themselves.



**SNAPSHOTS
FROM
AROUND
EUROPE**

News Roundup: Snapshots From Around Europe

The pages that follow include Roma rights news and recent developments in the following areas:

- > Collective and illegal expulsions of Roma from **Denmark** and **Finland**; **Kosovo** Ombudsperson urges against forcible return of Roma, Ashkaelia and Egyptians to **Kosovo**; and asylum seekers lose social support in the **United Kingdom**;
- > Physical abuse and other inhuman and degrading treatment by police and other officials in **Italy**, **Kosovo**, **Macedonia**, **Russia** and **Ukraine**; including police killings in **Bulgaria**; and child justice issues in **Hungary**;
- > Racial killing, attacks and harassment by skinheads and others in **Bulgaria**, **Czech Republic** and **Russia**;
- > Intimidation of Roma seeking justice in **Romania**;
- > Death of Roma following substandard medical care motivated by racial animosity in **Bulgaria** and **Hungary**; and other access to adequate medical care issues in **Bulgaria**;
- > Plans to address access to education of Roma in **Bosnia and Herzegovina**;
- > Forced evictions, and planned evictions, in **Bosnia and Herzegovina**, **Bulgaria**, **Italy**, **Serbia and Montenegro** and the **United Kingdom**; and other issues related to the right to adequate housing in **Czech Republic** and **Greece**;
- > Discrimination in access to fundamental social and economic rights in **Bulgaria**, **Hungary** and **Serbia and Montenegro**;
- > Access to justice issues in **Czech Republic**, **Greece**, **Hungary** and **Serbia and Montenegro**; and European Court of Human Rights finds **Bulgaria** and the **United Kingdom** in violation of the human rights of Roma;
- > Anti-Romani sentiment issues in **Greece**, **Hungary**, **Serbia and Montenegro** and the **United Kingdom**;
- > Notification to desegregate schools issued by **Romania**; school segregation concerns in **Romania**; and controversial proposal regarding Romani education by EU Commission Ambassador to **Slovakia**;
- > Comprehensive anti-discrimination legislation adopted in **Slovakia**; and action against “Anti-Gypsy signs” by anti-discrimination body in the **United Kingdom**;
- > Access to citizenship and personal documents issues in **Slovenia**;
- > United Nations Committee against Torture reviews **Czech Republic**; and
- > United Nations Committee on Economic, Social and Cultural Rights reviews **Greece**.

BOSNIA AND HERZEGOVINA

◆ Repeated Eviction of Romani Community in Bosnia and Herzegovina

On March 24, 2004, the Banja Luka-based daily newspaper *Nezavisne novine* reported that police evicted several itinerant Romani families from the temporary residence they had constructed in front of the castle in the centre of the northern Bosnian city of Banja Luka. The daily reported that the families were not provided with an alternative site on which to set up their accommodation. They reportedly moved near a car dealership to the outskirts of town but were again evicted by police. Within several days, however, they had re-established their tents in front of the castle. Police representatives were reported by the daily to have stated that the Romani group would be forced to leave the site. The housing rights situation of Roma in Bosnia and Herzegovina compromises a major portion of the ERRC country report *The Non-Constituents: Rights Deprivation of Roma in Post-Genocide Bosnia and Herzegovina*, available on the ERRC's Internet website at: <http://lists.errc.org/publications/indices/bosnia.shtml>. (*Nezavisne novine*)

◆ Bosnian Ministry of Human Rights and Refugees Announces Plan to Address Romani Education Problems

The Bosnian Ministry of Human Rights and Refugees, together with the Council of Ministers of Bosnia and Herzegovina, at the end of February 2004, introduced an Action Plan on the Educational Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina. The Action Plan is to have retroactive effect to the beginning of the 2004/2005 school year. With specific regard to access to education of Roma, the Action Plan identified five overarching goals with particular actions required for the achievement of each. Within the framework of the Action Plan, the relevant authorities are responsible for:

- Promoting systemic change in order to ensure accommodation of the educational needs of Roma;
- Removing financial and administrative barriers to Romani school enrolment and completion. Special budgetary means, based on available funds, should be allocated within the 2004 budget lines and progressively increased as conditions allow;
- Preservation of the Romani language and culture;

- Garnering the support and participation of Romani parents and communities; and
- Increasing the representation of Romani teaching staff and sensitising non-Romani teaching staff to the needs of Romani students.

In other news related to the education of Romani pupils in Bosnia and Herzegovina, on March 2, the Republika Srpska-based news agency *SRNA* reported that a conference was held in Banja Luka regarding the education of Roma children in elementary schools in Republika Srpska. Ms Olivera Damjanovic of the international non-governmental organisation *Save the Children*, which organized the event, stated that “a small percentage of Romani children attend elementary schools, and it often happens that children who start school soon stop their education.” A number of Roma children had been enrolled in schools during the 2003/2004 school year, most of whom were reportedly attending integrated classes. However, according to the Republika Srpska-based daily newspaper *Glas Srpske* of January 5, 2004, a segregated Romani class, attended by thirty-three Romani pupils, was formed at the Jovan Ducic elementary school in Bijeljina. (*Glas Srpske*, *SRNA*, *ERRC*)

BULGARIA

◆ Bulgarian Police Fatally Shoot a Romani Man

According to the information centre of the Bulgarian Ministry of Internal Affairs, between 3:00 and 4:00 AM on the morning of March 27, 2004, a police sergeant from the 6th Police Station in the city of Plovdiv fatally shot Mr K. Stoyanov, a 24-year-old Romani man. According to the Ministry, the fatal shooting happened when Mr Stoyanov tried to run away from two police sergeants attempting to conduct an ID check. One of the sergeants reportedly fired a warning shot in the air and they then chased Mr Stoyanov. When one of the sergeants caught Mr Stoyanov, Mr Stoyanov reportedly pulled a knife on him. The sergeant grabbed for Mr Stoyanov's wrist and, according to the Ministry, Mr Stoyanov grabbed the sergeant's arm and a struggle ensued during which the gun was fired, killing Mr Stoyanov.

ERRC research, conducted in partnership with the Sofia-based non-governmental organisation *Human Rights Project (HRP)*, calls into question the version of events put forth by the Ministry of Internal Affairs. Mr M.J., Mr Stoyanov's guardian, informed the *ERRC/HRP* that when Mr Stoyanov left the house before the fatal incident, he was not carrying a weapon. Mr M.J. stated that Mr Stoyanov suffered from a drug addiction and left the house with the intent of purchasing drugs. When Mr Stoyanov did not return home, later that morning, his mother and Mr M.J. went to the police station in search of him. Officers reportedly instructed the

family to bring a photo of Mr Stoyanov and his ID card without saying why. When they returned with the documents, they were sent to the morgue where Mr Stoyanov's guardian identified his body. According to the autopsy report, the cause of death was a gunshot to the head in the vicinity of the right eye. The autopsy confirmed the absence of drugs or alcohol in Mr Stoyanov's blood. As of June 11, 2004, a police investigation into the fatal shooting of Mr Stoyanov was underway. The two police sergeants have been suspended from duty pending the outcome of the investigation. Lawyers Hristina Nikolova and Emil Yoshev are providing legal representation in the case. For more information on the situation of Roma in Bulgaria, see the *ERRC*'s Internet website at: <http://lists.errc.org/publications/indices/bulgaria.shtml>. (*ERRC, HRP*)

◆ Eviction of Roma in Bulgaria

On March 30, 2004, the municipal council of the southeastern Bulgarian city of Burgas adopted a decision according to which, within one month, the mayor of Burgas should prepare protocols establishing illegal construction in the city's large neighbourhood Meden Rudnik, and undertake "all legal measures to stop illegal settlement and destroy the illegal constructions in the Meden Rudnik neighbourhood of Burgas." The decision, which does not envision the provision of alternative housing, targets Romani makeshift dwellings constructed without le-

gal permission housing about 200 Roma. The Romani dwellings were built about five years ago on the periphery of the neighbourhood. Meden Rudnik has both non-Romani and Romani residents. According to *ERRC* research conducted in April 2004, the shacks had neither electricity nor running water. Water was provided by one pump located among the shacks. Some of the Roma, mostly those who had moved to Meden Rudnik from neighbouring villages and towns in the past several years, did not have identity cards and were not registered in any municipality. At the end of May, 2004 the municipality started presenting the Roma with eviction protocols according to which the Roma were obliged to demolish the illegal construction at their own expense within fourteen days. After the expiry of the deadline, municipal authorities in the presence of the local police proceeded with the demolition of the shacks. As of July 7, 2004, according to Mr Rumen Cholakov, a Romani activist from Maden Rudnik, at least 25 makeshift dwellings, housing about 90 Roma were destroyed. The people moved to live with relatives and friends in neighbouring houses. On April 19, 2004, Roma from Meden Rudnik with whom the *ERRC* spoke stated that there were two likely reasons for the decision to demolish the Romani dwellings – the pressure of the Bulgarian residents of Meden Rudnik and the plans of the municipality to build a supermarket at the place of the Romani ghetto.

According to Rumen Cholakov, in addition to the illegal Romani constructions in the neighbourhood,

there are also illegally built garages belonging to non-Roma but the municipality has not targeted them for demolition.

In 2000 a petition signed by the ethnic Bulgarian residents of Meden Rudnik called for the demolition of the Romani dwellings and the expulsion of the Roma from the neighbourhood. The alleged reasons for the protests by ethnic Bulgarians were the threats to health posed by the unsanitary conditions of the Romani dwellings and the disturbance of public order caused by the Romani residents. A “Civil Movement for Protection of Meden Rudnik” was established, which has been pressuring local authorities to expel the Roma since then. During the local election campaign in Burgas in October 2003, the candidate of the right coalition, Ms Emilia Nasheva, included the destruction of the illegal Romani dwellings in Meden Rudnik in her plan of action for the city of Burgas.

In its General Comment 7 on the right to adequate housing and forced evictions, the United Nations Committee on Economic, Social and Cultural Rights, which monitors states’ compliance with the International Covenant on Economic, Social and Cultural Rights, stated that forced evictions “should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.” (ERRC)

◆ **Bulgarian Doctor Comments “One Gypsy Less” at the Death of a Romani Youth after Suspected Negligent Treatment**

According to information provided to the *ERRC* by the Sofia-based *Bulgarian Helsinki Committee (BHC)*, on May 1, 2004, 22-year old Mr Mihail Tsvetanov, a Romani man from the northeastern Bulgarian town of Ispereh, died in his home. The previous day Mr Tsvetanov was released from hospital and, according to the information provided by the medical personnel to his parents, he was in good condition.

According to the testimony of Ms Anguelina Todorova, Mr Tsvetanov’s mother, to the *BHC*, Mr Tsvetanov was admitted to the hospital due to stomach pains on April 16, 2004 and held for several days, though he was never diagnosed with an illness. At around 10:30 AM on April 21, Mr Tsvetanov complained of an acute stomach ache to his father, Mr Mihail Todorov, who was visiting. Mr Todorov asked the nurses to call for a doctor to examine his son but was reportedly told to wait. Following repeated requests by Mr Todorov, a nurse called Dr Krastev, Mr Tsvetanov’s doctor. However, Dr Krastev failed to arrive. Despite repeated requests by Mr Todorov that a doctor examine his son who continued to experience persistent sharp abdominal pains, only at 6:30 PM did a doctor examine Mr Tsvetanov. Dr Minkov established that Mr Tsvetanov had a perforated ulcer and required an emergency operation. After the operation, Mr Tsvetanov was released on April

30. Ms Todorova stated that Dr Krastev informed her that her son was in good condition.

At around 3:00 AM on May 1, Mr Tsvetanov told his mother that he felt seriously ill and that he was about to lose consciousness. Mr and Ms Todorov called an ambulance, which arrived only after one hour and a second phone call though they live less than one kilometre from where the ambulance service is located. When it arrived, the medical team established the death of Mihail Tsvetanov.

On May 3, Mr Todorov met Dr Krastev at the hospital to ask for his son’s medical file. Mr Todorov demanded that Dr Krastev explain why, after he stated Mr Tsvetanov was in good health, his son had died. Dr Krastev then allegedly stated, “It is not a big thing – one Gypsy less.” In the following days, Mr Todorov went to the hospital several times to obtain the medical file but each time was denied access by Dr Krastev who claimed that the father did not need the document.

Mr and Ms Todorov filed a lawsuit against the hospital in Ispereh. The *BHC* provided legal representation in the case. (*BHC*)

◆ **Ambulance Refuses to Enter Romani Neighbourhood in Bulgaria**

On April 4, 2004, Ms Brigita Hristova of Novi Pazar testified to the *ERRC* that at around 11:00 PM on March 29, 2004, Mr Mitko Asenov, a Romani man from the Romani neighbourhood in the northeastern Bulgarian town of Novi Pazar, called an ambulance when his 3-year-old daughter Emiliya Mitkova fell seriously ill,

but it did not arrive. After some time, Mr Asenov brought Emiliya, who was experiencing a high fever and stomach pains, to the hospital in a car he borrowed from a neighbour's guest. According to Ms. Hristova, doctors at the hospital told Mr Asenov and his wife Zylbie Asenova, that they might have lost Emiliya had they arrived later. A number of Roma with whom the *ERRC* spoke in Novi Pazar stated that ambulance operators refuse to service their neighbourhood, even in cases of emergency.

Article 24(1) of the International Convention on the Rights of the Child, ratified by Bulgaria in 1991, states, "States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services." Article 10(2) of the Bulgarian Act on the Protection of the Child prohibits limitations on the right to protection based on, *inter alia*, race, nationality and ethnic origin. (*ERRC*)

◆ **Racially Motivated Attack against Romani Man and Non-Romani Woman in Bulgaria**

Mr Martin Simeonov, a 22-year-old Romani man, testified to the *ERRC* on May 1, 2004, that on March 19, 2004, four ethnic Bulgarian men brutally attacked him and his 21-year-old ethnic Bulgarian girlfriend, Ms Pepa Stoyanova, in the northeastern Bulgarian town of Shumen. Mr Simeonov informed the *ERRC* that he and Ms Stoyanova were walking on the

street when the four men attacked them from behind while shouting, "Hey Mangal, do you know what state you are living in" and cursing his Gypsy mother. "Mangal" is a derogatory word for Roma in Bulgaria. The men punched and kicked Mr Simeonov all over his body, and also beat him with chains. They also reportedly punched Ms Stoyanova. Mr Simeonov stated that he and Stoyanova managed to escape but the men threw empty alcohol bottles at them as they ran away. At this time, several cars drove by and the attackers ran away. Mr Simeonov and Ms Stoyanova called the police, who were unable to find the four men when they arrived. Mr Simeonov sustained cuts all over his face and one of his teeth was broken during the attack. Ms Stoyanova sustained bruises on her back. On March 20, Mr Simeonov went to the hospital and was issued a medical certificate attesting to his injuries. As of the beginning of May 2004, a police investigation into the case was ongoing. (*ERRC*)

◆ **Kindergarten Workers Abuse Romani Boy in Bulgaria**

On April 29, 2004, Ms Rumyana Angelova, a Romani woman from the northeastern Bulgarian town of Shumen, testified to *ERRC* that several weeks earlier a worker at her son's kindergarten known as "Dida" physically and verbally abused her 6-year-old son David Marinov. According to Ms Angelova, for about one week, Dida made such racist statements to her son as "You are a nasty tribe" and "You are dirty and your mother is dirty, too." She also reportedly slapped David on the back on several occasions and violently

pulled his ears. David's teacher, Ms Yordanova also reportedly verbally harassed David. Ms Angelova confronted Dida and Ms Yordanova about their behaviour and was told she should send David to another kindergarten if she didn't like the one he attended. Soon thereafter, David was moved to another kindergarten, which is attended by a larger number of Romani pupils. Ms Angelova also wrote a letter of complaint to the director of the kindergarten, but as of the end of April 2004, there had been no response. (*ERRC*)

◆ **European Court of Human Rights Finds Bulgarian Government Violated Human Rights**

On March 11, 2004, the European Court of Human Rights in Strasbourg found the Bulgarian Government in violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms in the case of *G.B. v. Bulgaria*. G.B. is a Bulgarian national of Romani origin. On December 8, 1989, he was convicted for murder and sentenced to death. His sentence was upheld on appeal on July 28, 1990. Following a moratorium on executions introduced by Bulgarian parliament in July 1990, on December 10, 1998, the death penalty was abolished. The applicant's sentence was commuted to life imprisonment without the possibility of parole.

G.B. complained about his detention in Sofia Prison, where he was alone in his cell for almost 23 hours a day. He was not allowed to join other categories of prisoners and his food was served in his cell. He was allowed only two visits a month and human contact was

severely limited. G.B. stated that he was a victim of the “death row phenomenon”, where he faced fear of a possible resumption of executions. Furthermore, the applicant alleged that his detention amounted to inhuman and degrading treatment in violation of Articles 3 and 13 of the European Convention on Human Rights.

In its judgement of March 11, 2004, the Court noted that there

was medical evidence that G.B. suffered from psychological problems. The Court also observed that the applicant was subjected to a special regime in Sofia Prison which was very stringent and involved scarce human contact, and that though this itself is not inhuman treatment or punishment, that all forms of solitary confinement without appropriate contact are likely to have detrimental effect on the prisoner’s social and men-

tal abilities and faculties. The Court deemed that G.B. faced strict custodial regime, which caused him suffering above and beyond the unavoidable level inherent to deprivation of liberty. The Court ruling made it clear that fundamental human rights and freedoms belong to everyone, including individuals convicted for some of the most serious crimes, such as murder. (*ERRC*)

CZECH REPUBLIC

◆ Racist Attacks against Roma in Czech Republic

On April 20, 2004, three men physically attacked two Romani women, aged 22 and 30, in *Baník* restaurant in the eastern Czech city of Ostrava, according to the on-line news source *ROMEIA* of April 20, 2004. *ROMEIA* quoted Mr Milan Klézl, a spokesperson for the Ostrava police as having stated that the attackers slapped and kicked the women, ripping the skirt of one of them, while shouting Nazi slogans. A Romani man helped the women, who reported the case to the police. *ROMEIA* reported that the case was under investigation as rioting, battery, and as the criminal act of “suppression of civic rights and freedoms”.

Earlier, on April 12, three men verbally assaulted the Romani family Voroš in the northern Czech city of Broumov, according to website of the Czech Police Department. According to the website, the men cursed the Romani ethnicity of the family and threatened to kill them while standing at the gate of the family’s

home and striking it with baseball bats. After a short while, the men also threw stones at family members. The family called the police and the men attempted to run away, but a group of Roma from the area caught and held them until the police arrived. Two of the men were reportedly taken to the local police station, while the third man was released. A police investigation was reportedly underway as of April 13.

Earlier, on April 9, 2004, several men brutally attacked a 40-year-old Romani man on the street in the eastern Czech town of Zlín, according to the Zlín-based newspaper *Zlínske noviny*. The newspaper reported that the Romani man was left lying on the ground in a pool of blood. Police were called to the scene and were conducting an investigation into the attack as of the beginning of June 2004. Further information on the human rights situation of Roma in Czech Republic is available on the *ERRC*’s Internet website at: <http://lists.errc.org/publications/indices/czechrepublic.shtml>. (*ERRC*, *ROMEIA*, *Zlínske noviny*)

◆ Pharmaceutical Firm Ordered to Pay Compensation for Discriminating against Roma in Czech Republic

On March 31, 2004, the City Court of Prague ruled that the pharmaceutical company *Rossmán, spol. s.r.o.* had discriminated against Ms Renata Kotlárová, a Romani woman from Czech Republic, and ordered that the company pay her 50,000 Czech crowns (approximately 1,580 Euro) in non-pecuniary damages and issue a formal apology, according to the Prague-based non-governmental organisation *Centre for Citizenship/Civil and Human Rights (Poradna)*. The Court’s decision came after Ms Kotlárová applied for work at a *Rossmán* pharmacy in the western Czech town of Cheb in June 2003, after the position of shopkeeper was advertised. When Ms Kotlárová applied, she was informed that the position had already been filled and was not interviewed. Several minutes after Ms Kotlárová left, a non-Romani employee of *Poradna* entered the shop, applied for the position, was interviewed and informed about the

working conditions and salary. Ms Kotlárová and the representative of *Poradna* put forth the same qualifications. Ms Kotlárová had demanded 250,000 Czech crowns (approximately 7,880 Euro) and an apology as compensation. *Poradna* brought the case on behalf of Ms Kotlárová together with attorney David Strupek. As of June 10, 2004, *Poradna* informed the *ERRC* that *Rossmán, spol. s.r.o.* appealed the decision. (*Poradna*)

◆ **ERRC Initiates Legal Action in Czech Republic on the Right to Adequate Housing**

On May 12, 2004, the *ERRC*, together with local lawyer Jaroslav Poredský, filed a legal complaint on behalf of Mr Imrich Polák, a 53-year-old Romani man, and his family against *RTV-5 Ltd.*, a private company of which Mr Zdeněk Dolezel is the secretary, asking that the conditions of their flat be improved. Since November 1992 when they signed a lease contract for an undetermined period with the Municipality of Bøeclav for a low standard social flat, Mr Polák, his wife Blažena, their three children and grandchild have lived in their current home. On June 3, 2002, the municipality sold the building to Mr Dolezel, who declared in the sales contract that he “is aware of the fact that the flat is leased by the Poláks [...] and that he has acquired the house with all the rights and duties stemming from the relationship lesser-tenant [...]” On July 19, 2002, Mr Dolezel sold the property to *RTV-5 Ltd.*

According to Mr Polák, Mr Dolezel promised not to increase the rent. However, at the end of

October 2003, he presented the tenants of the building with new rental contracts ending on October 31, 2004, which stated, “After the period expires, the tenants promise to leave the flat without compensation. [...] Should the tenants use the flat after the period has expired and should the lesser not file a complaint against them with the court ordering them to leave the flat within 30 days, the contract shall be prolonged by 1 year, with a rent 5 times the amount stipulated in the current contract.” Mr Polák stated that although Mr Dolezel threatened to evict any families who do not sign the new contracts, his family refused to sign.

Since the family refused to sign the new contract, in November 2003, Mr Dolezel stopped the supply of electricity and running water to the flat though the family had paid their bills. Skinheads have also reportedly attacked their home on five separate occasions though there had never been a problem previously. Mr Polák reported that during the attacks, groups of skinheads shout curses about their Romani ethnicity and have broken windows in their home with stones. The police have been called and the perpetrators have in one instance been caught but released without charge. The Poláks also informed the *ERRC* that Mr Dolezel occasionally stops his car in front of their house and spits. The Polák family fears they will be made homeless if evicted, because they cannot afford more expensive housing.

On April 21, 2004, Mr Polák filed a complaint with the local prosecutor, alleging that Mr Dolezel was not respecting their contract or providing adequate liv-

ing conditions. On May 31, 2004, the local prosecutor found that Mr Dolezel had not committed any crime and recommended that Mr Polák pursue a civil case. As of the date this edition went to press, there had been no response to the complaint filed against *RTV-5 Ltd.* (*ERRC*)

◆ **United Nations Committee against Torture Reviews Czech Republic**

On May 13, 2004, the United Nations Committee against Torture issued its Concluding Observations and Recommendations regarding Czech Republic’s compliance with the United Nations Convention against Torture. The Committee expressed concern about “the persistent occurrence of acts of violence against Roma and the alleged reluctance on the part of the Police to provide adequate protection and to investigate such crimes, despite efforts made by the State party to counter such acts”. The CAT also expressed concern about “allegations regarding some incidents of uninformed and involuntary sterilizations of Roma women, as well as the government’s inability to investigate due to the insufficient identification of the individual complainants.” Further, the Committee recommended that Czech authorities:

- “a. exert additional efforts to combat racial intolerance and xenophobia and ensure that the comprehensive anti-discrimination legislation being discussed includes all relevant grounds covered by the Convention;
- b. take measures to establish an effective, reliable and inde-

pendent complaint system to undertake prompt and impartial investigations into all allegations of ill-treatment or torture by police or other public officials, including allegations of racially motivated violence by non state actors, in particular any that have resulted in deaths, and to punish the offenders;

c. strengthen existing efforts to reduce occurrences of ill-treatment by police and other public officials, including that which is ethnically motivated, and, while ensuring protection of an indi-

vidual's privacy, devise modalities of collecting data and monitoring the occurrence of such acts in order to address the issue more effectively;

d. strengthen safeguards provided in the Code of Criminal Procedure against ill-treatment and torture, and ensure that, in law as well as in practice, all persons deprived of their liberty be guaranteed and systematically informed of the right to a lawyer and to notify next of kin; [...]

e. investigate claims of involuntary sterilizations, using medical and

personnel records and urge the complainants, to the degree feasible, to assist in substantiating the allegations; [...].”

In the run-up to the Committee's review of Czech Republic, on April 16, 2004, the *ERRC* submitted a letter of concern regarding instances of coerced sterilisations of Romani women. The full text of the Committee's Concluding Observations and Recommendations can be found on the Internet at: http://www.ohchr.org/tbrucat/Czech_Republic.pdf. (*ERRC*)

DENMARK

◆ Romani Woman Forcibly Expelled from Denmark

According to the Danish Romani organisation *Romano*, at 5:20 PM on March 12, 2004, Ms Mirjana Kaldaras, a 20-year-old Romani woman and mother of two, was deported to Belgrade from Denmark, while appeals proceedings regarding her legal residence were pending. Ms Kaldaras' husband Dobrinko, who has permanent residence in Denmark and a work permit, and their two young children remain in Denmark. Mr and Ms Kaldaras married in Denmark in 2000 after Ms Kaldaras, an orphan, moved to Denmark. Mr and Ms Kaldaras were legally married in Denmark after having acquired formal permission from the Statsamtet, a section within the Danish Ministry of Justice, as Mirjana was a minor at the time. Ms Kaldaras applied for a residence permit through the process of family reunification but was re-

jected. According to *Romano*, the Ministry of Immigration, Refugees and Integration reportedly advised Ms Kaldaras to seek asylum. On July 1, 2002, Ms Kaldaras's request for asylum was rejected. At the time of her expulsion, Ms Kaldaras was still awaiting a decision from the Ostre Landsret Court in Copenhagen in relation to an appeal of the refusal to grant her legal residence via family reunification procedures.

Prior to Ms Kaldaras's expulsion, *Romano* attempted to appeal to the Ministry of Immigration, Refugees and Integration to suspend the expulsion of Ms Kaldaras pending the outcome of her case before the court, but was unable to reach an official on the telephone. *Romano* spoke with a press officer at the Ministry, who reportedly stated that the national police had in the week previously asked whether the Ministry objected to

Ms Kaldaras's deportation, to which the Ministry had reportedly responded negatively. *Romano* also requested that the Danish Alien Authorities grant Ms Kaldaras a visa to stay in Denmark pending the outcome of the court case, but this was also rejected. Finally, Ms Kaldaras was forced to pay for the cost of her expulsion from Denmark.

On March 25, 2004, the *ERRC* sent a letter of concern to Mr Bertel Haarder, Denmark's Minister of Refugee, Immigration, and Integration Affairs, regarding the situation of Ms Kaldaras. On May 13, 2004, Mr Haarder responded to the *ERRC*'s letter, stating that Ms Kaldaras's expulsion had been conducted in conformity with the law and that "The Ministry of Refugee, Immigration and Integration Affairs attached importance to the fact that Mirjana Kaldaras and her spouse and children are not prevented from exercising their

family life in their home country.” Additional information on the human rights situation of Roma in

Denmark is available on the *ERRC*’s Internet website at: <http://lists.errc.org/publica->

[tions/indices/denmark.shtml](#). (*ERRC, Romano*)

FINLAND

◆ Collective Expulsion of Slovak Romani Asylum Seekers from Finland

On April 6, 2004, Ms Kristina Stenman, an asylum lawyer from Finland, informed the *ERRC* that the Finnish government deported one

hundred and thirty Slovak Roma to Slovakia during the first week of April. According to the Danish newspaper *Helsingin Sanomat* of March 9, 2004, since the beginning of 2004, there had been an increase in the number of asylum seekers in Finland from Slovakia. On March

26, 2004, approximately one hundred Finnish Roma and non-Roma protested in the centre of Helsinki against the deportation of Roma to Slovakia, expressing concern about the unsafe situation Roma in Slovakia face. (*ERRC*)



Demonstration of protest in Helsinki, March 26, 2004.

PHOTO: JANETTE GRÖNFORS

GREECE

◆ Extreme Harm to Roma Living in Substandard Conditions

According to the online news source *Macedonian Press Agency (MPA)* of March 19, 2004, a 5-year-old Romani girl sustained serious burns to her body in a fire in her family's makeshift home in the town of Armenis on the island of Chios in mid-March 2003. The girl was reportedly transferred to Athens' Children's hospital "Paiden" where she was treated for blood poisoning.

Similarly, according to the *MPA* of March 18, 2004, an 86-year-old Romani woman died in a fire in her shack in the Assos Romani settlement in Korinthia. The *MPA* reported that the fire started in a wood stove.

According to *ERRC* research, conducted in partnership with the Athens-based *Greek Helsinki Monitor (GHM)*, earlier, on March 1, 2004, the makeshift shack of Ms Dionisia Panayotopoulou, a Romani activist from the Nea Zoe Romani community of Aspropyrgos near Athens, burned to the ground. The fire was reported to have originated from the wood stove Ms Panayotopoulou's family used for heating. The Nea Zoe Romani community existed for years without running water, electricity or any other services, despite repeated promises of such by municipal authorities. As of June 21, 2004, Ms Panayotopoulou's family was living with relatives in a shack in the same area.

The International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Greece

acceded in 1985, guarantees at Article 11, the right to an adequate standard of living, including adequate housing. In its General Comment 4, the Committee on Economic, Social and Cultural Rights defined the right to adequate housing in terms of seven components, including, "Habitability. Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well." Further information on the human rights situation of Roma in Greece is available on the *ERRC*'s Internet website at: <http://lists.errc.org/publications/indices/greece.shtml>. (*ERRC, GHM, Macedonian Press Agency*)

◆ Greek Police Issue Anti-Romani Document

In mid-February 2004, Director D. Karras of the Police Directorate of Achaia issued a circular, on file at the *ERRC* and its partner *Greek Helsinki Monitor (GHM)* "Proposed measures for shop owners in view of the forthcoming carnival festivities", which, at Point 4, suggested, "not to exchange money with private citizens, especially Gypsies." According to the Greek national daily newspaper *Eleftherotypia* of February 19, 2004, Lieutenant-General Mr Fotis Bourantas, Police Director of Western Greece, ordered the withdrawal of the circular and the opening of a Sworn Administrative Inquiry (SAI), while stating that it had been writ-

ten "under the pressure of time and a heavy workload." The *GHM* wrote to Lieutenant-General Bourantas, expressing satisfaction with his decision, but noted that his statement may influence the outcome of the SAI. The *GHM* called for the suspension of Police Director Karras for the duration of the investigation and requested to be informed of the results of the investigation. (*ERRC, GHM*)

◆ United Nations Committee on Economic, Social and Cultural Rights Reviews Greece

Following a review of Greece during its 32nd Session, the United Nations Committee on Economic, Social and Cultural Rights issued, on May 14, 2004, its Concluding Observations regarding Greece's compliance with the International Covenant on Economic, Social and Cultural Rights. The Committee noted "the persistent discrimination against Roma people in the fields of housing, health and education." It also expressed concern at the "reported instances of police violence against Roma, sweeping arrests, and arbitrary raids of Roma settlements by the police." The Greek state was urged "to investigate reported instances of police violence against Roma and alleged arbitrary raids of Roma settlements, and to bring perpetrators to justice" and "to continue its efforts to train police officers on international human rights standards and to raise awareness of the dimensions of discrimination against Roma among local authorities."

The Committee extensively commented on the housing rights situation of Roma in Greece and particularly in the context of the 2004 Olympic games, noting that it was “gravely concerned about numerous reports on the extrajudicial demolition of dwellings and forced evictions of Roma from their settlements by municipal authorities, often under the pretext of construction projects for the 2004 Olympic Games, and frequently without payment of adequate compensation or provision of alternative housing.” In this respect, the Committee requested the State party to “provide in its second periodic report, detailed information on the number of Roma evicted from their homes, especially in the context of the 2004 Olympic Games, and on any measures taken to remedy illegal acts which may have occurred in that regard.” Further, the Committee urged Greek authorities “to take measures towards providing for all Roma, including itinerant and non-Greek Roma, adequate and affordable housing with legal security of tenure, access to safe drinking water, adequate sanitation, electricity and other essential services, and meeting their specific cultural needs.”

Regarding the right to healthcare, the Committee regretted the fact that it did not receive “adequate information from the State party on the frequency of

deployment of, or the number of persons serviced by, the mobile health units servicing itinerant Roma or the mobile mental health units providing basic psychological services to persons living in remote areas.” The Committee requested the State party to provide in its next report adequate information on the matter.

Regarding the right to education, the Committee stressed that it was “concerned that a high percentage of Roma and Turkish-speaking children are not enrolled in school, or drop out at a very early stage of their schooling.” Further the Committee noted that, “[...] members of other [than Turkish] linguistic groups have no possibility to learn their mother tongue at school.” The Committee urged the Greek state “to take effective measures to increase school attendance by Roma and Turkish speaking children, including at the secondary level, to ensure, to the extent possible, that children belonging to minority linguistic groups have an opportunity to learn their mother tongue, including regional dialects, at school, and to ensure an adequate staffing with teachers specialized in multicultural education.”

The Committee urged the Greek state “to reconsider its position with regard to the recognition of other ethnic, religious or linguistic minorities which may exist within its territory, in accordance with

recognized international standards, and invites it to ratify the Council of Europe Framework Convention for the Protection of National Minorities (1995).”

Finally, the Committee noted with concern that “economic, social and cultural rights which are normally also guaranteed to non-citizens, such as the right to non-discrimination or the right to free education, are reserved to Greek citizens under the State party’s Constitution.”

In the run-up to the Committee’s review of Greece, on April 14, 2004, the *ERRC* submitted a comprehensive report on the human rights situation of Roma in Greece, published by the *ERRC* and the *Greek Helsinki Monitor (GHM)* in April 2003, highlighting the major obstacles and discrimination facing Roma in Greece in their access to fundamental socio-economic rights. The full text of the *ERRC/GHM* report is available at: <http://lists.errc.org/publications/reports/>. The *GHM* additionally submitted a letter of concern regarding particularly precarious human rights situation of disabled Roma. Further information on this is available at: http://www.greekhelsinki.gr/bhr/english/special_issues/cescr.html. The full text of the Committee’s Concluding Observations is available at: <http://www.ohchr.org/tbru/cescr/Greece.pdf>. (*ERRC, GHM*)

HUNGARY

◆ **Discrimination against Roma in Access to Public Accommodation in Hungary**

On May 19, 2004, the online news source *Transitions Online (TOL)* reported that a Debrecen-based hotel, *Centrum Panzio*, three times refused to let rooms to Roma. In the first incident, the owner of the *Centrum Panzio* reportedly informed an employee of the Romaweb Internet website, operated by the Hungarian Equal Opportunities Ministry's Roma Integration Directorate, trying to rent rooms for a training, that the hotel "cannot put Gypsies up." After this, Romaweb reportedly enlisted the assistance of the Budapest-based *Legal Defence Bureau for National and Ethnic Minorities (NEKI)*, who set up a "test" to see if in fact the hotel had a policy of discriminating against Roma.

On the morning of April 9, 2004, Mr Istvan V., a Romani man, and his partner arrived at the hotel and were not even permitted to enter. After ringing the bell, the owner informed the Romani couple that the hotel was full and he was too busy to deal with them. The couple then reportedly stated that they wanted to reserve rooms for a training being organised by the Roma Minority Self-Government. The owner again refused but told them to come back in half an hour. The couple returned later and the owner again told them that there were no vacancies and recommended other hotel. He also informed them, without checking the guestbook, when they tried to reserve rooms for the second half of May for the training that there were no availabilities until September.

Just after the Romani couple left the hotel for the second time, a pair of non-Romani testers entered the hotel. The owner reportedly offered the non-Roma a range of accommodation and they booked two rooms. After checking in, the non-Romani testers were offered chocolates. The next morning, the non-Romani testers told the owner that they were looking for a training venue. As the owner prepared their bill, they identified *NEKI* as the client, without stating what *NEKI* stood for, though the owner asked. According to *Transitions Online*, the owner checked the reservation book and found that the hotel was partially reserved for some of the days for which the Romani testers had tried to make reservations, though the reservations were to be confirmed or cancelled on April 20, 2004. The non-Romani testers agreed to call back and were told they would be welcome if any rooms opened up. One of the non-Romani testers called back on April 19 and found that the rooms would be available, though the owner asked whether Romani guests would be coming.

At the beginning of May 2004, *NEKI* filed a complaint of discrimination against the *Centrum Panzio* with the Debrecen Notary and the General Inspectorate for Consumer Protection, arguing that the hotel owner violated the Law on National and Ethnic Minority Rights, the Law on Guaranteeing Equal Opportunities, as well as the right to personal protection. In July 2004, the Debrecen City Court imposed a fine of HUF 50,000 (approximately 200 Euro) to the owner of the *Centrum Panzio* in Debrecen for refusing service to Roma. In addition, the Hungarian Consumer Protec-

tion Inspection Board fined the hotel HUF 100,000 (approximately 400 Euro). Additional information on the human rights situation of Roma in Hungary is available on the *ERRC's* website at: <http://lists.errc.org/publications/indices/hungary.shtml>. (*Transitions Online, RSK*)

◆ **Hungarian Court Punishes Employment Discrimination**

On May 10, 2004, the Pest Central District Court found that Teremekmix Ltd., a private company, had discriminated against Mr Jozsef Rádics, a Romani man, on racial grounds. In 1999, Teremekmix Ltd. refused to employ Mr Rádics as a leaflet distributor, stating that the position had been filled three weeks after his application was registered. The Budapest-based *Legal Defence Bureau for National and Ethnic Minorities (NEKI)* provided legal assistance in the case with financial support from the *ERRC*. Teremekmix Ltd. had reportedly argued it had a "discretionary right" in choosing whom it wanted to hire. Teremekmix Ltd. decided not to appeal. (*ERRC*)

◆ **Hungarian Police Hold Romani Boy in Custody Arbitrarily**

According to a *Roma Press Center (RSK)* press release of April 9, 2004, Ózd police detained L.E., a 15-year-old Romani boy from Putnok, on March 31, 2004, and questioned him without the presence of either his parents or legal representation, then held him in custody on suspicion of theft. L.E. was detained on the basis of witness statements.

A 13-year-old boy had reportedly accused L.E. of stealing 400 Hungarian forints (approximately 2 Euro), but on April 1, 2004, retracted his accusation, stating that he had

in fact spent the money himself. However, on June 21, 2004, the *RSK* informed the *ERRC* that L.E. was being held in pre-trial detention until April 27, 2004, because, accord-

ing to Borsod-Abaúj-Zemplén County Police Spokesperson Mr György Martossy, the “offended child’s confession hadn’t yet been filed.” (*ERRC, RSK*)

ITALY

◆ Italian Authorities Continue To Forcibly Evict Roma Rendering Some Homeless

According to the Bergamo-based newspaper *L’eco di Bergamo*, on April 22, 2004, approximately 30 *carabinieri* (military police) evicted one hundred and fifty-two Roma living in twenty-three camper vans from a parking lot on Via Rampino, which they occupied on April 18, in the northern Italian town of Covo. The newspaper reported that following complaints by local residents, on April 21, the Mayor notified the Romani group that they had to leave. The *carabinieri* arrived at the parking lot at around noon on April 22 and just after 1:00 PM, the Roma left the parking lot in a convoy headed in the direction of Bergamo, escorted by *carabinieri*.

Earlier, on April 15, 2004, a group of about ninety Romanian Roma, seventy of whom had applied for asylum and about twenty of whom had not, were evicted from the shacks they had been living in by the river in the northern Italian city of Turin, according to Ms Carlotta Saletti Salza, an activist working with Roma in Turin. According to Ms Saletti Salza, police destroyed the shacks in which the Roma had been living, along with all of their personal possessions. Twenty Roma without any legal papers to be in Italy were

expelled following the eviction. One Romani woman was reportedly “invited” to go back to Romania because she had not legalised her stay in Italy. She did not go, but, according to Ms Saletti Salza, the authorities took away her child. The seventy Roma who had applied for asylum occupied Turin’s Immigration Office for two days following the eviction. At this time, a number of vans arrived to move them to an empty school, where they were to live temporarily. Twenty-four of the Roma concerned, afraid to get in the vans, left the office and the remaining thirty-six people were moved to the school. After they arrived at the school, local residents protested in front of the school, so the group was moved to a temporary camp with only three large tents in a field. Ms Saletti Salza stated that the Roma who fled the Immigration Office have since requested to be housed at the camp, but the Immigration Office refused. Mr Alfredo Ingino, Coordinator of Nomad Camps for the Municipality of Turin, informed the *ERRC* that the group, which included a number of children, had returned to the river and rebuilt their shacks. Immigration officials reportedly now visit the camp twice per day in an attempt to control the number of people living in the camp and have announced that if the camp grows at all, they will close it. The Roma have also been told that they will not likely receive asylum, ac-

ording to Ms Saletti Salza. On April 27, 2004, the *ERRC* visited the camp, which had only three portable toilets and one small water container that was reportedly filled only once per week. There was no electricity or other source of water available. None of the Romani residents were present.

In another case, at 9:30 AM on April 1, 2004, approximately seven hundred police officers, *carabinieri*, traffic police, fire fighters and military officers evicted more than two hundred Romanian Roma from the building they had occupied at Via Adda 14 in Milan for two years, according to the Italian national newspaper *La Repubblica*, as reprinted in the Romanian national newspaper *Evenimentul Zilei* on April 13, 2004. Around three hundred and fifty Romanian Roma “caught” in the area had reportedly been expelled to Romania in the weeks leading up to the eviction. Mr Ernesto Rossi, an activist working on Romani issues in Milan, informed the *ERRC* that one hundred and eighty-five Roma from Via Adda without legal permits to be in Italy were expelled to Romania following the eviction on a charter flight. Municipal authorities moved between sixty and seventy Roma with permits of stay to a newly constructed camp on Via Barzaghi.

On April 26, 2004, Mr Adriano Tanasie, one of the Roma evicted

from Via Adda, testified to the *ERRC* that the group was not given formal notice of the eviction prior to its execution; they had learned of it on television in the days leading up to the eviction. To Mr Tanasie's knowledge, the authorities did not present a warrant at the time of the eviction. The authorities reportedly told the Romani inhabitants of Via Adda that if they were quiet and did not protest, nothing would happen to them. Mr Tanasie testified that everyone was brought to the police station where their documents were checked. Those with legal documents to be in Italy were released at around noon of the same day and moved to the new camp on Via Barzaghi. The evicted Roma were not permitted to take their possessions. Appliances were reportedly placed in storage, but Mr Tanasie told the *ERRC* that he went back to Via Adda several days later and saw workers collecting the group's belongings as if it were garbage. At the time of the *ERRC* visit, the Roma were living in twelve containers and three tents in Camp Via Barzaghi, surrounded by a cement wall approximately 10 feet tall topped with barbed wire, under the 24-hour surveillance of two armed police officers in civilian clothing. Mr Tanasie stated that the officers did not allow anyone aside from the inhabitants to enter the area, not even family members living on the outside of the wall. Indeed, the *ERRC* conducted interviews on the street because it was not permitted to enter the camp. Mr Tanasie also stated that the officers checked their bags every time they entered the camp. The camp was equipped with six portable toilets and one water tap. There was no electric-

ity, the showers in the containers were not connected to the water supply and there was no heating. There were also no cooking facilities; the Roma were forced to cook outside on fires. The Roma complained to the *ERRC* that the municipality had not given them any information as to how long they would stay at Camp Via Barzaghi or whether they would move. A number of people were reportedly having difficulties renewing their permits of stay as Camp Via Barzaghi did not have a recognised municipal address. Further, the permit of at least one resident, Mr M. B., had been renewed but the authorities refused to give it to him as he no longer lived on Via Adda, the address for which the permit was issued. The refusal to issue permits by authorities was reportedly making very difficult gaining and keeping regular employment. The *ERRC* was also informed that many families were separated during the expulsions that took place; for example Mr Lucian Tanasie told the *ERRC* that his common-law wife Cristiana Porcescu and their 5-year-old daughter were expelled to Romania following the eviction.

A number of families in which not all members had legal permits to be in Italy who left Via Adda on March 31 to avoid the eviction were effectively made homeless by the eviction. Mr V.R., an approximately 35-year-old Romani man with a permit of stay, testified that his family left its Via Adda home on March 31 because his wife and child did not have legal permits to be in the country and they feared being expelled. Mr V.R. stated that when he heard that persons from Via Adda with permits of stay were being housed at Camp Via

Barzaghi just after the eviction, he asked the Civil Protection Office that his family be housed in the new camp but was refused because they were not present at the time of the eviction. Mr V.R., his wife and baby were living in a 2-person pop-up tent outside the wall of the new camp. The area is without services, full of rubbish and, according to Mr V.R., infested with rats.

On June 18, the *ERRC* lodged a collective complaint against Italy under the Revised European Social Charter, alleging systematic violations of the right to adequate housing. The full text of the complaint is available at: <http://www.errc.org/cikk.php?cikk=1917>. (*ERRC, L'eco di Bergamo*)

◆ Italian Law Enforcement Officials Abuse Romani Beggars

According to his testimony published on the Internet listserv *Conares* on May 18, 2004, D.E., a 16-year-old Romanian Romani male from Camp Profughi di Via Girelli in Brescia, was picked up by police on May 10, 2004. D.E. stated that two police officers, one male and one female, grabbed him by the arms and forced him into their vehicle number 55 without saying anything, and drove approximately 15 kilometres out of Brescia to a deserted area at the top of a mountain. According to D.E., the officers swore at him, then forced him out of the car. D.E. stated that the male officer ripped his pants while trying to pull them off of him, while the female officer watched and laughed. They then left him there to walk home.

Similarly, during an *ERRC* field mission to Italy, at Camp

Boscomantico on the periphery of Verona, Mr B.N., a Romanian Romani man testified to the *ERRC* on April 29, 2004, that his 5-month pregnant wife, Ms S.B., had several days earlier been dragged by two police officers into their vehicle after having been caught begging in the city centre. According to Mr B.N., instead of taking his wife to the police station as she requested, the officers drove 15 kilometres out of Verona in the direction opposite the camp and left Ms S.B. on the side of the road. Romani residents of the camp also informed the *ERRC* that during the previous week, A.M., a 14-year-old Romanian Romani girl, had similarly been picked up by police while begging in Verona. The officers

drove A.M. several kilometres out of Verona in the direction opposite the camp to a deserted area and took her shoes from her. The officers then reportedly left A.M. to walk home barefoot.

Mr Lorenzo Monasta and Ms Francesca Bragaja, activists from the association *Cesar K*, working with the Romani and Sinti community in Verona, reported to the *ERRC* that such instances were common in Verona and elsewhere in the country. In many cases, police also reportedly take from Roma money they have collected while begging.

On June 1, 2004, the *ERRC* sent a letter of concern to Mr Giuseppe Pisanu, Italy's Minister of Interior,

expressing concern about reports of Romani beggars being harassed and subjected to abuse by law enforcement officials in Italy. The *ERRC* reminded Minister Pisanu that such actions may rise to the level of cruel, inhuman and degrading treatment, and requested that a general investigation into the allegations be opened immediately and that any and all persons responsible be brought swiftly to justice. The *ERRC* also requested that a general order condemning such behaviour, and outlining proper procedures and potential punishments in such cases be issued to all law enforcement agencies in Italy. As of the date this edition went to press, there had been no response to the letter. (*ERRC*)

KOSOVO

◆ **Kosovo Police Officers Beat Romani Man**

On the night of May 14, 2004, Kosovo police officers beat Mr Irfan Kurtesi, a Romani man living in a mixed Serb-Romani neighbourhood, in the eastern Kosovar town of Kosovska Kamenica, according to the Belgrade radio station *B92* of May 14, 2004. *B92* reported that the attack was unprovoked. Further information on the human rights situation of Roma, Ashkaelia and Egyptians in Kosovo is available on the *ERRC*'s Internet website at: <http://lists.errc.org/>

[publications/indices/kosovo.shtml](#). (*B92*)

◆ **Kosovo Ombudsperson Urges against the Return of Roma, Ashkaelia and Egyptians to the Province**

On May 18, 2004, Mr Marek Antoni Nowicki, the Ombudsperson in Kosovo, sent a letter of concern to government authorities in Belgium, Denmark, Germany, Netherlands, Norway and Sweden, strongly advising against the return of Roma, Ashkaelia and Egyptian asylum seek-

ers to Kosovo. Mr Nowicki sent the letter after having received information that the aforementioned countries intend to return a sizable number of Romani, Ashkaeli and Egyptian asylum seekers to Kosovo. In his letter, Mr Nowicki stressed that Roma, Ashkaelia and Egyptians continue to face "considerable risks to their personal safety" in Kosovo, particularly after the pogroms of March 17-20, 2004, and stressed that the return of Romani, Ashkaeli and Egyptian asylum seekers would violate international human rights standards. (*ERRC*)

MACEDONIA

◆ Police Abuse Romani Youth in Macedonia

On April 14, 2004, Dehran Rusicovski, a 15-year-old Romani boy, was physically attacked by a police officer near the Sredorek Romani settlement in the eastern Macedonian city of Kumanovo, according to the Kumanovo-based Romani organisation *Roma Com-*

munity Center Drom (DROM). *DROM* informed the *ERRC* that at around 11:45 PM on the date in question, Dehran Rusicovski was near the Sredorek Romani settlement with his sister Djulten when a police officer saw them and immediately began to brutally beat Dehran. The officer reportedly beat Dehran until he lost consciousness. After a short while, the

officer brought Dehran to the police station where he continued to beat him while verbally abusing him. According to *DROM*, Dehran was only released from police custody when his father arrived at the police station. Further information on the situation of Roma in Macedonia is available at: <http://lists.errc.org/publications/indices/macedonia.shtml>. (*DROM*)

ROMANIA

◆ Romanian Roma Intimidated After Seeking Justice for Rights Violations

In the northern Romanian village of Frata, Police Officer Dorel Muresan has reportedly begun harassing eleven Romani women and their families who, in July 2003, filed discrimination complaints with the National Council for Combating Discrimination (NCCD) and the Turda County First Instance Court Prosecutor's Office, with legal representation by the *ERRC* and local lawyer Ms Livia Labo. The women filed the complaints after having been refused access to the birth allowances by Ms L.S., an employee of the Frata Mayor's Office on the basis they were not legally married (background information is available at: http://www.errc.org/rr_nr3_2003/snap34.shtml). According to Ms Labo, Mr Muresan, who is Ms L.S.'s cousin, has been harassing the women and their families to withdraw their complaints, by threatening to investigate family members for various crimes. Indeed, on April 5, 2004, 25-year-old Mr Razvan Laco, brother of Ms Victoria Negrea, one of the plaintiffs, was taken to the

Frata Police Station for questioning in connection with the theft of an iron fence from Mr Dorel Somblea, another cousin of Ms L.S. Ms Labo also reported that the investigating prosecutor, Mr Otel of the Turda Prosecutor's Office, intimidated the women during interviews, speaking about alleged and proven crimes committed by members of their families. Three of the women withdrew their complaints as a result of the actions of Mr Muresan and Mr Otel.

As of June 2, 2004, the NCCD had not issued a formal decision, but the prosecutor had issued a non-indictment decision, which the *ERRC* and Ms Labo intended to appeal. For additional information on the human rights situation of Roma in Romania, visit the *ERRC*'s Internet website at: <http://lists.errc.org/publications/indices/romania.shtml>. (*ERRC*)

◆ Romanian Government Issues Notification on Desegregation in Education

On April 20, 2004, the Romanian Ministry of Education and Re-

search issued a Notification, signed by Romanian Secretary of State Ms Ioana Irinel Chiran, in which it proposed to ensure equality of access to and quality of education for all children, particularly Romani children, irrespective of ethnic origin or mother tongue. According to an unofficial translation of the Notification, because of reports of segregation of Romani children in education and in order to comply with the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Rights of the Child and the UNESCO Convention on Discrimination in Education, the Ministry "bans the formation of groups in [...] education [...], comprising exclusively or preponderantly Romani pupils." The Ministry went further to state "Segregation is an egregious form of discrimination [...] Segregation has as a direct consequence the unequal access of children to quality education. Separation in kindergartens and schools leads invariably to an inferior quality of education than that offered in groups, classes and schools with other ethnic major-

ity populations. Maintaining separation in education based on ethnicity has negative effects for both Romani and Romania society in general.”

The Ministry ordered School Inspectorates to take all measures to promote the principles of integrated schooling and to undertake an analysis of all schools in which Romani pupils form a disproportionately high percentage of the school’s population and initiate plans aimed at ending segregation. A deadline of May 28, 2004, was set by which County School Inspectorates were to submit a report to the Ministry regarding the extent of segregation in schools within its territories and outlining its plan of action to eradicate segregation. (*ERRC*)

◆ Legal Action in Romanian School Segregation Case

On June 4, 2004, three Romani parents, represented by the *ERRC* and the Romanian non-governmental organisations *Romani CRISS* and *Fundatia Umanitara Hochin*, filed a complaint with the National Council for Combating Discrimination (NCCD) against the Ion Creanga primary school in the northeastern Romanian town of Târgu Frumos. The complaint was filed following visits to the school by

the *ERRC* and *Fundatia Umanitara Hochin*, which revealed the existence of a segregated class for Romani pupils.

Class 5E is comprised of thirty-three children, only two of whom are non-Roma. On February 6, 2004, Ms Niculina Mihei, deputy principal of the school, informed the *ERRC* that the class had been formed at Târgu Frumos School No. 3 in the nearby Romani neighbourhood where the students attended class until grade 4. Ms Mihei stated that the purpose of the class was to maintain the group formed at School No. 3. However, in December 2003, Ms Dobrita Vladeanu informed *ERRC* consultant Ms Margareta Hochin of the *Fundatia Umanitara Hochin* that the class existed because it is hard for Romani children to adjust to classes with Romanian children. The Romani pupils of Class 5E were separated from their Romanian counterparts without any form of testing on which to base this assessment. A number of the parents with whom the *ERRC* spoke expressed dissatisfaction with the level of education their children were receiving and with the discriminatory manner in which teachers treated their children. In fact, many had reportedly requested, unsuccessfully, to transfer their children out of the class. Ms Hochin stated that during her visits to the class, teach-

ers called the Romani children “filthy Gypsies” and “handicapped”. The physical conditions of the class do not provide an adequate learning environment and the children are not afforded access to extra-curricular activities. Indeed, a number of children in the class are illiterate. In February 2004, Ms Vladeanu informed Ms Hochin that she planned to discuss the possibility of starting 5th to 8th grade classes at School No. 3 because she did “not want Romani children to come to her school anymore.”

The *ERRC* also documented the existence of segregated classes at School No.31 in the Palas Romani neighbourhood of the eastern Romanian city of Constanta, on the coast of the Black Sea. At the school, Romani and non-Romani students attend classes composed almost entirely of students of their own ethnicity. During its visit, the *ERRC* documented the ethnic composition of several classes. Three Romani and fifteen non-Romani pupils attended Class II A, while sixteen Romani and two Romanian students attended Class II B. The situation was similar in the fourth class. One of the teachers at the school informed the *ERRC* that the school’s principal ordered the separation of students to create a learning environment “in which Romanian students would not be disturbed by Romani pupils.” (*ERRC*)

RUSSIA

◆ Romani Family Members Suffer Extreme Harm Following Threats by Extortionists in Russia

On April 10, 2004, Mr Vladimir Sharkozi of the “International Cultural Autonomy “Congress”” testified to the *ERRC* that Mr Nikolay Orlov, a 50-year-old Romani man, had been killed and his family members have suffered extreme harm after having been repeatedly threatened by Russian racketeering groups engaging in extortion under the pretext of offering security services to businesses in Aleksandrov, Moscow County. Since September 2002, Mr Orlov and his family, who are involved in parking services and wholesale timber trading, have repeated been threatened by Russian racketeers because they have refused to pay. The racketeers have reportedly made such statements as “all Russian people pay to us and only you, Gypsy people, don’t pay while, in fact, you should pay double since you are Gypsies.” During the period of January 25-January 29, 2003, unknown persons set several fires in the timber store owned by Mr Orlov’s firm. A criminal investigation has reportedly been opened but police had not identified the perpetrators as of June 8, 2004.

According to family members, on February 11, 2003, a group of about ten people entered one of the parking lots owned by Mr Orlov and beat his sons, Mr Leonid Orlov and Mr Yanosh Orlov, and a friend of theirs with baseball bats and iron sticks.

Yanosh Orlov sustained a broken nose and was left seriously

wounded, covered in blood. Leonid Orlov was also severely beaten, as was their friend. Believing his brother and his friend were dead, lying motionless and covered in blood, Leonid Orlov retrieved his legally owned gun and shot at the attackers. His bullet hit and killed Mr Oleg Bolshakov, one of the racketeers. Leonid Orlov was charged with murder committed in a state of affect, in accordance with Article 107 of the Criminal Code of the Russian Federation. Mr Vasiliy Bolshakov, leader of the racketeer group and father of the victim, was reportedly seen and heard by many people during his son’s funeral pledging to kill the entire Orlov family in revenge.

On May 1, 2003, unknown persons shot Leonid Orlov in the yard of his home. Police reportedly opened a criminal investigation against unknown perpetrators for attempted murder. During a telephone interview on April 12, 2004, Leonid Orlov informed the *ERRC* that on several occasions early in 2004, unknown persons urged him to retract his testimony against the racketeers, threatening that his charge would be changed to one carrying a heavier punishment if he did not do so, during several telephone conversations. Leonid Orlov refused to retract his testimony and as of the end of January 2004, the charge against him had been changed to premeditated murder in accordance with Article 105 of the Russian Criminal Code.

Family members also informed the *ERRC* that on March 17, 2004, Mr Nikolay Orlov was shot dead

in broad daylight in the central city square of Aleksandrov, in front of the police station as he was walking out of the court building. The attacker approached Mr Orlov, produced seven shots from close range using a handgun with a silencer, and ran away. A police investigation against an unknown perpetrator was reportedly open as of June 22, 2004.

Leonid Orlov and other members of his family have repeatedly asked the relevant authorities to ensure protection of the family. However the family has received no help to date. As of June 8, 2004, Leonid Orlov’s children and those of his brother had stopped attending school out of fear of abduction. On June 18, 2004, the *ERRC*, in partnership with local lawyer Eugeniy Yuriev, took over legal representation for Leonid Orlov and the Orlov family. Further information on the human rights situation of Roma in Russia is available on the *ERRC*’s Internet website at: <http://lists.errc.org/publications/indices/russia.shtml>. (*ERRC*)

◆ Police Attack Roma in Saint Petersburg

On May 20, 2004, in an action named “Operation Tabor”, police raids targeting Romani communities commenced in the northwestern Russian city of Saint Petersburg, according to *ERRC* and *Northwest Center for the Social and Legal Defense of Roma*. According to the Centre, on May 21, uniformed officers entered the Obukhovo district. The police officers reportedly or-

dered Romani residents to leave the area then shot at them while chasing them out of the district. The officers also burnt to the ground two makeshift homes in which pregnant Romani women and Romani children were living. Several days later, on the morning of May 26, the same police officers stopped Romani women and children in the vicinity of Obukhovo district and threatened

to expel them from the district and burn down their homes. According to statements by the victims, the officers were from Saint Petersburg's Militia Department No. 29. During a broadcast of the evening news on May 20, 2004, the television station *NTV Saint-Petersburg* reported that "Operation Tabor" targets Roma directly and aims at "ensuring security of tourists" by protecting them from

possible robberies by "marginal elements".

On May 27, 2004, the *ERRC* sent a letter of concern to Governor Valentina Matvienko of Saint Petersburg, urging to end such abusive operations. As of June 8, 2004, there had been no response. (*ERRC, Northwest Center for the Social and Legal Defense of Roma*)

SERBIA AND MONTENEGRO

◆ Serbian Newspaper Publishes "Joke" about Killing Roma

In its December 27–28, 2003 weekend edition, the Serbian daily newspaper *Kurir* printed in its "Joke of the Day" column a text suggesting that killing Roma is a legitimate recreational activity. The use of words such as "Gypsy", "hunting", and "killing" clearly constitutes incitement to racial hatred and discrimination as well as racially motivated violence targeting Roma. The text also describes Roma as people who scavenge food from garbage containers, thus holding them up to derision and belittling the serious social and existential problems faced by this minority in Serbia and throughout Europe.

By publishing the text at issue, *Kurir* acted in violation the Serbian Constitution, the Constitutional Charter of Serbia and Montenegro, the country's Charter on Human and Minority Rights and Civil Liberties and numerous binding international instruments containing a ban on hate speech and incitement to discrimination and racially motivated violence. On March 22, 2004, the *ERRC*, to-

gether with the Belgrade-based non-governmental organisations *Humanitarian Law Centre (HLC)* and *Minorities Rights Centre (MRC)* filed a direct joint civil action against *Kurir* with a court in Belgrade. In their lawsuit, the *ERRC*, *HLC*, *MRC* and Mr Petar Antic, the Romani head of the *MRC*, requested that the court find that the text constitutes hate speech and issue a ban on the paper publishing this or any other text that incites to discrimination, hatred or violence against Roma. They also asked that *Kurir* be ordered to print without comment the court's judgment in its entirety and pay financial compensation to Mr Antic for the mental distress suffered as a consequence of the violation of his personal dignity. Since the racist "joke" is currently still on the paper's Internet website, the *ERRC*, *HLC*, and *MRC* also asked the court to issue a mandatory injunction for its immediate removal. Additional information on the human rights situation of Roma in Serbia and Montenegro is available on the *ERRC*'s Internet website at: http://lists.errc.org/publications/indices/serbia_and_montenegro.shtml. (*ERRC, HLC, MRC*)

◆ Serbian Teacher Verbally Assaults Romani Girl

According to her testimony to the *ERRC*, working in partnership with the Belgrade-based non-governmental organisation *Minority Rights Center (MRC)*, Radmila Daniloviæ a 10-year-old Romani girl from the southern Serbian city of Niš was verbally assaulted by her teacher in March 2004. Ms Sne•ana Goluboviæ Radmila's teacher, reportedly stated, "You Gypsies don't earn anything and don't know anything", when Radmila failed to solve a mathematical equation along with the rest of her class. Radmila told the *ERRC/MRC* that she was considering not going to school anymore because Ms Goluboviæ has verbally assaulted her in similar manners on numerous occasions. (*ERRC, MRC*)

◆ Anti-Discrimination Legal Action in Serbia and Montenegro

On March 30, 2004, the *ERRC*, together with the Belgrade-based organisations *Humanitarian Law Center (HLC)* and *Minority*

Rights Center (MRC), filed a legal case with the Municipal Court in northern Serbian town of Bačka Palanka against Mr Zeljko Kaludjeroviæ for racial discrimination on behalf of Ms Danica Jovanoviæ and Ms Jelena Jovanoviæ, both Romani women. Following a Romani women's rights seminar in the town of Feketic on June 13, 2003, Ms D. Jovanoviæ and Ms J. Jovanoviæ went to a cafe owned by Mr Kaludjeroviæ's wife with some of the other participants. The women sat around two free tables where they drank drinks they paid for. After a short while, Mr Kaludjeroviæ went to the women and demanded that they all leave immediately. When Ms D. Jovanoviæ asked if they could have the drinks they had already paid for or have their money returned, Mr Kaludjeroviæ said, "No! Get out! What money? Get out, Gypsies!" In their complaint, the *ERRC*, *HLC* and *MRC* asked the court to order Mr Kaludjeroviæ to place a public apology in the daily newspaper *Dnevnik*, pay them compensation for the violation of their human dignity and other rights guaranteed by the Serbian Constitution, the Constitutional Charter of Serbia and Montenegro, and ratified international conventions, and to cease all racial or ethnic discrimination against guests of his wife's cafe. (*ERRC*, *HLC*, *MRC*)

◆ Agreement Reached After Court Confirmed Romani Refugees Must Vacate Camp in Serbia and Montenegro

According to an April 13, 2004 press release of the Podgorica office of the non-governmental organisation *Humanitarian Law*

Center (HLC), on March 10, 2004, the High Court in Bijelo Polje, Montenegro, confirmed an earlier ruling of the Berane Municipal Court that Mr Rajko Markoviæ be permitted to evict from his property approximately two hundred Kosovo "Egyptian" refugees. The term Egyptian refers to an Albanian-speaking minority in Kosovo viewed as "Gypsies" by outsiders, but who claim to have originated from Egypt. The camp, known as the Riverside-Talum Camp, has been home to the displaced Egyptians since 2000, when Mr Markoviæ signed a lease agreement valid until May 2003. According to the *HLC*, in February 2002, Mr Markoviæ signed a second agreement which allows the Egyptian refugees to remain in the camp until May 2005 for a monthly rent of 25 Euro per household, which the non-governmental organisation *Caritas* agreed to pay (background information is available at: http://lists.errc.org/rr_nr3_2003/snap40.shtml). However, in May 2003, Mr Markoviæ sought an eviction order from the Berane Municipal Court. The *HLC* reported that both the Berane Municipal Court and the High Court based their decisions on the first contract.

On April 13, 2004, the *HLC* sent a letter of Mr Milo Ðukanoviæ, Prime Minister of Montenegro, requesting that he stop the eviction of the approximately two hundred displaced Kosovo Egyptians from the Riverside-Talum camp in Berane until alternative housing is found, as they will be left homeless otherwise. As of June 21, 2004, the *HLC* informed the *ERRC* that following pressure to act by numerous non-governmental body organisations, the Ministry for Refugees had reached an agreement with Mr Markoviæ whereby

the refugees can remain on the site until May 2005. (*HLC*)

◆ Romani Man Abused in the Criminal Justice System

On February 20, 2004, Mr Sandor Varga, a 28-year-old Romani man from the northern Serbian city of Novi Sad, was released from prison after having been held for about three and a half months for a suspected theft, according to his testimony to the *ERRC*, conducted in partnership with the Belgrade-based non-governmental organisation *Minority Rights Center (MRC)*. Mr Varga stated that on October 9, 2003, at around 9:30 AM, five police officers entered his home and ordered him to accompany them to the police station. Mr Varga, who was recovering from having been stabbed earlier in the month, went with the police thinking they wanted him to identify his attacker. At the police station, he was placed in a room and handcuffed and an officer carrying a baseball bat entered. The officer began to hit Mr Varga all over his body with the bat, while insulting his Romani ethnicity, demanding that he confess to having committed a robbery that had allegedly taken place the day before. A woman was reported to have identified Mr Varga as the thief. Eventually four more officers entered and each beat Mr Varga with truncheons. A judge sentenced Mr Varga to one month of pre-trial detention, followed by another one-month term, then a two-month term. During his time in prison, Mr Varga did not receive medical treatment, despite repeated requests and the fact that he was still recovering from his

stab wounds. Mr Varga was held until February 20, when the woman who claimed to have been robbed stated that the police had shown her a photograph of Mr Varga and

instructed her to testify that he was responsible for the theft. The charges against Mr Varga were then dropped and he was released from custody. As of June 2004, Mr

Varga had hired an attorney and filed a complaint against the police, asking for compensation for the damages he suffered in detention. (*B92, ERRC, MRC*)

SLOVAKIA

◆ Controversial Proposal Regarding Romani Education by the EU Commission's Ambassador to Slovakia

According to a press release of the Brussels-based *European Roma Information Office (ERIO)* dated May 13, 2004, in a May 1, 2004 interview with a Dutch television station, Mr Eric Van der Linden, the EU Commission's Ambassador to Slovakia, proposed taking Romani children away from their parents and placing them in boarding schools to ensure they are educated. Mr Van der Linden was quoted as having stated, "I think in the root of the cause we need to strengthen education and organise the educational system in a way that we may have to start to, I'll say it in quotation marks, "force" Romani children to stay in a kind of boarding school from Monday morning until Friday afternoon, where they will continuously be subjected to a system of values which are dominant in our society." Mr Van der Linden also reportedly suggested financial incentives to reduce resistance by Roma to his proposal.

Mr Van der Linden's comments sparked controversy and debate amongst Romani organisations throughout Europe. While many organisations come out opposed to

the idea, some, such as the informal Slovak Romani Parliament, support the idea as a possible measure to improve access to education of Romani children. *ERIO* initiated an online petition, calling for the resignation of Mr Van der Linden. However, according to the *BBC* of May 14, 2004, a spokesperson for the European Commission stated that the "unfortunate choice of words" by Mr. Van der Linden was regretful, but indicated that he would not be removed from office. In June 2004, *ERIO* sent a letter to Mr Romano Prodi, the president of the European Commission, expressing concern at the reaction of the Commission and again calling for Mr Van der Linden's removal, stating that his comments contradict the promotion and respect for Roma rights. For information on the alarming human rights situation of Roma in Slovakia, visit the *ERRC*'s Internet website at: <http://lists.errc.org/publications/indices/slovakia.shtml>. (*ERIO, ERRC*)

◆ Slovak Parliament Adopts Anti-Discrimination Law

On May 20, 2004, Slovak Parliament adopted the new Law on Equal Treatment and on Protection Against Discrimination, according to the Slovak

English-language newspaper *Slovak Spectator* of May 31, 2004. The law transposes the provisions of the Council of the European Union's Directive 2000/43 on "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin". From July 1, 2004, discrimination on the basis of race, ethnicity, sex, religion, health or sexual orientation, will be illegal. The new bill covers both direct and indirect discrimination and harassment, incitement to xenophobia and allows positive action with regard to disadvantaged racial or ethnic groups. The law also grants more power to the Slovak National Centre for Human Rights in implementing the anti-discrimination law. Ms Klara Orgovánová, the Slovak government's plenipotentiary for Romani issues, reportedly stated that the new law would improve the situation of Roma in the country.

Shortly after the law was passed, Slovak Justice Minister Mr Daniel Lipšic announced that he would bring a motion before the Constitutional Court against the law's "positive discrimination" clause, arguing that such measures "degrade the human dignity and strengthen stereotypes" about certain groups. (*ERRC, Slovak Spectator*)

SLOVENIA

◆ **Slovenes Reject Government Bill to Re-establish Residency of “The Erased”**

According to *Radio Free Europe/Radio Liberty (RFE/RL)* of April 5, 2004, in a referendum on April 4, Slovene citizens voted against a bill sponsored by the Slovene government to restore residency rights to individuals (predominantly ethnic minorities) “erased” when

Slovenia seceded from the Former Yugoslavia in 1992. According to *ERRC* research, many Roma, including some born in Slovenia and many who had lived there for years before succession, were left without any legal residence in the country after the erasure. Ninety-four percent of voters voted against the government bill to restore the legal residency status of affected persons. The negative result of the referendum affects approximately

18,000 non-Slovenes who, in 1992, were erased from the registry rolls. Earlier, on January 26, Slovenia’s Constitutional Court ruled that it lacked jurisdiction to decide on whether to restore the legal status of “erased persons”. Further information on the situation of the “erased” is available on the *ERRC*’s Internet website at: <http://lists.errc.org/publications/indices/slovenia.shtml>. (*ERRC, RFE/RL*)

UNITED KINGDOM

◆ **UK Anti-Discrimination Body Announces Crack Down on Anti-Gypsy Signs**

The Commission for Racial Equality (CRE) in Wales announced plans to eliminate within two years signs in shops and pubs stating “No Gypsies or Travellers”, according to the *BBC* of May 2, 2004. Such discriminatory signs have been illegal since the adoption of the 1965 Race Relations Act. Mr Chris Myant, director of the CRE in Wales, was quoted as having stated, “If you saw a sign banning black people from a shop there would be an outcry, yet signs banning travellers and Gypsies are still being used.” The *ERRC* welcomes the move, but notes that removing explicitly racially discriminatory signs is generally only a first step towards securing equal access to public places. For additional information on the human rights situation of Gypsies, Roma and Travellers in the UK, visit the *ERRC*’s Internet website at: <http://lists.errc.org/publications/indices/uk.shtml>. (*BBC*)

◆ **European MEPs Force British Tabloid to Clarify Anti-Romani Statements**

On April 16, 2004, *The Guardian* reported that members of the European Parliamentary Labour Party (Labour MEPs) demanded that the *Daily Express*, a British tabloid newspaper, clarify stories it ran regarding a “Gypsy Invasion” of the UK following the May 1, 2004, accession of ten Central and Eastern European countries. Detailed information about the racist campaign of the *Daily Express* is available at: <http://www.errc.org/cikk.php?cikk=1891>. Labour MEPs expressed outrage over the “obscene” coverage of the *Daily Express*. At the behest of the Labour MEPs, the *Daily Express* reportedly agreed to publish a clarification of a story it printed in March 2004, though it maintained it had not broken Press Complaints Commission rules. Labour MEP Mr Gary Titley stated that such hysterical media coverage “plays into the hands of the far

right” and is “just not true”. A number of Romani organisations, including the Brussels-based *European Roma Information Office* protested the racist campaign by the *Daily Express*. (*The Guardian*)

◆ **Travellers Face Forced Eviction and Protests against their Sites in UK**

On June 7, 2004, *The Guardian* reported that residents of the village of Cottenham in Cambridgeshire have threatened to erect a “Gypsy camp” outside Deputy Prime Minister John Prescott’s home and launch a website against him after he warned they faced imprisonment for failure to pay council taxes in protest against a growing nearby site for Travellers. In March 2004, around one thousand villagers threatened to stop paying council taxes if growth of the nearby Smithy Fen site was not stopped. On May 6, the *BBC* reported that as a result of the protests, the South Cambridgeshire District Council sought

a court injunction, which on the evening of May 5 was issued, banning the placement of additional caravans at Smithy Fen. Villagers reportedly protested the growth of the site, which has been in existence for around 40 years. Mr Terry Brownbill, a spokesperson for local residents, was quoted as having stated that they hoped the camp would be limited to twenty sites, which house four families each. Villagers expressed frustration that decisions of the local council refusing permission are overturned on appeal by higher authorities. Eighteen Travellers reportedly appealed refusals of permission to live on the site by the local council, claiming violations of their human rights. Ms Emma Nuttall of the Traveller organisation *Friends Families and Travellers* stated that the action of the Cottenham villagers was indicative of the level of discrimination faced by Travellers in the UK.

The protest has transformed into a nationwide campaign, with more than fifty communities expressing an interest in preventing Travellers from using human rights instruments to establish sites across the country, according to *The Guardian*. The Deputy Prime Minister's Office is currently conducting an internal review of the UK's accommodation policy for Travellers. A report is expected this summer.

Earlier, on April 15, the *BBC* reported that the Limavady Council in Northern Ireland had commenced legal action to remove three Traveller families who had stopped with caravans on the tourist parking lot over the Easter weekend. The families reportedly refused to move after being informed that nearby caravan sites were full. Councillor Leslie Cubitt was quoted by the *BBC* as having remarked that

Travellers should not be permitted to use the property without paying "like everyone else". He further stated, "No other caravans are allowed to park there – but they are and we can't move them. I wish they would travel – if they were Travelling people they wouldn't be parked here for five or six days." (*BBC, The Guardian*)

◆ **European Court Finds UK Violated Traveller's Right to Respect for Private Life**

On May 27, 2004, the European Court of Human Rights issued a judgement in the case *Connors v. The United Kingdom*, in which it found the UK government in violation of Article 8 (right to respect for private and family life) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, according to a press release of the Court's Registrar of the same day. The Court awarded the applicant 14,000 Euro in non-pecuniary damages and 21,643 Euro for costs and expenses.

Mr James Connors, a 49-year-old Gypsy/Traveller, lodged his complaint with the Court on January 21, 2001, after his family broke up following their eviction by local authorities from the Cottingley Springs site for Gypsy/Travellers in the city of Leeds in England in August 2000. From about 1985, Mr Connors and his family had lived in a caravan at the Cottingley Springs site. In February 1997, the family moved from the site to a rented house due to frequent disturbances at Cottingley Springs. Unable to adapt to living in a house, in October 1998, Mr Connors and his wife and four young children returned to Cottingley Springs after receiving

a licence to occupy a plot provided that they, their family and guests were not a "nuisance" to those living on the site or in its vicinity. On March 29, 1999, Mr Connors's daughter Margaret was granted a licence to occupy the adjacent plot, where she lived with Michael Maloney. On January 31, 2000, local authorities served a notice to quit on Mr Connors's family, requiring them to vacate both plots on the ground that Michael Maloney and the applicant's children, including his adult sons who visited frequently, caused "considerable nuisance" and misbehaved. Mr Connors appealed the decision, but on March 20, 2000, the local council issued proceedings for summary possession of the sites.

Early on August 1, 2000, the local council forcibly evicted the family. Their caravan was held until late in the afternoon, while their possessions were only returned on August 3 when they were dumped on the side of the road near their caravan. Mr Connors's wife and son suffered asthma and kidney problems, respectively, at the time, and another son was enrolled in full-time studies at a nearby primary school. Mr Connors claimed that the authorities did not give the family any assistance in finding an alternative site at which to settle aside from an offer for a location on the east coast of England, though they had lived in Leeds for several decades. Mr Connors put forth that following the eviction, the family was forced to move from place to place, the stress of which contributed to his wife's decision to leave him. Mr Connors's son did not return to school following the eviction.

In its decision, the Court found that "[...] there was a positive ob-

ligation on the United Kingdom to facilitate the gypsy way of life. [...] The family was, in effect, rendered homeless, with the adverse consequences on security and well-being which that entailed. [...] The power to evict, without the burden of giving reasons liable to be ex-

amined as to their merits by an independent tribunal, had not been convincingly shown to respond to any specific goal or to provide any specific benefit to members of the gypsy community. It would rather appear that the situation in England as it had developed, for which the

authorities had to take some responsibility, placed considerable obstacles in the way of gypsies pursuing an actively nomadic lifestyle while at the same time excluding from procedural protection those who decided to take up a more settled lifestyle.” (ERRC)

UKRAINE

◆ Ukrainian Authorities Threaten Romani Activist Defending Roma Rights

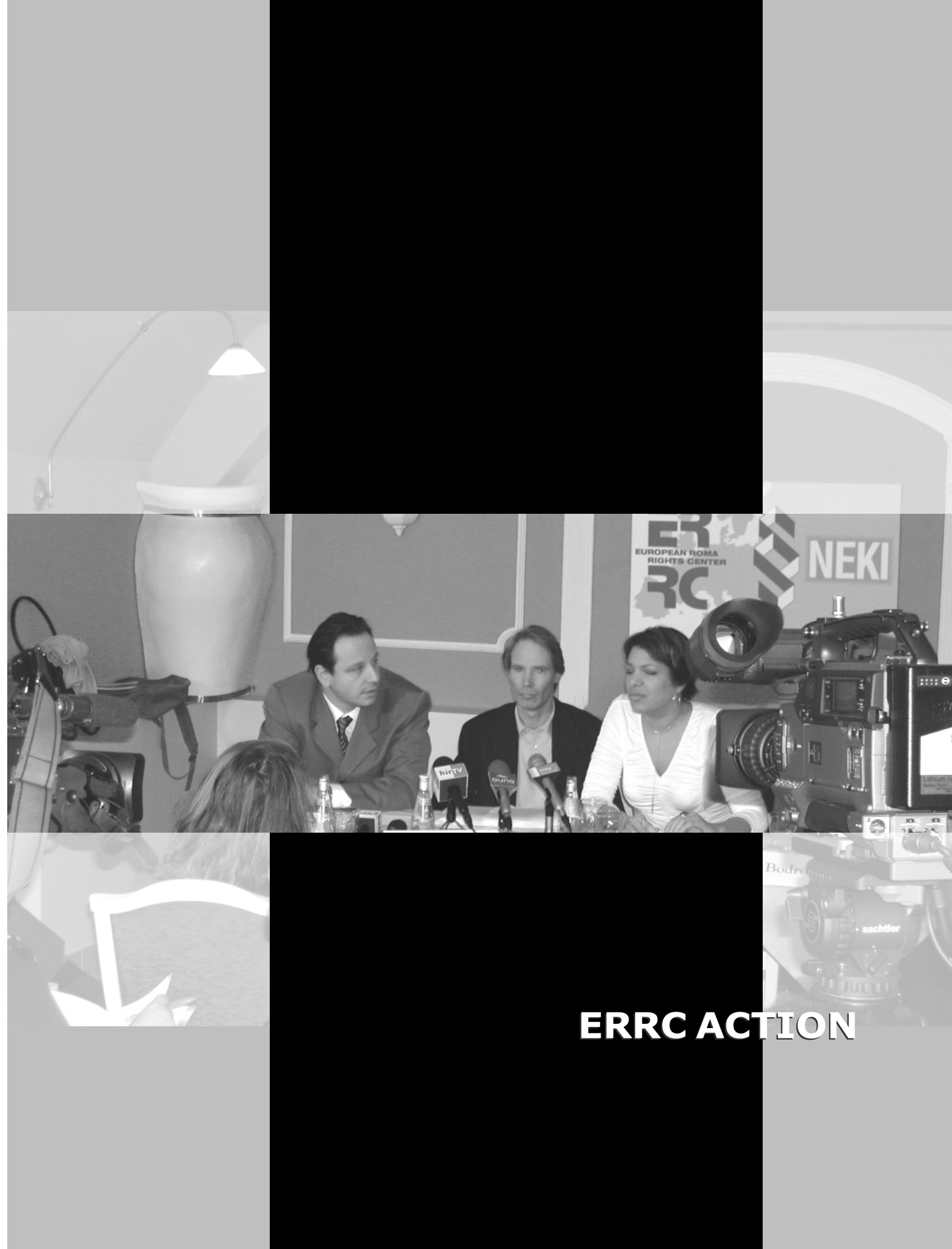
On May 12, 2004, Mr S.G., a Romani activist from the north-western Ukrainian city of Lutsk, testified to the *ERRC* that on May 10, law enforcement officials threatened him while he was attempting to negotiate the end of police brutality against Roma in his area. Mr S.G. reported that in the days following the theft of two horses on May 6, the 30-family Romani community in the neighbouring Prelutsk village was terrorised by police and several members of the community, including teenage Romani boys, were taken to the police station and severely beaten. Similarly, in the town of

Kivertsy, Mr S.G. had been informed that two young Romani men were taken to the police station and beaten almost to the point of death before they were released. Members of a Romani community in another town were also reportedly severely beaten by police, causing three Roma from the community to ask Mr S.G. to intervene with the police on their behalf.

Mr S.G. informed the *ERRC* that at around 2:00 PM on May 10, he visited the Lutsk District Police Department where he met with several persons, including the Deputy Head. According to Mr S.G., once they were alone, the Deputy Head began insulting him, calling him such names as “Gypsy bitch” and threatening him with

violence if he did not end his involvement in this case and in human rights work generally. Mr S.G., who walks with a cane, reportedly used his cane to ward off blows by the Deputy Head. After about twenty minutes, he was expelled from the Deputy Head’s office and passed from one room to the next until about midnight.

When asked by the *ERRC* whether he would pursue a complaint against the officer who threatened him, Mr S. G. was very hesitant out of fear of reprisal. Further information about the human rights situation of Roma in Ukraine is available on the *ERRC*’s Internet website at: <http://lists.errc.org/publications/indices/ukraine.shtml>. (*ERRC*)



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ERRC ACTION

UN Committee against Torture Urges the Czech Republic to Investigate Alleged Coercive Sterilisation of Romani Women

Cristi Mihalache¹

IN ITS CONCLUSIONS AND RECOMMENDATIONS on the Czech Republic, released on May 13, 2004, following the review of the Czech Republic's compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("the Convention"), the UN Committee against Torture (CAT) expressed concern about, *inter alia*, "allegations regarding some incidents of uninformed and involuntary sterilizations of Roma women, as well as the government's inability to investigate due to the insufficient identification of the individual complainants". The Committee recommended that the State party "investigate claims of involuntary sterilizations, using medical and personnel records and urge the complainants, to the degree feasible, to assist in substantiating the allegations". The full text of the Committee's Conclusions and Recommendations on Czech Republic can be found on the Internet at: http://www.ohchr.org/tbru/cat/Czech_Republic.pdf.

The 32nd session of the CAT, held May 3-21, 2004 in Geneva provided an opportunity for the *European Roma Rights Center (ERRC)* to raise its concerns regarding allegations of coercive sterilisations of Romani women in the Czech Republic. The *ERRC* sent written comments and documentation for consideration by the Committee during its review of Czech Republic's report presented by the governmental delegation of the country.

Throughout 2003, the issue of post-1990 coercive sterilisations of Romani women in Slovakia received extensive attention.² In light of similarities and possible continuities in both the Czech and Slovak medi-

cal systems with the Czechoslovak health care system, as well as the serious and similar problems of racism in both successor states to the former Czechoslovakia, the *ERRC* has believed that the issue merits research attention also in the Czech Republic. Thus, during 2003, the *ERRC* undertook a number of field missions to the Czech Republic to determine whether practices of coercive sterilisation had continued after 1990, and if they were ongoing to the present. The conclusions of that research indicate that there is very significant cause for concern that to the present day, Romani women in the Czech Republic have been subjected to coercive sterilisations, and that Romani women are at high risk in the Czech Republic of being subjected to sterilisation absent fully informed consent.

Based on its research in 2003, which found that a number of Romani women have been coercively sterilised in recent years in the Czech Republic, the *ERRC* submission to the UN Committee Against Torture noted:

- ◆ Cases in which consent has reportedly not been provided at all, in either oral or written form, prior to the operation;
- ◆ Cases in which consent was secured during delivery or shortly before delivery, during advanced stages of labour, i.e. in circumstances in which the mother is in great pain and/or under intense stress;
- ◆ Cases in which consent appears to have been provided (i) on a mistaken understanding of terminology used, (ii) after the provision of apparently

¹ *Cristi Mihalache is ERRC Advocacy Officer.*

² *See for example the Council of Europe's Commissioner for Human Rights, "Recommendation of the Commissioner for Human Rights Concerning Certain Aspects of Law and Practice Relating to Sterilization of Women in The Slovak Republic", 17 October 2003.*

manipulative information and/or (iii) absent explanations of consequences and/or possible side effects of sterilisation, or adequate information on alternative methods of contraception;

- ◆ Cases in which officials put pressure on Romani women to undergo sterilisation, including through the use of financial incentives or threats to withhold social benefits;
- ◆ Cases in which explicit racial motive appears to have played a role during doctor-patient consultations.

ERRC observed that coercive sterilisation is a very serious form of human rights abuse. Coercive sterilisation is a violation of the bodily integrity of the victims and can cause severe psychological and emotional harm. In addition, coercive sterilisation restricts or nullifies the reproductive ability of a woman, and does so without her having been able to participate fully in a decision of such evident import, the consequences of which are in many cases irreversible.

As a result of the foregoing, the *ERRC* maintained that instances of coercive sterilisation contravene Article 1(1) and/or Article 16 provisions of the Convention.

The submission features a number of recommendations, requesting that the Committee direct the Czech authorities to undertake the following:

- ◆ Establish an independent commission of inquiry investigating the allegations and complaints of coercive sterilisations. Thoroughly investigate reported cases of coercive sterilisations, and make available – and widely publicised – procedures for women who believe they may have been abusively steri-

lised to report the issue. These procedures should ensure privacy rights, as well as rights related to effective remedy. Provide justice to all victims of coercive sterilisations, including those coercively sterilised under communism. Conduct *ex-officio* investigations to ascertain the full extent of coercive sterilisations in the post-communist period.

- ◆ Review the domestic legal order in the Czech Republic to ensure that it is in harmony with international standards in the field of reproductive rights and provides all necessary guarantees that the right of the patient to full and informed consent to procedures undertaken by medical practitioners is respected in all cases.
- ◆ Promote a culture of seeking full and informed consent for all relevant medical procedures by providing extensive training to medical professionals and other relevant stakeholders, as well as by conducting information campaigns in relevant media.
- ◆ Undertake regular monitoring to ensure that all medical practitioners seek to attain the highest possible standards of consent when undertaking sterilisations and other invasive procedures.

In addition to action before the UN Committee Against Torture, the *ERRC* took the occasion of the review to hold consultative meetings with Czech civil society organisations to discuss this very sensitive issue and to try to identify modes of follow-up which will ensure that victims may seek legal (and possibly medical) remedy, while preserving the privacy and security of the victims. In the coming period, the *ERRC* will continue actions to ensure that victims of coercive sterilisation in the Czech Republic have access to justice.



Romani Women Discuss Women's Rights Action

Larry Olomoofe¹

IN MARCH 2004 the *European Roma Rights Center (ERRC)* in co-operation with the *Network Women's Program (NWP)* of the *Open Society Institute* held a human rights training workshop for Romani women activists. Twelve participants from six countries—Bulgaria, the Czech Republic, Macedonia, Hungary, Romania, and Serbia and Montenegro—discussed strategies to advance Romani women's rights and place rights issues of concern to Romani women on the agendas of national governments and international organisations. The primary purpose of the workshop was to begin to draw more attention to the issues affecting women within the Roma rights paradigm, as well as to create a discursive space where these issues could be debated by Romani women activists.

The workshop opened with introductions by Dimitrina Petrova, *ERRC's* Executive Director, and Viktória Mohácsi, Commissioner for Integration in the Hungarian Ministry of Education. Ms Petrova's contribution was a philosophical account of the genesis of Roma rights and an attempt at placing women's rights within this discourse. She provided some theoretical grounding to the participants in the topics that were to be discussed over the course of the workshop. Ms Mohácsi gave a personal account of her experience as a young Romani woman initially affiliated with Roma rights non-governmental organisations, including the *ERRC*, and subsequently working within the national government at the Ministry of Education. Her account was one of personal achievement and commitment despite the many obstacles she faced along the way.

Romani Women and the Rights Movement

At the outset of the training, the participants were invited to analyse the situation of women's rights in

general and specific problems pertaining to Romani women in particular across the Central and Eastern Europe region. Issues discussed included domestic violence, sexual discrimination, and racial discrimination. Other topics included the lack of human rights knowledge amongst Romani women, underage marriages, lack of education, Roma traditions, and police brutality.

"Women and the Romani Movement" was a presentation by Ms Miranda Vuolasranta, Special Advisor on Roma at the Social Cohesion Directorate of the Council of Europe and advisor to the Finnish government. She provided an historical overview of the evolution of the Romani question on the international scene. Hers was a searing critique of the amounts of money dedicated to the "Roma issue" and the relatively little return in terms of sustainable solutions to the problems faced by Romani communities, including women, in Europe. She pointed the fact that there were barely any women involved in the process and that there were a number of "gadje" (non-Roma) representing Romani interests—academically, politically, and socially—and that this had to be challenged and changed by Roma generally and women specifically.

On the issue of representation of Roma at international level, she stressed:

There is no high level Roma representation. At this moment, it is dangerous for others to forget about Roma. The Roma voice should be heard. A high Roma Forum should be created at a European level. This was proposed by Mrs. Halonen – President of Finland in the year 2001 before the EU General Assembly. [...] The member states agreed that we needed such a forum. If we depend on governments only, we are not going to be able to create Roma policy and express our own opinion. Now

¹ Larry Olomoofe is Human Rights Trainer at the *ERRC*.

in the early April an agreement should be signed. Each country would be able to elect three persons independent from the government and one of them should be a woman. What will be the criteria to elect a woman activist for the Roma Forum? Is it enough to be a woman? We must be trained how to advocate and what to advocate about. To know the issues we are trying to solve.

“Roma Rights: Development and Challenges” was the topic of the exposition by Dr Dimitrina Petrova, the *ERRC*’s Executive Director, who attempted to provide the conceptual framework for the development of a women’s rights agenda within the current Roma rights discourse. The question Dr Petrova posed for the participants was whether the Romani women’s rights initiative should adopt a similar pattern of development, i.e., establish a separate discursive paradigm dedicated solely to Romani women’s issues within the broader women’s rights discourse, or whether it would be more logical and practical to utilise the processes and terms of reference that currently exist within the various rights paradigms.

The 2003 Romani Women’s Forum and the Decade of Roma Inclusion was an overview by Ms Azbija Memedova of the Romani Women’s Forum held in conjunction with the World Bank/OSI conference “Roma in Enlarged Europe” in June 2003. Ms Memedova outlined the processes that could be beneficial for the pursuit of Romani women’s issues within the Decade of Roma Inclusion as well as the areas of concern that Romani women activists should focus their attention upon. She stressed that Romani women should consider:

- ◆ Data collection and dissemination;
- ◆ Communication and outreach to local Romani communities in general, and women in particular;
- ◆ Fundraising for initiatives under the aegis of the Decade;
- ◆ Roma participation.

Rights-Based Approach to Romani Women’s Issues

In a series of sessions, the participants were introduced to the major international mechanisms for

the protection of human rights and their pertinence to Romani women’s issues.

From the Universal Declaration of Human Rights to the Beijing Process was a group work session which began with a presentation by Ms Mona Nicoara, Consultant to the *ERRC/NWP*, on the historical development of women’s rights within the international human rights movement since the inception of the Universal Declaration on Human Rights (UDHR). The participants were introduced to the many policy developments and shifts revolving around women’s rights, the adoption of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the 1993 Vienna conference and culminating in the 1995 Beijing Conference and ensuing Process.

The participants were tasked with discussing provisions from the UDHR. Some specific questions the groups had to ponder were:

- ◆ Do the UDHR provisions really cover everyone?
- ◆ How have different governments and societies implemented the UDHR?
- ◆ What are the potential or real obstacles to the full implementation of the rights proclaimed by the UDHR?

How to use the UN CEDAW was the subject of a series of presentations by Ms Nicoleta Biþu (*Romani CRISS*, Romania), Ms Slavica Vasiæ (*BIBIJA* Roma Women’s Center, Serbia), and Ms Alphia Abdikeeva (EU Monitoring and Advocacy Program, Open Society Institute, Hungary) on the practical steps involved in applying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to local scenarios. The session was an attempt at drawing the sometimes hidden linkages between local issues with the often distant-seeming international [legal] process. The presenters highlighted different women’s issues concerning them and showed how their pursuit of justice has been assisted by using the international procedures available to them through the CEDAW.

Advocacy in the UN system was the subject of a joint presentation by Ms Nicoleta Biþu and Ms Mona Nicoara. The aim of the session was to provide participants with an overview of UN mechanisms such

as the Human Rights Committee (HRC) and the Committee for the Elimination of All Forms of Racial Discrimination (CERD) and how they can be applied in cases of human rights violations against Romani women. The hope was to provide participants with a sense of the types of NGO interventions at the UN level as well as to offer practical information and examples of the procedures available to NGOs for advocacy work.

The OSCE and Roma Women's Rights: The Case of Trafficking was a presentation by Ms Jyothi Kanics from the Organisation for Security and Co-operation in Europe (OSCE), who provided information on how women from vulnerable groups such as the Roma are victims of trafficking. Ms Kanics made an outline of the factors involved in trafficking and attempted to provide answers to questions such as what human rights are violated through trafficking. Legal questions, such as the "consent" of the victim, were addressed also by Ms Kanics. She argued that consent would be a moot point, since the victim would be coerced through various methods to comply with the wishes of the traffickers.

Roma Women's Advocacy in an Enlarged European Union was the topic of the open forum at the Central European University held as part of the workshop. This was a debate about the need to mainstream women/gender issues in the human rights discourse and work. The presenters provided specific insights into their strategies for including Romani women's issues in rights-based advocacy initiatives.

Advocacy Strategies

Several training sessions dealt with practical examples of effective advocacy work. During the course of these sessions, the participants had to grapple with the concept of effective advocacy and how to ensure that their actions would have a longer lasting impact for the peoples and interests that they were supposed to be representing.

The *ERRC*'s Executive Director made an overview of the *ERRC*'s advocacy of Roma rights at the international level. She talked about the origins of the *ERRC* as well as the situation regarding Romani communities *prior* to the *ERRC*'s establishment in

order to illustrate the impact of the organisation in terms of achieving its advocacy goals. In doing this, she also indicated the nature of the problems faced by an "international" NGO acting in defense of the human rights of a single ethnic group. Among others, she also confronted the main criticism of the *ERRC*, since its inception, that it was not representative of the Romani communities whose rights it purported to defend. She provided the following explanation for this: "In the beginning we needed *detachment*. We wanted the researchers to be *gadje*. We were afraid that the people would be biased against Roma. ..."

National advocacy challenges was subject of a session on the various issues faced by Romani women in the countries from which the participants were drawn. The workshop was facilitated by Ms Nicoleta Bişu and Ms Isabella Banica of the *OSI's Roma Participation Program*. The purpose of the session was to assist participants in focussing on what they thought the main problems were in their countries, and in devising advocacy strategies to deal with them accordingly. Some of the problems discussed were domestic violence against women and children, and arranged marriages in the community. Ms Enisa Eminova, participant from Macedonia, formulated the goal of the Romani women's actions as follows:

We live between two worlds. We live between two fires. Can we be the creators of our own life? Who do I marry, who do I love? These are all not my choices! These are choices others take for me. What should we respect? The tradition or our own right to choose? We must educate our mothers, not the opposite.

Fact-finding as a basis for human rights advocacy was the focus of a session led by Ms Savelina Danova, *ERRC* Research and Policy Co-ordinator. The veracity of any advocacy campaign is based upon solid, honest fact-finding and monitoring. This was the basis of much of the *ERRC*'s advocacy strategies and initiatives. Therefore, it was incumbent upon advocates and activists to conduct rigorous research in order to craft a water-tight advocacy initiative. Proper research is the cornerstone of any serious human rights NGO and should be placed at a premium. The issue of ethical pro-

cedures was discussed also, since monitoring and/or reporting organisations are bound by a range of ethical strictures.

Follow-up projects: Towards the end of the training, the participants explored possibilities for various “follow-up” initiatives that could be pursued on their return home. Schooling of Romani children and girls in particular emerged as the main theme for the various programmes contemplated by the participants. Motivation of parents and children to study and advocating school support for Romani children and guarantees for access to quality education, have been identified as priorities for the future work of the Romani women’s advocates.

Evaluation

The workshop was concluded with an extended period for evaluations led by Larry Olomoofe (*ERRC*). The first part was devoted to personal evaluations where the participants completed a questionnaire that covered a range of questions about the workshop. The second stage of the evaluation process was a broader group discussion where participants were encouraged to provide on-the-spot assessments of the programme and participate in a general discussion about the merits and demerits of the project. Some of the issues discussed included programme content, length, follow-up initiatives and support from the organisers for other women’s rights workshops in the future.

Litigating Discrimination in Access to Health Care

Alan Anstead¹

DESPITE A GENERAL INCREASE in life expectancy and decrease in infant mortality across the recently enlarged Europe, evidence shows that social inequalities have increased everywhere and the gap in health between the top and the bottom of the social scale has widened. Also despite the huge amount of money invested in each country's health sector, studies carried out since the beginning of the 1990s have revealed that a significant number of people in economically vulnerable situations find it difficult to access health care and are being left out of the formal channels of health care provision.

The Roma, particularly in Central and Eastern Europe, suffer the worst health conditions. According to the World Bank, the proportion of Roma living in poverty exceeds 75% in these countries.² Unemployment is high. Access to preventive and curative healthcare services is low. According to the World Bank, the health status of Roma is considerably worse than that of populations as a whole.³ Discrimination against Roma in access to health care is an area in which *ERRC*, together with national partner organisations, have brought litigation. A number of strategic issues concerning access to health care have been identified, that have a human rights importance to Roma as a group.

Challenging Segregation on Racial Grounds in Health Care Establishments

Nadka Slavcheva

This is a case involving the segregation of Romani patients in the Tina Kirkova hospital in Sofia, Bulgaria.

In 2001, Mrs Nadka Slavcheva, after giving birth to her child, was placed in the corridor of the hospital. She was told that the hospital wing was closed for repairs and that therefore there were no rooms available. However, although all of the Romani patients were placed in the corridor, the non-Roma patients were placed in proper wards. Mrs Slavcheva filed a civil action requesting moral damages. Her claim was rejected and the case is pending on appeal.

Mrs Rositza Anguelova

Segregation on discriminatory grounds was the subject of a civil action by Mrs Rositza Anguelova and others in 2002. In this case, all of the Romani patients at a hospital in Sofia were placed in specified "Roma wards" rather than regular wards where non-Roma were placed. Hygienic conditions in the Roma wards were worse than normal ones and the rooms were not heated during winter. A civil claim for damages was rejected by the Sofia District Court and also rejected on appeal before the County Court. The case is now pending before the Bulgarian Supreme Court.

Challenging Discrimination in the Provision of Health Care Benefits

Csaba Balazs case (husband of victim)

In 2000, a Romani woman in Hungary was refused a nursing allowance by the local authority in Nograd on the grounds that nursing allowances were not regulated by local laws and regulations, even though she was entitled by Hungarian national law to an allowance for staying at home to care for a disabled relative.

¹ Alan Anstead is *ERRC Legal Adviser/Project Manager*.

² World Bank study "Roma in an expanding Europe – breaking the poverty cycle" Ringold, Orenstein and Wilkens 2003.

³ Ibid.

An unsuccessful administrative action was filed in 2001, following which a criminal complaint was filed in 2002 claiming abuse of official powers. The case is pending before the Nograd Prosecutor's Office.

Adriana Boros and Others

This case is on behalf of 10 Romani women from the village of Frata in Romania, who were entitled to receive birth allowances in accordance with Romanian law. This provides that every mother who gives birth is entitled to receive a birth allowance of 1,400,000 Lei (approx. 35 euros) if she files a request with the local Town Hall within 6 months of the birth. In 2003, the Romani women tried to apply and had collected all of the documents required by the law. However, the secretary of the Mayor in Frata refused to register their requests. She told the women to get married or sue the fathers for child allowance, or even take out the name of the father from the birth certificate in order to receive the birth allowance. None of her objections to registering the requests for birth allowances were legal. While the women (who thought the objections were required by law) were trying to follow them, the deadline for applying passed and they lost the right to birth allowance. Since filing a complaint against the Mayor's secretary, police in Frata and the prosecutor have been victimising the women and their families to withdraw their complaint. The Mayor's secretary is reportedly related to a policeman in Frata. The local lawyer in this case filed a criminal complaint against the Mayor's secretary (which was turned down and is being appealed before the Prosecutors Office), and has filed a complaint with the National Council for Combating Discrimination under the Romanian anti-discrimination law (which is still pending a year after filing the complaint).

Contesting the Barriers for Roma Access to Health Care and Treatment, Including the Emergency Services

Croatian Ambulance case

On 9 February 2001, in a Romani settlement in north-western Croatia, the baby of a Romani couple, Mirko and Verica Oršuš, was stillborn after the local emergency medical team refused their calls for help. A neigh-

bour had called the emergency services when Ms Oršuš went into labour, but was told that the team would not come, and that Ms Oršuš should be driven to the local medical centre, after which the person on the other end of the line hung up. Mr Oršuš called the same medical centre, and after he told them he did not have a car, the staff told him to put his wife into a wheelbarrow and bring her to the medical centre. Eventually the local police were called and they told the ambulance to go to the settlement. By the time an ambulance finally arrived, Ms Oršuš had given birth on the floor of their house and the child was dead. After a successful civil action, the Oršuš family were awarded damages against the Croatian health authorities.

János Horváth (husband)

This is a sad case from Hungary in which, in 2002, the two hour delay in sending an ambulance in response to a Romani family's call for help led to the death upon arrival at the hospital of a Romani woman. A complaint was filed with the Ombudsman for National Minorities and he requested the Police to start a criminal investigation into the incident. The Police found that neither the doctors, ambulance service nor hospital could be found responsible for the death of the Romani woman. An appeal was filed and this is still pending.

Miklós Kolompár

Another discrimination case, this time on the alleged grounds of the cost of providing treatment, another barrier that many Roma face when trying to access health care. In 2003 Mr Miklós Kolompár, a prisoner in Hungary, was refused treatment for his kidney disease. Mr Kolompár's condition deteriorated and the kidney eventually had to be removed. A criminal complaint has been filed with the Hungarian Prosecutor in this case.

Combating the Informal and Illegal Payments for Services, Most Prevalent at Public Hospitals

Stefka Dimitrova

In 2002, Ms Stefka Dimitrova had a sudden miscarriage and needed emergency medical assistance. The

doctors at the hospital in Sofia, Bulgaria, refused to provide her with the necessary treatment unless she first gave them a bribe. Ms Dimitrova did not have this money. The hospital refused to admit her as a patient. A civil action is pending before the Bulgarian courts.

Challenging Barriers for Roma Access to Health Insurance

This is an area in which the *ERRC* will look to support a suitable case to challenge the widespread problems around health insurance systems. The problems are that:

- ◆ Not all of the population is aware of the procedures and the need to have health insurance, especially among the unemployed or those working in informal labour.
- ◆ The financial contributions required by patients, although small, are often too high for the poorest people.
- ◆ Many Roma lack the new identity cards necessary for inclusion in the system (a recent UNDP/

ILO survey showed that only 54% of Roma in Bulgaria had medical insurance).

Litigating Against Discrimination in Health Care: Some Comments

- ◆ Countries in the region are required to implement comprehensive anti-discrimination legislation, under the EU Race Equality Directive 2000/43/EC (which includes health in the scope of the Directive), and to ensure that there are effective remedies for victims of discrimination, and special measures (where necessary) to create the conditions of equal enjoyment for Roma of access to health care. With effective national legislation in place it will be easier for lawyers to bring strategic litigation to challenge the widespread practice of discrimination and break-down the indirect (and often direct) barriers to their access to health care.
- ◆ Changes in the law need to be accompanied by training of medical and healthcare workers to recognise and combat direct and indirect discrimination on the basis of race or ethnicity.

The Culture of Giving and Roma Charity

Leonid Raihman¹

WHEN DISCUSSING the complex problem of how to improve Romani life, we often think that Romani leaders themselves are not in the habit of helping financially other members of the Romani community, in particular, poor Romani people, nor do they work for the promotion of Roma rights by funding various related activities. This is not the case, for example, of Jewish communities where we can find traditions established long ago for prosperous businessmen to help Jewish pensioners, disabled people, etc., and to support celebrations of Jewish religious holidays.

The perception that Roma are not involved in charity must be challenged at least in the case of Russia. In June 2003, I have met in Moscow Alexander Bariev, a member of the International Roma Union Parliament. At that time it turned out that, among other activities, he was also vice-president of the Moscow-based Cultural and Educational Society *Romano Kher*, first vice-president of *Amaro Drom* – the recently established International Union of Roma of the Baltic States and CIS countries, and a member of the editorial board of the Moscow-based journal *Shumen Romale* among other functions. In December 2003, Alexander Bariev was elected president of the Federal National-Cultural Autonomy of Roma in Russia.

The matter was that until 1996, Alexander had developed his business (sports equipment and then a network of restaurants and food stores). He had been helping Romani people a lot with his own money. But he had not tried to establish a foundation, being just a person who undertakes charitable actions. By a proposal of Professor Georgiy Demeter, president of the *Romano Kher*, Alexander Bariev, in cooperation with his brother Ivan, for the first time officially funded the music festival “Gypsies Under the Sky of

Russia” (*Tsigani pod nebom Rossii*). Then he organised charity canteens for homeless and poor people, predominantly Roma. Alexander is one of the founders of the Foundation for disabled sportsmen; and his next idea was to provide disabled Roma with wheelchairs. From time to time, Alexander simply paid from his own pocket to lawyers, asking them for legal assistance for Roma in cases of police abuse. Through these charity activities, he acquired much respect from senior Roma who usually are in leadership positions in Romani communities. They started to invite Mr Bariev to participate in finding solutions for difficult situations within their communities. Then Alexander accepted that he was on demand for representative functions and stood for elections for the positions mentioned above. He realised that as vice-president of one of the leading Romani NGOs in Russia it is much easier to various authorities, than it is to undertake activities without formal position.

When speaking with the author, Alexander especially emphasised that he makes no difference between Roma and non-Roma in his charitable activities, and if non-Roma ask him for support he gives it on the same principle as for Roma. Meanwhile, he admitted that Roma prevail among the staff of his businesses, because he employs many relatives. Apparently, he supports Roma also by giving them job opportunities.

During our discussion, I was trying to persuade him that it was time to expand his already existing forms of charity with others, for example, to set up a foundation based in Russia uniting prosperous Roma in the country for charity purposes. In addition to Mr Bariev, I have met and heard about other wealthy Romani businessmen who make donations to Romani organisations on an ad hoc basis, for example, to pay for lawyers in Roma rights cases or to cover the

¹ Leonid Raihman is a consultant to the Open Society Institute on Roma projects in Russia.

operational costs of Romani organisations. The idea of a Romani foundation was quite unique and seemed strange at first glance to Mr Bariev. Indeed, for Russia where media, police officers and others are disposed so negatively towards Roma, and where frequently “Gypsy” is synonymous with “drug-dealers”, information about establishing a Romani foundation with the explicit goal of supporting Roma, may be shocking for many people. Mr Bariev’s and others’ charitable activities for Roma in Russia are not advertised and are not widely known to the public. The way these people offer their help is very differ-

ent from the culture of giving typical in the West, where each small action is carefully registered and well-documented by the foundations’ staff, and the information distributed by public relations officers. This machinery has its own rules designed for, *inter alia*, taxation purposes. Both approaches have advantages and disadvantages. I really hope those Romani leaders, not only in big cities, but throughout rural Russia as well, after some time will find the adequate forms to officialise their charity activities, overcoming the numerous current obstacles on the way of the Roma movement in that country.



Alexandr Bariev, President of the Federal National-Cultural Autonomy of Roma in Russia, with Dr Nadezhda Demeter and singer Nikolay Slichenko, celebrating the International Roma Day, April 8, 2004, Moscow.

PHOTO:ERRC



**ROMANI
LANGUAGE
PUBLICATIONS**

“Stigmata: Segreguime Edukacia e Rromengi ande Centralo thaj Easto Europa”

Romani-language translation of the executive summary of the ERRC report “Stigmata: Segregated Schooling of Roma in Central and Eastern Europe”

ANDO ÈHON MAJ 2004-to BERŠ *Europako Rromano Èaèimasko Centro* trada avri/sikada raporto “Stigmata: Segreguime Edukacia e Rromengi ande Centralo thaj Easto Europa”.

O raporto si bazirime pe *ERRC*-esko terenosko rodipe ande Bulgaria, Èehikani Republika, Hungaria, Slovakia thaj Romania pe thana kaj si èaèe kerdini segregacia e Rromengi ande edukacia. Kava so akana ka ginaven si so o *ERRC* dikhla.

Kava raporto kamel te dikhel sar si e Rromane èhavorrenge andar Bulgaria, Èehikani Republika, Hungaria, Romania thaj Slovakia, lindo egalutno digniteto kade kaj kerel pes segregacia ande edukacia. Rasistikani segregacia mamuj Rroma ande kadale thema si sa maj bari ande maj palutne deš berša so maj dur kerda but pharipa pala but Rromane generacie: Rromane èhavorre si barile e kompleksosa kaj si maj bilaèhe deso aver èhavorre, lenge si lindo šaipe te astaren egalutni edukacia thaj kade vi šaipe te avel len laèhi pozicia ando societato/amalipe; lenge si oprime (naj len šaipe) te astaren beneficie sar studentura sar vi šaipe te train/d•ivdinen ande multikulturalo societato. Pe varesave thana segregacia save keren pes ande škole si rezultatura segregaciako savo keren pes ande kodola forura. Rasaki segregacia vazda pes opre sar efekto e operaciako edukaciake sistemasko ande kadala thema save kerde ekskluzia (èhude len avri) e Rromengi vaš odi kaj e Rromen si specialo kultura thaj èhib. Maj palal, rasaki segregacia si rezultato e školengo thaj avere oficiale manušengo te keren separacia Rromane èhavorrenge katar gad•ikane èhavorre vaš odi kaj e gad•e kerde presia pe lende. D•i akana e guvernura èi kerde implementacia desegregaciake politikako. D•i kaj e Hungaria kerda varesave aktivitetura kasko areslipe sasa te kerel pes

prevencia e segregaciaki ande speciale škole thaj phagavipe varesave formengo rasistikane diskriminaciako, ni jekh aver them savo si opre sikadino èi kerda varesave èaèe aktivitetura te kerel pes desegregacia ando fremo školake sistemasko.

1. So o *ERRC* Arakhla?

Bulgaria

Sar phenel o Bulgariako Ministeriumo pala Edukacia thaj D•anglipe, ande Bulgaria si 106 škole ande save si 100% Rromane studentura. Kadale škole These schools (akharen pes vi “Rromane geto škole”), si kerdine pe thana save si paša vaj ande rromane gava/komunitetura. Sar phenen e sikavne manuša/ekspertura trujal 70% Rromane èhavorrenge save d•an ande škole akana si thodine/šuvdine ande Rromane geto škole. Gasave Rromane geto školen si standardo sar vi avere školen thaj ketegorišime si sar regulare škole, materialura (pustika) ande gasave škole sar vi kvaliteto e edukaciako si but bilaèhe ande relacia e školdenca kaj situven gad•e. Katar e vrama kana si kerdine, ande 1950-te berša, Rromane getoske škole kerde baro dispariteto ande edukacia Rromane èhavorrenge, thaj kade kerde progresivo ekskluzia katar mainstream societato. Sar sikavel Lumake Bankako (World Bank) rodipe savo si kerdino e èhavorrenca saven si 15 vaj maj but berša 13.3% si biedukaciako; 76.4% si numaj fundo edukacia; 10% si maškarutni/sekundaro edukacia, and 0.2% si univerzitetoski vaj post-univerzitetoski edukacia. Sar komparacia šaj dikhel pes kaj maškar Bulgariake èhavre saven si egalutne berša 6.4% (si bi edukaciako), 28.1% (si fundo edukacia), 45.4% (si sekundaro edukacia), thaj 20.1% (si univerzitetoski edukacia).¹

¹ *Dikh Kabakchieva, Petia thaj Ilia Iliev. Akses/astaripe e edukaciako ande Bulgaria: Kvantitativo Analiza, napublikuime rodipe. Sofia, 2002-to berš, lil. 6.*

Aver baro problemi pala Rromane èhavorre andar e Bulgaria si kaj gasave èhavorren o barederipe tradel ande speciale škole pala èhavre saven si mentalo hendikepo. Sar phenen varesave na-oficiale estimacie maj baro procento èhavorrengo save d•an ande gasave škole si Rroma, ande procentura kodo si maškar 80 thaj 90% .

Èehikani Republika

Sar phenel o Èehikano governmento, “trujal 75 procentura Rromane èhavorengo d•an direkto vaj indirekto ande spaciale škole.”² Ande kadale škole Rromane èhavore astaren edukacia savi si lokhi/ inferioro thaj kade si lindo lenge šaipe te astaren maj bari edukacia. Vi kaj ande teoria si šaipe te gasave èhavorre d•an ande mainstream škole ande praksa gasavi alokacia si but phari thaj našti kade lokhes te kerel pes. Kodo so si interesanto si fakto kaj Èehikani edukacia vi akana baziril pes po testo e inteligenciako so si lenge maj vasno fakto po drom te dikhen èhavorrengi inteligencia so d•i akana sikada pes sar bilaèho sistemo savo kerel rasistikane problemura; psihologikano testo bistarel pe lingvistikane thaj kulturake averèhandipa/diverzitetura; bari individualo diskrecia ande relacia pala testurenge rezultatura del šaipe te sikaven pes vi rasake thaj aver irelevante faktora. Governosko èid•anglipe te phagavel kava problemo mukel šaipe te kava trendo, pala tradipe rromane èhavorrengo ande škole pala mentalo hendikipirime, d•al maj dur.

Hungaria

Segregacia Rromane èhavorrengi ande Hungariako edukaciako sistemo si pervasivo/ segregacia savi kerel pes maškar edukaciako sistemo. Si but mehanizmura save den rezultato ande but forme segregaciake pe diferente levela ande školako sistemo. Sar vi ande but thema ando regiono, Hungariako sistemo školengo pala mentalo hendikipirime sasa utilizime ande maj palune pand•vardeš berša sar drom kaj te šuven e rromane èhavorren save aver škogle èi kamle te len te gothe

siťjuven. Oficialo statistika andar 1993-to berš – maj paluno berš ande savo e Hungaria kida informacie pala etnicitetura sikada kaj 50 procentura èhavorrengo save d•an ande škole pala mentalo hendikipirime sesa Rroma. Maj dur rodipa sikaven kaj gasavi tendencia te traden pes e rromane èhavorre ande škole pala mentalo hendikipirime (nasvale) èi ciknjarel pes.

Aver Rromane èhavorre si segreguime ando fremo regulare cikne školengo kade kaj traden pes ande separate/speciale klasura. Bari praksa (praktika) pala segregacia Rromane èhavorrengi ande Hungariake mainstream školde si bazirime po dekreto Ministeriumosko pala Edukacia andar 1997-to berš savo vakarel pala nacionale thaj etnikane minoritetura. O Dekreto sasa lindo sar baza pala segregacia Rromane èhavorrengi ande sa Rromane “catch-up” klasura saven si sajekh bilaèho standardo, save den bilaèho kvaliteto e edukaciako. But Rromane èhavorre save si edukuime ande “catch-up” klasura našti den maj dur ande normalo školako sistemo, thaj von agorin piri školaki kariera ande separato sistemo, ande maj but kazura èi d•an maj dura katar 5-to klaso. Normale (Mainstream) škole butivar našen katar e Rromane èhavorre (te na d•an ande lenge škole) kade kaj keren presia pe lengi familia (dada thaj deja) te den piro glaso te lenge èhavorre astaren “privato studentongo statuso”, savo èaèes maj dur utilizil pes te o èhavorro avel slobodo te na d•al svako djes ande škola so maj dur kerel te gasave èhavorre našti astaren laèhi edukacia. But Rromane èhavorre si šuvdine/thodine ande geto škole, kaj našti arakhen pes gad•ikane studentura gasave škole si paša Rromane gava.

Romania

Maj baro numbri Rromane èhavorrengo andar e Romania siťjuvel ande rromane geto/maxalake škole vaj pe thana/distriktura kaj bešel maj baro numbri e Rromengo. Segreguime geto škole, šaj phenel pes, sajekh den maj teluno standardo e edukaciako kana kerel pes lengi komparacia avere školenca. Fizikani infrastruktura thaj kvaliteto e siťjuvimasko si butivar ande gasave škole bilaèho.

² *Dikh Komiteto pala pagavipe rasake Diskriminaciako, CERD/C/372/Add.1, 14-to Aprili, 2000-to berš. Raporto dindo katar zaïnteresuime riga Artiklo 9 e Konvenciako. Štarto periodikano raporto ande 2000-to berš. Addendum Èehikani Republika, 26-to Novembri 1999-to berš, paragrafo. 134.*

Rromane èhavorre si segreguime ande separate klasura vi ande mainstream škole, khetane e klasurenca pala etnikane minoritutura thaj speciale klasura save sitjuven thaj keren edukacia sar ande škole pala mentalo hendikepirime (nasvale ande godji) manuša. Sar naj varesavo legalo pharipe te keren pes klasura ande relacia e etnicitetosa te kerel pes minoritetongi edukacia, kana si puèipe pala e Rroma gasave klasura si butivar rezultato rasake diskriminaciako. Gad•e (dada thaj deja) keren presia pe škole te ulaven pes/traden pes jekh averebdar Rromane thaj gad•ikane èhavorre so maj dur tradel e manušen andar e škole te keren speciale klasura.

Diskriminacia e Rromengi ande Romaniako edukaciako sistemo kerda disparitutura pala astaripe laèhe edukaciako maškar gad•e thaj Rroma. Maj paluno rodipe savo si kerdino sikavel kaj e Rromane èhavorre, kana kerel pes komparacia avere na-Rromane èhavorrenca, štarvar/štar droma maj cerra/zala participirin/len than ande anglal-školaki edukacia. Maj dur, Rromane èhavorre save d•an ande cikni škola 25% si ande maj cikno numbri deso na-Rromane èhavore pal ande maškarutni škola 30%. Oxtovardeš procentura e èhavorrengo save èi d•an

ande škole si Rroma.³ Rezultatura save si sikadine maj palal si but bilaèhe thaj von phenen kaj trujal 40% Rromengo èi d•anen te ramon (lekharen) thaj te ginaven thaj kava trendo vazdel pes opre ande tranziciako periodo.⁴

Slovakia

Slovakia buxljarda o sistemo pala segregacia Rromane èhavorrengi savi u•es šaj dikhel pes kade kaj e Rromane èhavoreren šuvel ande škole pala mentalo hendikepirime. But informacie phenen kaj numbri rromane èhavorrengo save d•an ande gasave škole si maškar 80-100%. Ande speciale škole d•al kade baro numbri Rromane èhavorrengo so trada e manušen te gasave škole akharen Rromane škole “Gypsy schools”. Bare mamuj-Rromane rasizmoske kondicie ande Slovakia trada te kerel pes getoizacia e školengi thaj xamime studentura ande gasave škole. Ande baro numbri e školengo procento Rromane studenturengo si maj baro deso ande aver škole save si po kodo lokaliteto/than, sar rezultato savo si kerdino kaj e na-Rromane èhavorre djele andar gasave škole.

³ MEC (Romaniko Ministeriumo pala Edukacia thaj Rodipe), ISE (Instituto pala Edukacia), ICCV (Instituto pala Rodipe thaj d•ivdimasko kvaliteto), UNICEF, ‘Participacia pala Edukacia Rromane èhavorrengi’, Bucharest, 2002, lil. 8.

⁴ Ibid. lil. 8.

Romani Politics as a Profession

Rumyan Russinov¹

RECENTLY, I have often heard Romani activists and leaders criticising the so-called “professional Roma”. The negative implication of this phrase is probably conveyed by the two assumptions: First, that the professional – that is, a person who gets money for the work she/he does, in whatever sphere – joins the Romani movement not necessarily because of the cause of this movement but rather for the financial gain. My question to those critics is: Even if we had lots of professionals in the Romani Movement who joined it because they were attracted by the salaries, is it not more important for the Movement to have qualified people who could contribute with their expertise, eventually to the cause of the Romani Movement, rather than having morally committed persons with limited professional capabilities?

The other assumption behind the criticism of “professional Roma” is that some members of the Romani minority – it is alleged – have chosen to become activists in the Movement because they are incapable of finding another field. I could think of politicians in my country who happily explain to the public that they can always find another job, outside politics, because they have solid professions. I do not subscribe to this point of view. In my opinion Romani politics, and politics in general, is not an activity that can be carried out among other things. If you want to be a strong politician and an effective one, you have to take politics seriously, as a primary occupation. That is, to be a professional politician.

The Romani Movement has started as an amateur undertaking but its gradual professionalisation is inevitable and needed.

In 1992, I was twenty-four years old and at a crossroad. I had just graduated from the most prestigious economic university in Bulgaria. Like my non-

Romani colleagues, I had ambitions to start working for a financial firm or a bank. At the same time, the Romani Movement in Bulgaria was gaining ground – the first Romani organisations and the first Romani leaders had just emerged. My father, Serguei Russinov, was among the Romani leaders at the time. In these early years there were no donors, there was no websites of non-governmental organisations, and in practice there was no professional work in the Romani organisations.

There were no offices, emails, travel costs, etc. On our old Russian-made car, my father and his friends travelled around the country and met people. My father made several attempts to persuade me to join him and his friends, explaining to me that the Romani Movement needs young, educated Roma. My thoughts, however, were on my professional advancement as an economist. On the other hand, the first public appearances of some of the Romani leaders at the time were not very impressive, making me think that my place was not among them. However, one day (sometime in July 1992), my father managed to persuade me to attend a conference in Varna. The purpose of the conference was to unite several Romani organisations oriented at the time towards the two major political parties in the country – on the left and on the right side of the political spectrum.



¹ Rumyan Russinov is Director of the Budapest-based Roma Participation Program of the Open Society Institute. He is also member of the ERRC Board.

This conference was far from our idea of a Romani conference nowadays – there was no agenda, no speakers. There was no reimbursement of travel and accommodation costs, etc. The rudimentary logistics, however, were offset by huge enthusiasm for the meeting of Romani activists from all over the country. I did not have big expectations of the results and was unfortunately right – unity was not accomplished. The people were overwhelmed by their emotions, and rational views were stifled by everyone’s desire to speak in public. For myself, however, this conference was a turning point. I started asking myself questions and looking for answers.

After this conference, I became much more involved in Romani politics – I started reading the literature on Roma available then, and attended most of the public events related to Roma at the time. A year later, I began my career in the Sofia-based *Human Rights Project* – one of the first Roma rights advocacy groups in the region. That is, I began professional activist work. I have been going along this path for the past 12 years.

I could hardly describe everything that happened during these years and this is not the purpose of my article. Rather, I would like to address those young and educated Roma who are now in my position of twelve years ago. This writing is addressed to the young Roma who are now faced with the dilemma of whether to join the Romani Movement or to continue their professional careers as economists, doctors, lawyers, etc. Eventually, everyone will make

their own choice, and the lines below are simply one point of view on the issue.

At this point, the Romani Movement is still in a transitional phase – from the amateur years to professional politics. The need for Romani professionals is enormous. We still don’t have as many highly qualified Roma as I wish we had. Can we afford to “disperse” our potential? I think now, more than ever, it is necessary to mobilise our potential. The past decade ended with a victory for those who fought to give prominence to Roma rights concerns at international and domestic level. The work in the years to come will build on this increased awareness of Roma rights problems. Many programs on Roma have already been developed and many more are underway. Roma specialists and professionals are needed to develop and implement these programs if they are to achieve better results than the policies implemented so far.

One day, I believe, when this transitional period for the Romani Movement is over, when the Romani Movement has taken steadily its course in the right direction, most of us, the Roma with education, may be able to afford the luxury to be professionals in many spheres, not necessarily related to Roma. Then, I hope, the number of Romani professionals will be much higher too.

Now, twelve years after my first steps in the Romani Movement, if I had to choose again whether to be an economist or a Romani activist, I would again choose the latter.

Chronicle

Publications

May 2004: Published *ERRC* report, “Stigmata: Segregated Schooling of Roma in Central and Eastern Europe”.

Campaigning, Conferences and Meetings

April 2-4, 2004: Organised a training seminar “Monitoring Roma Rights” for Romani activists, followed by a round-table “Roma and the Police”, Samara, Russia.

April 13, 2004: Sent materials regarding the situation of Roma in Kosovo during and after the March ethnic tensions to the Parliamentary Assembly of the Council of Europe discussing the situation in Kosovo in the Second Part of its Plenary Session, between April 26-30, 2004, in extraordinary procedure.

April 14, 2004: Submitted materials pertaining to the obstacles and discrimination facing Roma in Greece in their access to fundamental social and economic rights to the Committee on Economic, Social and Cultural Rights, at its 32nd session, April 26-May 14, 2004, reviewing Greece’s initial report on its compliance to the International Covenant on Economic, Social and Cultural Rights.

April 16, 2004: Submitted written comments pertaining to the matter of Coercive Sterilisations of Romani Women in the Czech Republic to the Committee Against Torture on the Occasion of its Review of the Czech Republic’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at its 32nd Session, 3-21 May 2004.

April 16-17, 2004: Participated in the Conference “Good Practices in Promoting Romani and Minority Women in the Political and Democratic

Processes: Experience of Romania in the OSCE context”, organised in the framework of the Stability Pact by *Romani CRISS* in partnership with the Chamber of Deputies of the Romanian Parliament, the Roma Party in Romania, Project on Ethnic Relations and European Roma Information Office, Bucharest, Romania.

April 19-20, 2004: Presented *ERRC* advocacy work with the Council of Europe at the seminar “Implementation of Human Rights: the Efficiency of Justice in the Council of Europe and its Member States”, organised by the Netherlands Ministry of Foreign Affairs and NJCM, Dutch Section of the International Commission of Jurists, The Hague, Netherlands.

April 22-23, 2004: Organised a training for NGOs on the effective implementation of anti-discrimination legislation, a roundtable discussion for parliamentarians and a training for judges and lawyers on the same issue, Riga, Latvia.

April 23-24, 2004: Participated in the conference “Roma in an Enlarged European Union”, organised by the EU, Brussels, Belgium.

April 29, 2004: Presented Roma rights issues at the seminar “Old Region, New Institutions: Hungary, Romania and the Slovak Republic” at Södertörns högskola, Stockholm, Sweden.

May 3-4, 2004: Held open meetings with civil society activists in Brno and Prague, Czech

Republic, to discuss common action on the issue of coercive sterilizations of Romani women in the Czech Republic.

May 7-8 2004: Participated in a workshop organised in the framework of the joint project of the *ERRC*, *Interights* and *Minority Policy Group* "Implementing anti-discrimination law in Europe", Istanbul, Turkey.

May 12, 2004: Held, jointly with local partner *Romani Yag*, a training for Romani activists on monitoring the human rights situation of Roma in Ukraine, Lviv, Ukraine.

May 13-14, 2004: Held press conferences in Sarajevo and Bijeljina, Bosnia and Herzegovina, to promote the *ERRC* Country Report "The Non-Constituents: Rights Deprivation of Roma in Post-Genocide Bosnia and Herzegovina".

May 14, 2004: Held a workshop on Roma rights with the youth network of the Helsinki Committee for Human Rights Republika Srpska, Bijeljina, Bosnia-Herzegovina.

May 14, 2004: Sent materials pertaining to the rights deprivation of Roma in Bosnia and Herzegovina to the Advisory Committee of the Framework Convention on the Protection of National Minorities.

May 17, 2004: Gave a lecture on "Anti-discrimination law in the new member-states of the EU", Luxembourg.

May 18, 2004: Spoke on Roma rights at the conference "Strengthening Jewish Organisations in the New European Union Member States", organized by Centre Européen Juif d'information and the European Council of Jewish Communities, Budapest, Hungary.

May 22, 2004: Delivered an open lecture at the Istanbul Bilgi University (IBU) on strategic litigation in Central and Eastern Europe, Istanbul, Turkey.

May 26, 2004: Hosted a visit to the *ERRC* offices by Romani Rose, the Chairman of the Documentation and Cultural Centre of German Sinti and Roma.

May 27, 2004: Participated in a discussion on Roma in Hungary, organised by the Institute of International Education, Budapest, Hungary.

June 2, 2004: Participated in the side-event "Promoting Entrepreneurship and Opportunities for Economic Development amongst Roma and Sinti", organized in co-operation by the OSCE OCEEA, ODIHR Contact Point on Roma and Sinti Issues and the Pakiv-European Roma Fund, as part of the Twelfth Meeting of the OSCE Economic Forum "New Challenges for Building up Institutional and Human Capacity for Economic Development and Co-operation", Prague, Czech Republic.

June 3, 2004: Provided a presentation on "Romaphobia" within a seminar entitled "Islamophobia and its Consequences on Young People", co-organised jointly by the European Commission against Racism and Intolerance (ECRI) and the Directorate General Youth and Sport of the Council of Europe, Budapest, Hungary.

June 4, 2004: Held, jointly with local partner *Romani Yag*, an advocacy training for Romani activists on the human rights situation of Roma in Ukraine, Odessa, Ukraine.

June 7, 2004: Presented ongoing *ERRC* work toward a report on Roma in an Enlarged European Union by the European Commission at a meeting of the Social Platform, Brussels, Belgium.

June 7-9, 2004: Co-organised, together with the Council of Europe, the 8th study session on the European Convention on Human Rights for lawyers involved in the provision of legal assistance to Roma, Strasbourg, France.

June 9, 2004: Attended a conference on anti-racism organised by the Irish Presidency of the European Union, Dublin, Ireland.

June 14, 2004: Met with the Czech Ombudsman to discuss action to provide redress for Romani women coercively sterilised by Czech doctors, Brno, Czech Republic.

June 15-16, 2004: Participated in a meeting on racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes, organised by the OSCE, Paris, France.

June 18, 2004: Submitted a collective complaint against Italy under the Revised European Social Charter presenting *ERRC* documentation of systematic violations of the rights of Roma in Italy to adequate housing.

June 21, 2004: Participated in a workshop on health care organised by the World Bank and the *Open Society Institute*, Budapest, Hungary.

June 22, 2004: Lectured on Roma rights at the European Academy of Bozen/Bolzano, Italy.

June 24-26, 2004: Organised a roundtable discussion on Roma-police relations and a training seminar "Roma Rights Defence: Strategies and Methods" for Romani activists, St.Petersburg, Russia.

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