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**Cover photograph:** Gypsy Minority Self-Government election, January 1999, Budapest.

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# Political Rights of Roma

Savelina Russinova

**I**N THE PAST THIRTEEN YEARS, the democratic processes in Central and Eastern Europe have dispelled two illusions – or rather false assumptions – about the representation and participation of Roma in public life. The first one is that Romani concerns can be effectively addressed and their rights promoted within the ordinary political process by individuals in publicly elected bodies who are not necessarily Roma. And the second one is that a token number of Roma in the public administration can make a difference in policy formation and implementation on Roma. Despite their numerical strength in several countries, Roma in Central and Eastern Europe remain to date un- or underrepresented in political life due to the fact that they do not stand equal chances to participate and to exercise their political rights. Romani exclusion is even more pronounced in Western Europe: the total number of public officials in European Union member states who state that they are Romani can literally be counted on the fingers of one hand.

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

In this issue of *Roma Rights*, we have published a story about the election of the Gypsy Minority Self-

Government (an official consultative body to the local government) in the Hungarian village of Jaszladany (see article on p. 37 of this issue of *Roma Rights*). This story may seem too specific to be taken as an epitome of the state of Romani representation in a number of Central and Eastern European countries today. However, there are a number of lessons to be drawn from it. In brief, in Jaszladany, the non-Romani minority mobilised itself and outvoted the Romani minority during the minority self-government elections. The current Gypsy Minority Self-Government (MSG), formed in October 2002, ended up having four persons identifying themselves as non-Romani out of a total of five members. This situation is not in violation of the law. Neither domestic nor international norms require ethnic representation proper. In the aftermath of the election, however, the difference between the Romani representatives and the non-Romani representatives in the Gypsy MSG became conspicuous. The predominantly non-Romani Gypsy Minority Self-Government in Jaszladany did not protest the establishment of a local private school created to segregate the local Romani children from the non-Romani children, and the school started operating in the autumn of 2003. By comparison, the previous Gypsy MSG – composed of Roma – fought against the establishment of the private school with all the legal powers available to it, and had effectively blocked establishment of the school.

A similar scenario recently unfolded in the local elections in 2003 in Bulgaria, although under completely different circumstances. In the northwestern Bulgarian town Vidin, the battle between two candidates for mayor (representing the two major political parties in Bulgaria) was decided by the anti-Romani vote (see p. 73 of this issue of *Roma Rights*). Ethnic Bulgarians mobilised with the active support of local media to vote for a candidate who did not make any commitments to local Roma. The candidate who the citizens of Vidin wanted to keep out of power had, according to his detractors, endangered the city with his negotiations with

the Vidin's sizeable Romani community (about 20% of the total population of the city).

While the two examples above are somewhat different, parallels cannot be ignored. In both cases, non-Roma perceived the concerns of Roma as alien and even hostile to their own interests. In both instances, the majority tended to vote for those candidates who were least sensitive to Romani concerns. This kind of feeling prevailing among the majority population, renders it difficult for even the most enlightened political leaders to promote equal opportunity policies for Roma.

To say that Roma have never had ethnic representatives in publicly elected bodies, however, would be wrong. In most of the parliaments of Central and Eastern Europe in the post-communist period, there have been at least and often at most one Romani representative elected on the party list of a mainstream party. In some instances, such as in Romania for example, Roma have a single reserved seat. In local politics, Roma have secured even more representatives. The experience of the Romani representatives in national and local politics, however, has in many cases deteriorated rather than improved the prospects of Romani political representation. The practice of placing one or two Romani representatives on national elected bodies has legitimised tokenism in Romani representation. While the Romani representatives, whose placement on the majority party lists is often advertised as an expression of the good will of the majority party to tackle Romani problems, have increased the chances of a given mainstream party to win Romani votes, their recruitment to the respective party has almost never resulted in any meaningful role in shaping the party's policy agenda with regard to Roma. Nor has the presence of Roma in mainstream parties guaranteed any commitment by the respective party to Roma policy. The inclusion of Roma in mainstream party lists has in most cases been perceived by both sides as a kind of mercy on the part of the party leadership, rather than a commitment to Romani policy. Romani representatives elected in this way have in most cases been caught in a vicious circle of balancing allegiance to the party which elected them and allegiance to the Romani constituency which expects them to address its concerns. That these two are incompatible (perhaps not inherently, but at least for the time being) is demonstrated, among other things, by the fact that most of the Romani elected MPs have not been re-elected in subsequent elections.

The second fallacy that should be addressed is the assumption that a token number of Roma in the public administration can have any impact on Roma-related policies. The model existing in Central and Eastern Europe of placing one or two Romani individuals in low-ranking positions in a limited number of public offices has by all evidence failed to lead to any satisfactory policy-formation and policy implementation on Roma in these countries. This model, again, has proved to be more damaging than beneficial for Roma. In addition, lack of targeted action to prepare Roma for positions in the public administration has also left many of them ineffective. The effect has been alienation between Romani communities which expected to see their needs addressed, and their representatives who did not have the powers and the knowledge to fulfil expectations. The more serious effect has been the persistent undermining in the public consciousness of the feasibility of Romani participation in public affairs.

Political mobilisation of Roma is the obvious response to the current situation of exclusion from the political processes. Mobilisation has taken place in the past and is underway in the present, as can be seen from a number of articles in this edition. However, mobilisation alone does not suffice to overcome the numerous barriers facing Roma in the political sphere. In order to reverse the history of Roma as a disenfranchised and weak minority – a minority burdened by factors including a lack of political will on the part of mainstream politicians to integrate Roma politically, a lack of a critical mass of Roma in politics, and a lack of mechanisms to compensate for their weakness, more than grass-roots action is required.

Political rights cannot be measured by the existence of laws guaranteeing democratic principles. Rather, account needs to be taken primarily of the citizen's capability to exercise these rights. The case of Roma clearly demonstrates that the right in principle to participate in a democratic system does not guarantee inclusion in practice. The state should fulfill its primary obligation to guarantee equal rights for everyone. In the case of Roma, this obligation should translate into affirmative action policies (to tackle racial discrimination in all spheres of social life), as well as policies targeted at increasing the participation of Roma in public life, through actions such as political education programmes to change attitudes among party leaders and members, promotion of Roma minority candidates for public office, and voter education.

# National Democratic Institute Assesses Roma Political Participation in Future EU Members: Bulgaria, Romania, and Slovakia<sup>1</sup>

## Introduction

Romani populations have been largely left out of political and economic transitions throughout Central and Eastern Europe, discriminated against and marginalised through poverty, social ills and, for many Romani communities, physical isolation. If Roma are to advocate for better opportunities and effective solutions, they will need to become more active participants in the political processes of their countries. This will require consistent, long-term efforts and assistance. Non-Romani political parties and leaders across the region thus far have lacked the will to encourage such participation. For their part, Romani communities have yet to produce effective political leadership. New Romani political groupings are needed to promote Romani identity while articulating and advancing their human rights through political representation.

To help in this effort, the National Democratic Institute (NDI) assessed challenges to, and opportunities for, Roma political participation in three countries slated to accede to the European Union – Bulgaria (2007), Romania (2007) and Slovakia (2004). The objective of this assessment, which took place in February and March of 2003, was to develop country profiles that Roma and others can use to craft political development strategies. Interestingly, the assessment revealed that, while diverse, Romani communities in the three countries share similar challenges to political participation.

NDI met with a wide range of Romani and non-Romani political and NGO leaders, elected and ap-

pointed government officials, as well as researchers, journalists, educators, political analysts, ordinary citizens and representatives of international organisations active in Roma-related issues. The assessment team visited the capitals, as well as other towns, villages and Romani settlements in the three countries.<sup>2</sup>

Funded by the Open Society Institute (OSI), this project reflects the interest of both NDI and OSI to raise the issue of Romani political participation with relevant international organisations and to take the first step toward initiating strategic blueprints for Romani communities to enhance their political participation, representation and influence.

## Assessment of Findings

### *Population Size and Identity*

Roma in all three countries face numerous economic, social and political challenges that prevent them from fully integrating into society and actively taking part in politics. In all three countries, Romani children are usually segregated into lesser quality facilities, which has contributed to significantly higher illiteracy rates and thus higher unemployment and poverty rates. Following the post-communist transition, the general economic situation for most Roma (who are disproportionately employed as unskilled laborers) deteriorated even more sharply than for the general population. These disadvantages are exacerbated by the fact that many Roma do not possess proper identification documents, which represents a

<sup>1</sup> *The article presents a summary of the major findings and recommendations of the research into Roma political participation in Bulgaria, Romania and Slovakia conducted by a team of the US-based National Democratic Institute.*

<sup>2</sup> *Assessment Team Members: Michael Brown, James Denton, Dana Diaconu, Michael Farnworth, Rachelle Horowitz, Peter Pollak, Vicki Robinson, Iulius Rostas, Rumyan Russinov, Toni Tashev and Sevdalina Voynova. The assessment reports were prepared by James Denton. The reports can be accessed at: [www.ndi.org](http://www.ndi.org).*





significant obstacle in applying for employment, qualifying for social assistance and education and, significantly, registering to vote.

The potential size of Romani voting constituencies – which is reportedly growing at a faster pace than the non-Romani population in these countries – is particularly relevant to political parties competing for parliamentary seats. The national censuses in Bulgaria, Romania and Slovakia identified the number of Roma in each country as 370,908; 535,250 and 89,920, respectively. However, NGOs and Roma political activists, researchers and social scientists, as well as international institutions, believe that official estimates of the Romani population in all three countries are significantly understated. Unofficial estimates of the Romani population in Bulgaria range from 700,000 to 900,000,<sup>3</sup> two or three times the official count. A 1994 report by the United States Commission on Security and Cooperation in Europe estimated that the Romani

*To keep down the dust, Mr Ladislav Gabčo, 39, sweeps the bare earth that surrounds his home in the Romani settlement of Richnava, Košice region, Slovakia. “In the 12 years that the mayor has been in office, he has never come to see how we live,” Gabčo said. “Everything has stayed the same for the Roma here in Richnava. Everyone promises, but things stay the same.” June 14, 2003.*

PHOTO: JULIE DENESHA

population in Romania exceeded 2,000,000, nearly four times the official count. Several Slovak research groups, government officials and international organisations estimate the Romani population in Slovakia at 400,000, over four times the official count. These unofficial estimates, if true, would put the Romani population at anywhere from 8 to 10 percent of the total population of these three countries.

High illiteracy rates, as well as the census pollsters’ limited reach into depressed Romani communities,

<sup>3</sup> See for example, Jean-Pierre Liegeois. *Roma, Gypsies, Travellers*. Council of Europe Publishing. 1994.

undoubtedly contributed to the undercounting. However, most Roma and non-Roma experts attribute a portion of the undercounting to an undocumented but widely acknowledged practice whereby many Roma deny their ethnicity to avoid the stigma of being attached to the bottom rung of the social hierarchy. While some Roma may consider themselves genuinely assimilated into society, one common belief is that many deny their ethnicity to enhance their prospects for improved socioeconomic status.

### *Roma Political Experience*

The early days of the post-communist period were hopeful ones for Roma in Central and Eastern Europe, but lack of political experience and differing visions among Romani activists led to a fragmentation of the newly emerged Romani movement. Many Roma oriented their interests to the non-governmental sector, where it proved easier to attract resources for projects in Romani communities.

In recent parliamentary elections, Romania's Romani Party (Partida Romilor) has maintained its monopoly on Romani representation, while in Bulgaria and Slovakia, Romani parties have attempted to wage campaigns with little success.<sup>4</sup> The Romani parties' failure to attract a substantial percentage of the Roma vote in these two countries indicates that Roma do not necessarily vote as a bloc, nor do they necessarily support the ethnic-based parties and candidates who claim to represent them.

**Political Orientation and Dependency:** The NDI assessment team found that, although undeveloped and largely uninformed, Romani political orientation appears to lean to the centre-left, with a strong role for government; this is based, however, on purely anecdotal evidence with no reliable data. Nonetheless, experts in Bulgaria and Romania estimate that 70-80 percent of Roma normally support a "cradle to grave" political agenda. Polling data from the September 2002 national elections in Slovakia shows

that some 60 percent of Roma are believed to have cast their ballots for the Movement for a Democratic Slovakia (HZDS) party led by Vladimir Mečiar, known for his populist rhetoric about wealth redistribution and increased benefits.

**Roma Political Parties and Leadership:** Slovakia currently has no members of parliament who identify themselves as Romani; Bulgaria has two, only one of whom is a member of an ethnic Romani political party; and Romania has two Romani members of parliament, both from the Roma Party. The Roma Party's dominance of the Romani political scene in Romania is less attributable to broad support from the Romani population than to its relationship with the ruling Party of Social Democracy (PSD). In Romania's 2000 election, the Roma Party candidate won the single seat in parliament reserved for the Romani minority, but another Roma Party member was elected on the PSD's list of candidates as part of an electoral agreement between the two parties. Because of its victory over other Roma parties in the elections, the Roma Party now receives government subsidies, allowing it to further strengthen its network and better prepare for its next electoral campaign.

In general, Roma tend to be more politically active at the local level than at the national level. By most accounts in the three countries, Roma are exerting increasing influence in local politics. Voter turnout records and reports in Bulgaria<sup>5</sup> indicate that Roma recognise that their political interests are best represented at the local level.

However, among the relatively few local Romani candidates elected to serve in office, almost none get re-elected. The NDI assessment team was told by Roma and non-Roma that, of the Romani mayors and local councilors recently elected in Slovakia, many were inexperienced and lacked the skills to govern. While newly elected non-Romani officials often share this inexperience, Roma are under greater pressure to prove their abilities while at the same time being disproportionately unprepared – several in Slovakia

<sup>4</sup> The "Roma Party" is not actually a party, but rather a non-governmental organisation. At the time of the assessment, no legally registered Romani political parties existed in Romania. However, Romanian law permits all national minority NGOs to participate in electoral politics. Of the politically active Romani NGOs, the Roma Party is dominant.

<sup>5</sup> UNDP Regional Human Development Report, 2002.

were reportedly functionally illiterate and without a secondary education.

Based on recent election results and the testimonies of Roma in all three countries, NDI concluded that Romani politicians and the establishments they represent have been largely discredited among Romani voters. After 13 years of political freedom, little evidence can be seen that Romani parties and groups have a major following among the Romani constituency they claim to represent. Politics are perceived by Romani voters to be guided by the self-interests of a few leaders. While this mirrors a general trend throughout the region, it seems particularly pronounced among Roma.

**Election Campaign Experience:** The NDI assessment team concluded that Romani election campaigns in all three countries have thus far been conducted at a rudimentary level. By all accounts, campaigns in the Romani community have consisted largely of, and were derided as, base appeals for votes backed up by free alcohol, “passing around money,” etc. – practices common in the world’s more depressed and easily manipulated communities.

**Political Organising Infrastructure:** Roma political organisations lack a developed infrastructure beyond a scattered handful of party leaders and activists who have little influence in the larger Romani community and official circles. The functional and structural links between national party leaders and local Romani communities are scant in Slovakia, non-existent in Bulgaria, and in Romania, they rely on the link between local Roma Party presidents, local Romani advisors to the mayors and prefects<sup>6</sup> and the party leadership in Bucharest.

**Mainstream Parties:** The NDI assessment team concluded that one of the primary obstacles to Roma political participation in all three countries is the lack of an open and fair environment that encourages their active involvement in mainstream non-Romani parties. These parties are central to Roma political participation and yet, in most of the region, are ill-prepared to engage on this issue. As noted above,

the NDI assessment team found reluctance among most political parties to advocate Romani interests or associate themselves with Roma, as this is generally feared to be politically damaging. Romani candidates who do make their way onto mainstream party lists are often placed so low as to be unelectable.

As a result, Romani views of mainstream parties were generally negative in all three countries. Typically expressed concerns were that mainstream parties manipulate the Roma vote and are dismissive of Romani community problems. Still, Romani leaders and activists in Slovakia (in contrast with Bulgaria and Romania, and with the exception of several older Roma with whom NDI met) appear to understand that an alignment with mainstream political parties is necessary to increase their political profile. While they generally have little trust in politicians, polling and election results indicate that Roma voters favor mainstream parties over their own.

### *Opportunities and Assets*

Several opportunities and assets the Romani community can exploit to strengthen their political involvement are mentioned below:

◆ **Electoral Reform:** Governments in all three countries are likely to consider critical reforms to their electoral systems in the coming years. Reform of electoral systems, particularly at the local level, could allow for more direct representation in areas where Roma predominate. Open-list systems might also raise the electability of Romani candidates, who are typically placed low on a party’s list.

Such reform could significantly brighten prospects for Romani representation in both local government and parliament. For example, Slovakia’s electoral system – in which the entire country comprises a single voting district – is inherently discriminatory against Romani parties and candidates. A multi-district system in Slovakia, possibly with eight regions, could provide Roma parties and candidates greater opportunities to gain representation. Where Roma

<sup>6</sup> *The prefect is the representative of the central government in each county. The Roma Party negotiated with the PSD the appointment of Roma advisors in the prefects’ offices, as well as Roma experts in the mayors’ offices throughout the country.*



are concentrated territorially, single member districts may provide sufficient representation.

- ◆ **Elections:** Upcoming elections in all three countries could serve as an ideal testing ground to measure the effectiveness of short-term goals to increase Roma political participation and representation. Nationwide local elections are scheduled for mid-October 2003 in Bulgaria and spring 2004 in Romania, with Romanian presidential elections in fall 2004 and parliamentary elections possibly in early 2005. Elections of Slovakia's eight regional governments are scheduled for 2005, with parliamentary and communal elections scheduled in 2006.
- ◆ **Romani NGOs:** The NGO sector represents a tremendous asset and resource. Hundreds of Romani issues-oriented NGOs in the three countries – particularly in Bulgaria, where the non-governmental sector is the most vigorous – conduct empowerment, advocacy, monitoring and anti-discrimination initiatives to increase Roma access to education, jobs, political participation, health care, legal services, etc.
- ◆ **Municipal Political Representation Models:** The level of Romani political representation is higher in a handful of cities and municipalities where the Romani population accounts for a sizable portion of the community. Those cities and towns with higher concentrations of Romani voters are ideal sites to develop programs to strengthen Romani political participation.
- ◆ **Roma Development Strategies:** Government strategies to improve the condition of Roma currently exist in Bulgaria, Romania and Slovakia. These documents, outlined below, all offer a standard by which the governments may be held accountable.
  - **Bulgaria** – *The Framework Program for Equal Integration of Roma in Bulgarian Society* (“*Framework*”) is a policy document initiated and drafted by a broad coalition of Romani organisations and adopted by the government in 1999. It summarises an overall strategy to address challenges during the coming 10 years, in discrimination, economic development, health,

education, culture, media and image and gender equality. Though the Framework has been afforded little concrete support by past governments, the current government recently drafted an anti-discrimination law in accordance with the Framework's recommendations.

- **Romania** – *The Strategy of the Government of Romania for Improving the Condition of the Roma* (“*Strategy*”) was developed under the former Romanian Democratic Convention government and adopted by the current government. The Strategy is designed to bring Romania into compliance with international standards by meeting challenges in the coming 10 years in the following categories: community development, housing, health care, economy, justice and public order, child welfare, education, culture and denominations, communication and civic involvement.
- **Slovakia** – In 1998, the government established the *Office of the Plenipotentiary for Roma Communities*, headed by a Romani person who was to act as an official liaison with the government for Romani communities. Nevertheless Slovakia, like the others, has made little progress overall in addressing the needs of Roma; in fact some international experts argue that progress has actually been reversed. Romani disaffection with the political process may well have worsened following their disappointment with the lack of an effective government response.
- ◆ **International Support:** The international community is keenly interested in supporting efforts to enhance Romani economic, social, political and cultural life and to protect their human rights. New allies can likely be recruited in light of the urgency of the need and the implications that failure will have on the expansion of Europe and the EU's economic stability.

## Recommendations

The purpose of the assessment was to recommend strategies that could be incorporated into a plan designed by Roma to increase their political participa-

tion and influence. With that in mind, NDI recommends that a Roma Political Participation Initiative in each country be designed and launched, to develop the human capacity, political mechanisms and organisational infrastructure needed to educate and mobilise a broadly defined “Roma constituency” to advance the community’s interests.

NDI recommends that the Roma Political Participation Initiative have four basic, long-term objectives:

**1. Develop a Cadre of Political Leaders, Managers and Activists** who are trained and skilled in political organization and campaigns, as well as prepared to govern. The NDI team met some exceptionally talented, confident and articulate young Roma activists. Most were affiliated with NGOs and, in Bulgaria and Romania, were located mainly in the capital cities. The enlargement of this group must be central to any strategy to increase Roma political participation and influence. NDI recommends that this training effort concentrate on a group of up to 100 young Roma in each country and continue for at least two to three years. Over time, these trainings will produce a new generation of Roma politicians, skilled in the art of the political campaign and trained to advocate local interests, like better schools and improved roads, that will benefit Roma and non-Roma citizens alike. NDI recommends that this cadre attempt to achieve a gender balance, as young activists at numerous meetings indicated that the deficit of women activists needs to be corrected.

By grooming their best and brightest to assume the mantle of political leadership, Roma are also more likely to overcome the entrenched prejudice against them and the collective sense of inferiority evident within their own ranks. When a new generation of competent political leaders emerges, they will be better positioned to appeal to both the non-Romani and Romani communities.

**2. Establish Political Structures and Mechanisms** that facilitate and encourage on-going community outreach and education to develop an informed constituency and a coherent political culture. These outreach vehicles could take various forms, but some general observations and suggestions that

seem appropriate in the three countries are mentioned below:

- ◆ **Town Meetings:** Regular town meetings that establish open, two-way communication between a community and its Romani and non-Romani leaders would be an appropriate beginning. In advance of local elections, for example, civic groups could organise a series of educational forums to inform the public, as well as introduce newer Roma political activists and candidates trained through the initiative mentioned above.
- ◆ **A New Political Party?** Given the disjointed and divided political environment, the lack of capacity and the public image of Roma, NDI believes that the establishment of a new Romani political party is at best premature. The conditions are poorly suited, and NDI believes that such an effort would likely fail – and, indeed, could create new rivalries and divisions among Roma – setting the Romani movement back years. Furthermore, the overarching need in the region is for all parties to become more grounded in political ideology and less formally identified by ethnicity, personality or special interests.
- ◆ **Roma Caucus in Parliament:** NDI recommends that consideration be given to approaching Roma Members of Parliament in Bulgaria and Romania and exploring means of cooperation. One concrete proposal, for example, might be to form a Roma Caucus of 20 to 30 MPs in each Parliament, inclusive therefore of non-Roma members, which could serve as a permanent body to represent and advance Roma issues.

NDI recommends that a similar caucus be created in Slovakia. Though the National Council of Slovakia has no Romani MPs, those MPs with an interest in issues affecting Roma could provide this link between the Parliament and the Romani community. The team further recommends that Romani and non-Romani MPs use intra-regional cooperation and lessons learned, providing a regional dimension with increased networking. MPs could establish best practices for enhancing the quality of life of Roma in each country. These exchanges could

be tied to a central issue of concern for Roma, such as school desegregation.

- ◆ **Roma Coalition:** NDI recommends that Roma consider establishing a nationwide, membership-based organisation in each country comprising politically active and like-minded individuals and NGOs, primarily representing the younger generation. Such a coalition could support the Roma Political Participation Initiative's effort to build organisational capacities within the ranks of the Romani community. Most importantly, such a structure would serve as a forum and networking vehicle to exchange ideas among newer Romani leaders and the community, to develop an informed and coherent political culture and to link like-minded Romani groups around the country – perhaps even across borders. Although circumstances could change, at this time NDI recommends that the Romani coalition of NGOs in Romania be independent of the Roma Party.

**3. Put Roma Issues on the Mainstream Agenda and Broaden the Constituency** to increase the quantity and quality of Roma representation in government and reach the critical mass necessary to achieve the community's public policy objectives. NDI recommends that Roma politicians seek political office not as "Romani candidates" per se, but generally speaking as candidates with a well-defined political ideology and platform (e.g., Social Democrat, Christian Democrat, Liberal) who also happen to be Roma.

- **Mainstream Political Parties:** The role of mainstream political parties in fostering Roma participation must change. NDI recommends that non-Roma party leaders provide more encouragement to those Roma who seek to be politically active. This means making room for them on electoral lists, increasing their presence in executive bodies and stimulating policy discussion within their parties on issues related to Roma rights.

Moreover, NDI strongly urges non-Romani political leaders of these three countries to vigorously condemn all human rights abuses and to use the "bully pulpit" of their positions to promote non-discrimination. Their active engage-

ment with Romani civic groups will allow the interests and needs of Romani communities to be understood and represented at decision-making levels.

- **Public Opinion Research:** The anecdotal information received by the NDI assessment team, while helpful in illustrating important themes, belies the apparent dearth of methodological research on Romani views in the context of political participation and representation. NDI sees public opinion research, in the form of polling and focus groups, as essential to building strategies for Romani political participation, particularly within the mainstream political parties.

**4. Enhance the Roma Identity and Public Image** through a combination of media outreach and training, implementation of self-help projects and recruitment of high profile Roma political candidates.

- **High-Visibility Candidates:** NDI recommends that respected and articulate Roma be recruited and trained to run for highly visible public offices, particularly in cities or districts where Roma make up a significant portion of the electorate. Such a high profile candidacy, regardless of long odds, could enhance the popular image of Roma, "mainstream" Romani issues and create a national sense of purpose that incorporates Romani concerns. In other words, the short-term goal is not to win, but to gain experience and normalize the concept of Roma candidates.
- **Media:** NDI recommends that current efforts to balance the press coverage of the Romani community be evaluated based on results and that these efforts be replaced or redoubled as appropriate. NDI recommends a creative and proactive approach that would provide the mainstream media with alternative news sources on Roma; train and place young Roma to work as professionals in mainstream media; and set a minimal level of minority hiring at larger media broadcast and publishing outlets.
- **Self-Help Programs:** The NDI team visited several congested villages and settlements where

the living and health conditions were particularly impoverished. Certain basic self-help programs could likely improve services and conditions, as well as give the community a sense of accomplishment and pride. Garbage clean-up, home repair, education-related job training and other projects could be organised by the community itself, in some cases without outside support. NDI recommends that emerging Roma political and civic leaders be trained in the organising skills needed to develop such programs as a means to instill a sense of purpose, accomplishment and identity in a community.

### Principles to Support Roma Political Participation

As the Roma Political Participation Initiative is designed and structured, NDI recommends that it be guided by the following principles and priorities:

- ◆ **Be Comprehensive:** NDI recommends that the Roma Political Participation Initiative be comprehensive, covering a wide range of political skill sets such as grassroots political organising, strategic planning, civic education, community organising, issue advocacy and governance – all well known to those institutions with relevant training experience in the emerging democracies, such as NDI.
  - ◆ **Take a Long Term View:** Assuming continued progress along a defined timeline, NDI proposes that the Roma Political Participation Initiative be sustained for at least five to seven years in each country. This term is necessary to conduct the program’s development and training efforts through a local and national election campaign cycle.
  - ◆ **Focus on the Younger Generation and Women:** NDI recommends that, without being exclusionary, the younger generation (under 40) be targeted in this initiative. NDI believes that the younger generation represents both the ideal and the only viable group upon which to base the reorientation and the increase of Romani political participation, and to bring it to a coherent level. Romani women, who are discriminated against as both women and Roma, already have cross-border networks in the region, many of them funded by the Soros foundations.
- These networks would provide an ideal starting point for regional cooperation.
- ◆ **Change the Top-Down Mentality:** Nothing more distorts the Romani political culture than the degree to which “informal leaders” – those who are appointed or anointed – claim to represent Romani interests without the legitimacy of having been approved by an electorate. At every opportunity, the Roma Political Participation Initiative should reinforce openness and competition and the notion that political legitimacy and the right to claim “representative” or “leader” status must be derived from the consent of those being represented.
  - ◆ **Prioritise Local and Grassroots Development:** NDI recommends focusing first on the local level, where a concerted effort to provide basic political education, organising and leadership training will inject competition into the political arena. A successful training and education campaign could begin to reorient the traditional political formulas that have poorly served the Romani population. Ideal sites to launch a sustained training and organisational effort will be cities and towns with a relatively high density of middle income and educated Roma.
  - ◆ **Promote Existing Roma Talent:** Few Romani professionals serve as government staff, including in localities with disproportionately large Roma populations. NDI recommends that the Roma Political Participation Initiative work to recruit and identify qualified Roma who could serve effectively in public administration and foreign service posts. In addition, a dialogue to encourage and assist government officials to proactively recruit and hire qualified Roma to serve their country in these professional capacities would be appropriate.
  - ◆ **Prepare Roma to Govern:** If Roma officials fail in their new positions, the goals of this initiative will be severely set back. In addition to developing campaign skills, NDI recommends that Roma activists and officials be trained in basic governance and public administration, legislative process, budgeting, “enterprise zone” theory, public-private economic development partnerships, negotiating and constituency relations. NDI recommends that training also

include public policy theory that could underpin future policy agendas and campaign platforms.

- ◆ **Establish a Reputation for Integrity and Open Competition:** Given the fragmentation among Roma, the potentially corrupting role of family and financial ties, the private deals and the public distrust that often characterize politics in the region, the Roma Political Participation Initiative must set the highest standards of professionalism, transparency and openness. The recruitment and selection of training participants will be critical to the program's integrity, public perception and success. NDI recommends that the training opportunities and selection process be publicly announced, open and competitive. NDI further recommends that neutral international sponsors and organisers take a leading role in interviewing and selecting candidates for training.
- ◆ **Incorporate International Supporters, Institutions and Experience:** NDI strongly recommends that an International Donor Committee be established among those governments, multilateral institutions and NGOs willing to support the Roma Political Participation Initiative with financial, technical or political/diplomatic support, or some combination thereof. Coordinated international financial and technical support, will be needed to conduct the programme successfully.
- ◆ **Empower Romani Voters:** Voter education and election monitoring should be adopted to investigate and correct reported abuses of the national identification card system and related voter registration issues, as well as confusion over voting procedures, all of which disenfranchise large numbers of Roma.
- ◆ **Be Judicious in Selecting Issues, Choose Winners and Show Results:** There is no shortage of critical issues challenging the Roma community – all of which could make their way onto a Roma candidate's political agenda and platform. In order not to exacerbate the existing mistrust and disillusionment in the Romani community, NDI cautions against overly ambitious political agendas that will raise unachievable expectations and widen the trust gap that divides Roma leaders from their constituents.

While this report does not propose to develop a Roma political agenda, NDI offers the following recommendations that might be considered as such an agenda is prepared and evolves:

1. Reform the electoral system to be more advantageous to Roma candidates (open lists as opposed to closed lists; mixed as opposed to purely proportional representation; and multiple districts as opposed to single district systems).
2. Form a mixed ethnicity Roma Issues Caucus or Committee in the parliaments of all three countries, as feasible, with cross-border exchange of information.
3. Monitor the funding, implementation and accomplishments of government initiatives, such as the *Framework Program for Equal Integration in Bulgaria* and the *Strategy of the Government of Romania for Improving the Condition of the Roma*. A number of Romani and non-Romani experts in all three countries expressed considerable concern that funds for Romani programs were being wasted or stolen. Monitoring governmental funding of Romani initiatives could be a principal focus of one or several Romani civic groups.
4. Advocate for permanent representation on Romania's National Council for Combating Discrimination (NCCD) and develop a plan to use this potentially powerful mechanism to expose and eliminate discrimination against Roma.
5. Introduce local-level self-help programs that could improve the quality of life for Roma and build political momentum.
6. Examine existing tax incentive and micro-lending programs to ensure that Roma benefit proportionately, particularly where their community's poverty has made the tax benefits possible.

## Conclusion

The problems confronting Roma are many and complex. Essential to their resolution is active, widespread participation by Roma in the political process. This requires first and foremost a more



amenable political, social and economic environment; it also requires individual skills training, enhanced political organisation, and strategies that allow for political diversity among Roma while promoting collective interests.

Governments in Bulgaria, Romania and Slovakia – and indeed throughout the region – need to implement Roma development strategies in a manner that derives meaningful and measurable benefit to Romani communities in the areas of political representation, economic development, social integration and human rights protection. International organizations need to recognize that political participation is the key to Roma

development, and then provide the resources and oversight to ensure that progress is made. Mainstream political parties need to incorporate Roma as voters, members, candidates and eventually among their leaders.

Given the breadth and depth of the political, social and economic obstacles facing the Roma in each of the three countries assessed, NDI believes that a broad, multi-faceted and long-term approach is needed to create meaningful political participation. The recommendations in this report represent a first step toward Romani ownership of their future through peaceful, democratic means.

# Roma in Politics in the Czech Republic, Slovakia and Poland

Eva Sobotka<sup>1</sup>

## Introduction

The political representation and participation of minorities<sup>2</sup> has been identified by various organisations operating in national security, conflict prevention or the human rights paradigm as a condition for healthy functioning of a democratic political system and a measure for increasing human security.<sup>3</sup>

A number of states in Central and Eastern Europe, after some hesitancy, have recognised Roma as national minorities.<sup>4</sup> The status of national minority, however, has not been a step towards ensuring adequate political representation of Roma. This pa-

per will provide an overview of existing political representation and participation of Roma in the Czech Republic, Slovakia and Poland and draw attention to conclusions of several research studies on Romani political participation and representation conducted in 2002-2003.

While in the Czech Republic, Slovakia and Poland, Romani participation has increased throughout the 1990s, political representation of Roma remains a missing element in the newly consolidated democratic systems of these states.<sup>5</sup> At the same time, it has been argued that the post-communist countries are rich in Romani representatives (Mirga and

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<sup>2</sup> For the purposes of this article, unless otherwise noted, political representation is understood, in narrow terms, as a mandate in the legislature and/or the executive at central and/or local level. Participation in public affairs is understood in broader terms, inter alia, participation in the local or national elections, in referendums, campaigning, membership in political parties, pressure groups or advisory bodies to government, human rights activism or community organising.

<sup>3</sup> See for example: Global Trends 2015: A Dialogue About the Future With Non-governmental Experts, at [www.cia.gov/cia/publications/globatrends2015/index.html](http://www.cia.gov/cia/publications/globatrends2015/index.html); US Statement on National Minorities and Roma at the OSCE Human Dimension Implementation Meeting, September 20, 2001, at <http://assembly.coe.int>; Report on the Situation of Roma and Sinti in the OSCE Area, at: <http://www.osce.org/hcnm/documents/recommendations/roma/indexphp3>; Roma (Gypsies) in the CSCE Region: Report of the High Commissioner on National Minorities, at <http://www.osce.org/hcnm/documents/recommendations/roma/roma93.html>; Statement of HCNM on his Study of the Roma in the CSCE Region, September 23, 1993, at [http://www.osce.org/news/generate/php3?news\\_id=2322](http://www.osce.org/news/generate/php3?news_id=2322); European Roma Rights Center, Joint Intervention by the International Helsinki Federation (IHF) and the European Roma Rights Center (ERRC) at the 2003 Organisation for Security and Co-operation in Europe (OSCE) Human Dimension Implementation Meeting, October 8, 2003, at: <http://errc.org/publications/legal/index.shtml>.

<sup>4</sup> While in Czechoslovakia in 1990, Roma were recognised as a national minority (narodnostni mensina), after the proclamation of Slovakia's independence in July 1992, the recognition of Roma took a step back. In 1997, for example, the Slovak authorities argued that Roma did not have the sufficient attributes of a national minority, and therefore could not be recognised as such. In 1998, after a change of government, Slovak authorities have again recognised Roma as a national minority. In Poland, the state has failed thus far to clarify whether Roma are considered an ethnic group or a national minority. In Poland, national minority and ethnicity categories represent statuses, to which the state attaches legal implications; i.e. national minorities have certain set of rights, while ethnic groups do not.

<sup>5</sup> This paper does not address the existing advisory level of Roma policy making in the Czech and Slovak context.

Gheorghe 1997: 8-11). According to this view, two opposite trends, which took place in the region throughout the 1990s, have contributed to the emergence of a large number of Romani representatives.<sup>6</sup> On the one hand, the development of pluralist society in the post-communist period in Central and Eastern Europe opened new ways to the ethnic mobilisation of Roma by providing opportunities for them to represent themselves in political life as well as to protect and promote their language and culture. On the other hand, within the Romani community, divisions have appeared based on the leadership/representation aspirations of people from different generations.<sup>7</sup> Here, the large number of representatives again proves that under the unifying name “Roma” – used especially in the 1990s – there is an archipelago of diverse groups, cultures and traditions.<sup>8</sup>

In the Czechoslovak context of the early 1990s, Romani representatives were elected in the 1990 parliamentary elections on the party lists of mainstream political parties and also engaged in policy making at the central level of state administration. However, most Romani elected officials failed to be re-elected and instead continued their activity in non-governmental organisations. From this position they continued to participate in policy advice on Roma and often called themselves “Romani representatives”. In the Czech and Slovak contexts therefore the word “Romani representative” has expanded its meaning of elected official to cover a broad category of indi-

viduals of Romani ethnicity, including Roma involved in policy-making at the advisory level as well as those active at the civil-society level and in particular, involved in human rights activism.<sup>9</sup> In the Polish context, no individual who identified themselves as Roma was ever elected to the legislative bodies at the central or local level. Therefore the meaning of “Romani representative” in Poland is more of a mixture of traditional community leader and a leader who has been active in the field of human rights of Roma, or who has contributed to the cultural development of the community during the 1990s.

### **Calls for Romani Political Representation**

As of 2003, political participation and representation of Roma remains inadequate across Europe.<sup>10</sup> A number of international organisations such as the European Union (EU), the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe (CoE) have recommended action to remedy this situation. Disadvantages of Roma in political representation was identified as having double, and in the case of Romani women triple, intensity (Parliamentary Assembly of the Council of Europe Recommendation 1557: 2002). The most recent general statement of the Council of Europe on political participation and representation of Roma in Recommendation 1557 (2002) reads:

<sup>6</sup> In the article by Mirga and Gheorghe, the term “Romani representatives” is implicitly given a broader meaning than merely elected officials.

<sup>7</sup> Mirga and Gheorghe differentiate between several factions of Romani elite: old communist Romani apparatchiks; younger, university-educated Romani individuals, who re-discovered their identity; traditional Romani leaders and the newest generation of Romani activists of the 1990s, devoted to using human rights rhetoric and mechanisms. In addition to Roma active in official structures of the communist states, there were also Romani intellectuals who were actively involved in cooperation with the dissident, opposition organisations, i.e. in Czechoslovakia with Charter 77.

<sup>8</sup> This said, one has to keep in mind that the increase in number of Romani representatives is also partly a result of political opportunism. In the newly democratic conditions, to be a Romani representative has been approached, by some, as a full-time job.

<sup>9</sup> The Czech government officially recognises the Romani activists as Roma representatives, that means those who claim to be Roma representatives are recognised. For more information see Doplňení informace o plnění zásad stanovených Rámcovou úmlouvou o ochraně národnostních menšin podle čl. 25 odstavce 1 Úmluvy (Art. 5), at: <http://wtd.vlada.cz/vrk/vrk.htm>.

<sup>10</sup> In 2000, for example, according to information from the OSCE Office for Democratic Institutions and Human Rights, there were five Romani Members of Parliament, 20 Romani mayors and 400 Romani municipal councillors altogether in the OSCE states (ODIHR workshop on Romani political participation, Prague, November 30-December 1, 2000).

The Assembly calls upon the member states to elaborate and implement specific programmes to improve the integration of Roma as individuals and Romani communities as minority groups into society and ensure their participation in decision-making processes at local, regional, national and European levels:

[...] iii. to involve representatives of Roma at all stages of the decision-making process in developing, implementing and evaluating programmes aimed at improving the conditions of Romani individuals and communities. This involvement should not be limited to consultation only, but should take the shape of a real partnership;

iv. encourage the presence of Romani members in national parliaments and encourage the participation of elected Romani representatives in the regional and local legislature process and executive body; [...]<sup>11</sup>

At the same time, inter-governmental organisations recognise that any improvement in the political representation of Roma and other relevant areas of life has to happen at the level of the state as well as at the local level.<sup>12</sup> In the words of Josephine Verspaget, the former Chair of the Specialist group on Roma/Gypsies in the Council of Europe: “Instead of focusing too much on the international organisations as a help from heaven, we must realise that every improvement has to be done at state and local levels. International organisations can, in the end, not change the policies of

governments and local authorities. This has to be done in the countries themselves.”<sup>13</sup>

Governmental policies toward Roma, formulated during the 1990s, are ambivalent on the issues of promoting political representation of Roma. While the Czech Concept<sup>14</sup> defines political representation of Roma as one of its main objectives, the Polish “Małopolska Programme”<sup>15</sup> includes achievement of full participation of Roma at the level of civil society but does not touch upon the issue of promoting participation or representation of Roma at central and local level of government. The Slovak Strategy<sup>16</sup> emphasises the need to provide opportunities for Roma to participate in resolving “their own problems”, yet it fails to specify the means for reaching this objective.

Despite lack of attention to the issue of Romani representation at the national level, international calls for increasing political representation of Roma have been articulated for some time. In fact, the debate between Romani activists and trans-national organisations on issues concerning Romani political participation has been going on for a number of years. In 1999, the Supplementary Human Dimension meeting on Roma and Sinti Issues of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) proposed recommendations for increasing Roma participation through the “best practices” of Romani policy identified in some OSCE states. In particular, focus was devoted to arrangements such as advisory bodies on Romani policy. Recommendations on increasing participation of Romani women at the local level and

<sup>11</sup> *Parliamentary Assembly, Recommendation 1557 (2002), at: <http://assembly.coe.int/Documents/AdoptedText/ta02/EREC1557.htm>.*

<sup>12</sup> *Speech of Ms Josephine Verspaget, former Chair of the Specialist group on Roma/Gypsies, Council of Europe at Session 4: Role of Co-operation between OSCE, Institutions, Governments, Intergovernmental and Nongovernmental organisations, OSCE Supplementary Human Dimension Meeting on Roma and Sinti: Report. Vienna April, 10-11, 2003, p. 53.*

<sup>13</sup> *Ibid., p. 53.*

<sup>14</sup> *See Vláda České Republiky. “Koncepte politiky vlády vůči příslušníkům romské komunity, napomáhající jejich integraci do společnosti”. 14 June, 2000, electronic text available at: <http://www.vlada.cz/eng/vybory.htm>.*

<sup>15</sup> *See Ministry of Internal Affairs and Administration. “Pilot Government Programme for the Roma Community in the Małopolska Province for the years 2001-2003”. Warsaw, February 2001, electronic text available at: [http://www.mswia.gov.pl/pdf/program\\_eng.pdf](http://www.mswia.gov.pl/pdf/program_eng.pdf).*

<sup>16</sup> *See “Stratégia vlády Slovenskej republiky na riešenie problémov rómskej národnostnej menšiny a súbor opatrení na jej realizáciu - I. Etapa”. 27 September, 1999, electronic text available at: [http://www.government.gov.sk/INFOSERVIS/DOKUMENTY/ROMSTRAT/sk\\_romstrategia.shtml](http://www.government.gov.sk/INFOSERVIS/DOKUMENTY/ROMSTRAT/sk_romstrategia.shtml).*

in administrative positions, along with a plea to increase the number of Roma policemen, judges and prosecutors, were put forward.<sup>17</sup> Discussions have been shaped by a speech by the then OSCE High Commissioner on National Minorities (HCNM) Max van der Stoel, who defined improvement of political participation and Romani interest representation as the next step forward.<sup>18</sup> In the speech, the HCNM stated:

Roma are still vastly underrepresented in elected and appointed office at all levels of Government. Efforts must be made to more actively engage Roma in public service.[...]

[M]echanisms that are set up to allow for Roma participation must be genuine in their intentions and meaningful in their endeavours; [...]

The effectiveness of consultative mechanisms can be measured by a number of criteria: allowing for early involvement of Roma in Roma-related policy formation; the extent to which the process is broadly representative; transparency; and the involvement of Roma in implementation and evaluation of Roma-related programs. [...]

[E]ffective participation of Roma at all levels of government, the development and refinement of mechanisms to alleviate tension and conflict between Romani and non-Roma communities, and combating racism and discrimination within public administrations.

[The] effective participation of national minorities in public life is an essential component of a peaceful and democratic society. In the Roma case, more than most, ways have to be found of facilitating them within the State while enabling them to maintain their own identity and characteristics.<sup>19</sup>

In 2000, at the workshop on Romani political participation,<sup>20</sup> organised by the ODIHR, the options of representation through Romani ethnic parties versus representation through mainstream political parties were discussed. In view of the practical obstacles posed by the electoral thresholds in some countries, an opinion emerged that Romani demands should be articulated within the agenda of the mainstream parties. Special treatment in the form of recognition of group rights (i.e. the Hungarian model of minority self-governments) was identified as perpetuating the separation of Roma from mainstream societies and called counterproductive in integration efforts. Politically, the social democratic ideology was identified by most of the participants as closest to the needs of Roma. In addition, while cultural richness and diversity of Romani NGOs were suitable for the civil sector, it was identified as counter-productive in real politics. Rather than diversity, Romani representatives felt, unification of Roma in one political party was needed.<sup>21</sup> Romani activists/leaders' recommendations on political participation/representation further included:

- ◆ awareness-raising and training on increasing political participation in areas such as: minority participation, Roma/Roma women participation in the electoral process, professionalisation of Romani political parties and creation of resources (Romani Bank), to achieve self-sufficiency in politics;
- ◆ the founding of an International Romani Council, which would discuss issues of Romani concern and would bring together Romani mayors, representatives, politicians, etc.<sup>22</sup>

In 2001, at the seminar on Romani Representation and Leadership at the National and International Level, organised by the Project on Ethnic Relations (PER) and the PER Roma Advisory Council, continuing

<sup>17</sup> See Report of the 1999 OSCE Supplementary Human Dimension Meeting on Roma and Sinti Issues, at: <http://www.osce.org/odih/cprsi/index.php?s=6a>.

<sup>18</sup> Address by Max van der Stoel to the OSCE/ODIHR Supplementary Meeting on Roma and Sinti Issues, Vienna, September 6, 1999, at: <http://www.osce.org/hcnm/documents/speeches/1999/06sep99.html>.

<sup>19</sup> Ibid.

<sup>20</sup> See OSCE. Background Paper Summarising and Analysing Information Gathered During the Project through participation of Romani STOs in the OSCE Election Observation Missions and Prague Workshop on Romani Political Participation, available at: [http://www.osce.org/odih/cprsi/doc/prj\\_el1.pdf](http://www.osce.org/odih/cprsi/doc/prj_el1.pdf), pp.3-8.

<sup>21</sup> Ibid.



debate of representation and leadership raised the question of the source of legitimacy for Romani leaders to represent Roma in politics.<sup>23</sup> Discussions on trans-national representation of Roma reached a critical stage and discussants focused on issues of Romani constituency and reciprocity in respect to efforts to set up a trans-national representation body.<sup>24</sup> The minority rights concept was identified again as insufficient to secure meaningful representation on the one hand and debilitating to the efforts for representation in mainstream politics, on the other.<sup>25</sup>

Conclusions that emerged from the debates between Romani activists and international organisations on political representation of Roma can be summed up as follows:

- ◆ Minority or group rights and policies alone are not an adequate tool for promoting Romani representation.
- ◆ Special treatment based on group rights perpetuates the separation of Roma from mainstream politics.
- ◆ The gap between the Roma active within government advisory bodies and trans-national networks of the Romani movement is increasing, whereas Roma in government advisory structures are not active in the trans-national networks.
- ◆ The history of Romani political activism at the civil society level during the 1990s, as well as trans-national level post-World War II efforts by Romani activists to institutionalise the Romani nation, show that efforts to seek legitimate representation through structures other than the national state are highly appealing to Roma.
- ◆ Political mobilisation of Roma is increasingly sensitive to age and gender equality issues.
- ◆ Social democratic ideology is closest to Romani values.
- ◆ Ethnic Romani parties are seen as useful for invigorating discussion among Roma and bridging the generation gap, yet, due to the electoral system's design, political strategy for winning seats in the legislature should be pursued inside mainstream parties.
- ◆ Legitimacy and constituency are consciously respected values within the context of Roma political representation discussion; this indicates a certain degree of conservatism in the circles of Romani elites.
- ◆ Non-governmental organisations represent a brain-drain for most educated Romani elite.
- ◆ Romani political parties lack structures, fail to build constituencies and often chose the least effective pre-electoral strategy.
- ◆ Friction between the growing number of Roma active in Romani policy advisory structures and Romani political mobilisation is increasing due to competing ambitions.

### **Does the Status of National Minority Lead to Meaningful Political Representation of Roma?**

Recommendation 1557 (2002) of the Council of Europe Parliamentary Assembly, among other things, lists appropriate legal status of Roma as a precondition for the successful integration of Roma and for increasing their political representation. Proper legal status, understood as recognition of Roma as a national minority and as the fulfilment of group rights,

<sup>22</sup> Ibid.

<sup>23</sup> See *Project on Ethnic Relations. Leadership, Representation and the Status of the Roma. Krakow, Poland, March 9-10, 2001*, at: <http://www.per-usa.org/PERKrakow.pdf>.

<sup>24</sup> Debate centred also around trans-national representation possibilities, such as the initiative forwarded by the President of the Republic of Finland, Tarja Halonen, to the Parliamentary Assembly of the Council of Europe in Strasbourg, on January 24, 2001, which proposed the creation of a consultative assembly of Roma at the pan-European level.

<sup>25</sup> Ibid.

is seen by the Assembly as the answer to the woeful absence of Roma in political life (Recommendation 1557: 2002, point 6). However, even when we find proper legal status, political representation does not follow automatically from it, especially in systems not privileging minorities' political representation. In such countries, and especially where the numbers of Roma are relatively low, representation in the legislature will always depend on the support from and inclusion in the mainstream parties.

In Hungary, for example, Roma, among other national minorities, are recognised as an ethnic minority native to Hungary and entitled to form national and local minority self-governments by the Constitution and the 1993 Act on the Rights of National and Ethnic Minorities.<sup>26</sup> Hence, Romani minority self-representation has been realised through a system of "Gypsy minority self-governments" and a "National Gypsy minority self-government". Minority representation of Roma in Hungary, understood as cultural self-determination rather than political representation, has been realised through election of minority self-governments. This parallel system of representation, however, does not contribute to increasing inclusion of Roma in the political mainstream,<sup>27</sup> which is entirely dependent on (1) the level of successful lobbying of Roma to be included on the party ticket and (2) the political openness of parties to issues of diversity and representation of minorities in mainstream politics. Despite the fact that the process of election of the Gypsy minority self-governments is of great symbolic value for many Roma in

Hungary, the Romani representatives elected through this system perform mainly a symbolic function and are not very influential in the process of policy making.<sup>28</sup> Experience with promoting policy change in matters pertaining to Roma, shows unequivocally that it is the political mainstream, i.e. political parties, national government, local government, which count as crucial in a process of policy making.

The 1992 Constitution of the Czech Republic stipulates that all political decisions shall stem from the will of the majority, expressed by means of free vote, and must consider the protection of minorities (Article 6). The Charter of Basic Rights and Freedoms, which is part of the Czech constitutional order (Article 3), recognises a minority's right to participate in public affairs. The Act on Rights of Members of National Minorities (273/2001) guarantees that members of national minorities have the right to participate in cultural, social and economic life, especially with regard to matters concerning national minorities at the communal, regional and national levels. This right has been realised through the Councils for National Minorities and Committees for National Minorities, established by the regional and local elected authorities.<sup>29</sup>

The right to be represented in Committees and Councils at the local and regional level, however, applies to minorities who meet the 10 percent threshold in a given community, 5 percent threshold in a region and 5 percent threshold in the capital Prague, according to the last official census results.<sup>30</sup>

<sup>26</sup> See *Constitution of the Republic of Hungary, Article 68(4)*, at: <http://www.obh.hu/nek/en/index.htm> and *Act LXXVII of 1993 on the Rights of National and Ethnic Minorities, Chapters 3 and 4*, at: <http://www.obh.hu/nek/en/index.htm>.

<sup>27</sup> Roma, who constitute about 5 percent of the Hungarian population, have always been underrepresented in the national parliament. In the 1994 parliament, for example, there were two Romani representatives; no Romani representative was elected in the 1998 parliamentary elections; and four were elected in the 2002 parliamentary elections.

<sup>28</sup> Interview with two Romani electors at the last National Minority Self-government election in March 2003.

<sup>29</sup> *Act on the Rights of Members of National Minorities No. 273/2001, Article 6(2)*. (Official translation) To date, there are four Committees for National Minorities based in regions (Moravian-Silesian, South Moravian, Liberec and Usti nad Labem), 32 Committees for National Minorities based in small cities and villages and an additional three city Committees for National Minorities (Brno, Liberec, Most) and one Commission for National Minorities (Praha). For more see <http://wtd.vlada.cz/vrk/vrk.htm>.

<sup>30</sup> *By means of Act No. 320/2002 Coll. on the amendment and cancellation of some acts because of the abolition of district offices, Act No. 273/2002 Coll. on the Rights of Members of National Minorities was amended. Article 6 of the Act was amended by paragraphs 7 and 8. Paragraph 7 stipulates that the regional authority has a duty to administer and coordinate state policy on Roma. Paragraph 8 obliges*

The requirement that the number of national minorities in a given administrative unit is defined according to the most recent census result could be particularly problematic for Roma.

Roma may not even find their way in minority bodies, especially at regional and local levels. In the Czech Republic, where in 1991, 0.3 percent of population declared Romani nationality, in 2001 the figure dropped to 0.1 percent. Estimates, however, cite 150,000-300,000 Roma in the Czech Republic, approximately 1.5-2.7 percent of total population. In some areas with a high concentration of Roma, particularly in Prague, and in Moravskoslezský, Ústecký, Liberecký and Jihomoravský regions, the condition of representation based on the census might lead to disproportional results.<sup>31</sup> In addition, the Committees for National Minorities consist of elected representatives of local and regional authorities who need not be members of these minorities.<sup>32</sup>

Nevertheless, Roma participate in some of the Committees for National Minorities at the level of regional and city committees. The activity of the Committees is oriented mainly around decisions on funding of activities of national minorities, and in the case of Roma, on coordination of the programmes to increase social integration of Roma.<sup>33</sup> However, as noted in the Council on National Minorities' report,

*local authorities to implement state policy on increasing integration of Roma into society and fulfill tasks leading to implementing the rights of national minorities. (See Act 320/2002, Section 64 on Amendment of the Act 273/2001 on the rights of the members of national minorities.) In practice, this change is crucial for implementation of state policy towards Roma in the Czech Republic and gives the central government power to demand implementation of Roma policy in regions and communities. According to the Council for National Minorities, "The Minority Act was supplemented by § 13a) which determines that the competencies of a regional or local authority with extended competencies according to this Act are delegated powers. In this context more than ten towns concluded at the end of 2002 and at the beginning of 2003 public agreements aimed at the assurance of the exercise of delegated powers in the field of the rights of the members of national minorities. These agreements should ensure the execution of public administration, i.e. the agenda of regional Roma co-ordinators and their co-operation with consultants for Roma affairs in communities and towns." (See Report on the Situation of National Minorities in the Czech Republic in 2002, p. 9, at: <http://wtd.vlada.cz/vrk/vrk.htm>.)*

<sup>31</sup> No research has been conducted on the actual effectiveness of the representation of national minorities through Committees for National Minorities of the Czech Republic. The Council for National Minorities, an advisory body of the government of the Czech Republic, although expressing criticism of the present system in its "Report on the Situation of National Minorities in 2002", does not include information on the number of Romani representatives. For more see: <http://wtd.vlada.cz/vrk/vrk.htm>.

<sup>32</sup> Council for National Minorities. "Report on the Situation of National Minorities in 2002", at: <http://wtd.vlada.cz/vrk/vrk.htm>.

<sup>33</sup> Ibid., p. 41.

<sup>34</sup> Ibid., p. 82.

"the Act on the Rights of National Minorities is formal and insufficient because it does not enable the access of the representatives of national minorities to local and regional elected authorities."<sup>34</sup>

In conclusion, the status of national minority is not sufficient for ensuring representation of Roma in the mainstream political channels of the state. At best, as is the case in Hungary, the minority self-government system provides Roma with a sense of having a chance to elect their representatives. However, due to the limitations in the mandate of minority self-governments and the national minority self-government respectively, this system builds only a parallel structure, inadequate to address the issue of inclusion of Roma in mainstream politics. Finally, while some Roma are elected at the local level of the state, this must be attributed either to the numerical strength of the Romani electorate, as is the case in Slovakia, or to the occasional inclusion of Roma on the candidate lists of mainstream political parties.

### **The Case at Hand: Political Representation of Roma in the Czech Republic, Slovakia and Poland**

In Czechoslovakia, the first Romani political party—the Roma Civic Initiative—established on March 10,

1990, along with civil society associations, added to the political mobilisation of Roma. The first Romani MPs were elected into the Federal Assembly and the Czech and Slovak National Councils (the national assemblies) on the electoral lists of the Civic Democratic Forum, the Public Against Violence and the Communist Party, in the first democratic elections held on June 8 and 9, 1990. This electoral success, which some Romani leaders ascribed to the revolutionary euphoria, had, in their opinion, a very positive impact on Roma. Mr Karel Holomek, Romani activist and member of the Czech National Council between 1990 and 1992, remembers the early days in the following way: "Until 1992, within the general euphoria in Czech and Slovak society, Roma were given a chance to take an active part in policy formation and politics. Roma were very enthusiastic about this new milieu and they participated in public life."<sup>35</sup> In the words of a Romani member of the Slovak National Council (1990-1992), Anna Koptová: "The change of principles in policy making towards Roma in 1991 laid the foundation of the ethno-cultural development of the Roma." (Koptová, 2001: 15)

Elected Romani representatives took an active part in the formation of policy on Roma at the levels of the Czech and Slovak as well as the Federal government. Unification of a number of Czech Romani initiatives, NGOs and Romani MPs, under the umbrella organisation Roma National Congress in 1991, created a united presentation of Romani interests vis-à-vis mainstream politics and added coherence to the Romani political scene. Similarly, in Slovakia, Romani MPs, NGOs and political par-

ties, although established later than in the Czech Republic, unified under the umbrella organisation of the Roma National Congress and made an attempt to present themselves as a unified voice vis-à-vis the government.<sup>36</sup>

Diversity of Romani political organising is certainly an attribute the Romani political scene in Slovakia has not been short of.<sup>37</sup> Several attempts to unify diversified Romani parties took place in 1992, with the Roma National Congress (RNC), in 1993 with the establishment of the Association Council of the Roma in Slovakia (ACRS) and then again in October 2000, with the establishment of the umbrella organisation – the Romani Parliament (RP). Finally, the unification of several political parties (the Roma Integration Coalition (RIC), the Roma Social Democratic Party (RSDP) and the Roma Civic Unity (RCU)) resulted in the formation in May 2002, of the Political Movement of Roma in Slovakia (PMRS).

### **Romani Parties and Candidates in the Electoral Process**

#### *Czech Republic*<sup>38</sup>

In the 1992 national elections in the Czech Republic, new mainstream parties, such as the Civic Democratic Party, the Civic Democratic Alliance, and the Christian Democratic Union (Czech Popular Party and the Social Democratic Party) refused to nominate Romani candidates on their party lists in the general elections.<sup>39</sup> In the Czech Republic, one

<sup>35</sup> Interview with Karel Holomek, 2000, Brno, Czech Republic.

<sup>36</sup> Unification of the Czech and Slovak NGOs under the umbrella organisation Roma National Congress did not last beyond 1992.

<sup>37</sup> In the period 1990-1994, 11 Romani political parties were founded in Slovakia: Roma Integration Party in Slovakia (RIPS); Democratic Movement of Roma in the Slovak Republic (DMRSR); Party of Slovak Roma (PSR); Romani National Party (RNP); Party of Romani Democrats in Slovakia (PRDS); Roma Democratic Union Party in Slovakia (RDUPS); Roma Civic Initiative (RCI); Roma Social Democratic Party in Slovakia (RSDPS); Union of the Roma Civic Initiative in Slovakia (URCIS); Romani Congress of the Slovak Republic (RCSR); Labour and Security Party (LSP). In 1996 another Romani party, Roma Intelligencia for Coexistence (RIC), and conflicts within the party led to the establishment of the Roma Initiative of Slovakia (RIS).

<sup>38</sup> If not indicated otherwise, the electoral results are taken from electoral data published at: [www.volby.cz](http://www.volby.cz).

<sup>39</sup> The Civic Democratic Party and the Civic Democratic Alliance are at the centre-right; the Christian Democratic Union (Czech Popular Party and the Social Democratic Party) are at the centre-left of the political spectrum.

Romani candidate appeared on the electoral list of the Communist Party in 1990 and took a seat in the Parliament until 1996. In the parliamentary elections in June 1996, 18 Roma (including two women) stood as candidates for the lower chamber of the Czech Parliament (Pospisil 1998: 153-159). However, all Romani candidates were put up in constituencies where they had little chance to be elected, or they stood for parties which drew few voters. As a result, no Roma was elected to the Lower Chamber.<sup>40</sup> In addition, in the same year, four Roma stood for election to the Upper Chamber – the Senate – and again none was elected. In the parliamentary election in 1998, one Romani candidate, Monika Horáková, stood on the party list of the Union of Liberty, and became MP until 2002, and one Romani candidate, Ladislav Body, stood for the Christian Democratic Union, but ended in 17<sup>th</sup> place, which did not allow him to take a seat in Parliament.

Between 1992 and 1997 in the Czech Republic, Romani policy formation and any discussion between public officials and the Romani political elite on policy formation was discontinued. In Slovakia, similar developments took place between 1992 and 1998. In addition, the growing level of nationalism and racial hatred in the two countries added an ideology of paternalism and the view that Roma are the root cause of the situation in subsequent policy making.

Before the 2002 Czech parliamentary elections, some pre-election attempts were made to promote Romani candidates on mainstream party lists. However, most of the parties with high electoral potential, including the Green party, argued either that the proposed Romani candidates were controver-

sial personalities or that the non-Romani electorate was not ready to elect a Romani candidate to the Parliament. According to Romani leaders, reference has been made to racist inclinations of the Czech electorate:

I have contacted several political parties and offered my candidacy, requesting to be put on the electoral list on a front place in the general election in 1998 and 2002. I trusted that experience of a former MP and my active participation in public life at the NGO and policy-making level would make me an attractive candidate for the political mainstream. Yet, I was wrong and to my great surprise, the Social Democrats as well as the political parties on the right of the political spectrum, [...], showed me a red card, and I remained seated in the back seat of NGO politics.<sup>41</sup>

In the 2002 elections, Roma combined strategies.<sup>42</sup> The Roma Civic Initiative (RCI) ran an electoral list in a single electoral district in the Moravian-Silesian region and won about 532 votes, which makes 0.01 percent of the vote. Roma also appeared as candidates on the electoral lists of political parties with lower electoral potential, which did not make it over the 5 percent electoral threshold.

Roma were more successful at the local elections. In 1998, Romani candidate Milan Kotlár was elected on the ticket of the Civic Democratic Party in the city of Český Krumlov and, reportedly, another four Romani councillors took office in areas of the Czech Republic (Pospisil, 1998: 159). In the 2002 local elections, five Roma were elected on mainstream parties' electoral tickets in Ostrava, Frýdek Místek and Liberec.<sup>43</sup>

<sup>40</sup> Ibid., p. 156. Roma stood for the following political parties: Free Democrats in constituency South Moravia (1 person); for the Independent in constituencies Prague (1), Central Bohemia (1), South Bohemia (1), North Bohemia (1), East Bohemia (2), West Bohemia (1), South Moravia (2), North Moravia (1); for the Party of Democratic Left in constituencies Prague (2), East Bohemia (2), South Bohemia (1); for Left Block in the constituency of South Bohemia (1) and for Party of Czech Communists in the constituency of Prague(1).

<sup>41</sup> Interview with Mr Karel Holomek, a former Czech Romani MP 1990-1992, January 2003, Budapest.

<sup>42</sup> Aside from the Roma Civic Initiative, there are four other ethnic Romani political parties, registered with the Ministry of Interior to December 31, 1998: Movement of engaged Roma (Hnutí angažovaných Romů), Christian and Democratic Party of Roma (Křesťanská a demokratická strana Romů), Roma National Congress (Romský národní kongres) and the Party of citizens of Romani nationality of the North-bohemian Region (Strana občanů romské národnosti Severočeského kraje).

<sup>43</sup> For more information, see [www.dzeno.cz](http://www.dzeno.cz).



*Slovakia*<sup>44</sup>

In the 1992 national elections in Slovakia, Romani candidates appeared on the party lists of the Social Democratic Party of Slovakia and the Communist Party of Slovakia but were not elected. At the same time, two Romani political parties, the Roma Civic Initiative and the Labour and Security Party, did not pass the 5 percent electoral threshold, winning 0.6 percent and 0.97 percent of the votes, respectively.<sup>45</sup> About 30 percent of the Roma in Slovakia voted for Romani political parties (Mann 1994:18). In the 1994 parliamentary elections, only one Romani political party stood for election, the Roma Civic Initiative. Some Romani candidates stood in the electoral party lists of the Slovak Democratic Left and the Democratic Union.<sup>46</sup> The Roma Civic Initiative, financially supported by the Movement for a Democratic Slovakia, which aimed at taking votes from the Slovak Democratic Left and the Hungarian Coalition, gained only 0.67 percent of the vote; however its leader, Ján Kompuš, was given a position in the Council for Nationalities and after the establishment of the Plenipotentiary Office for the Roma, became its deputy (Jurová 1999:14).<sup>47</sup>

Since the beginning of 1998, Romani politicians had been striving to unite Romani political parties in Slovakia. After several unsuccessful negotiations, the Romani leaders parted ways. In the 1998 parliamentary elections, no Romani political party ran independently. Shortly after the elections, it seemed that the objective of merging Romani political parties into a single Romani coalition stood a better chance than ever before. However, further developments, and especially quarrels for positions within the Roma Intelligence for Coexistence party, made it clear that the Romani political scene was not quite ready for a Romani coalition yet. The Roma Intelligence for Coexistence party

signed a pre-election agreement with the Slovak Democratic Coalition, hoping to have Romani representatives involved in policy-making in case the Slovak Democratic Coalition formed the government. However, none of the representatives of the Romani party, were elected, because all of them were placed at positions too low on the party lists. The Roma Civic Initiative cooperated with the Movement for Democratic Slovakia, which put its representative, Ján Kompuš, in the 61<sup>st</sup> place on the candidate list and József Ravasz in the 88<sup>th</sup> place. Ján Kompuš died tragically in a car accident prior the election and József Ravasz was too far down the list to secure a seat.

In the municipal elections in Slovakia in December 1998, Roma stood mostly on the candidates' lists of the Roma Civic Initiative and the Roma Intelligence Party, and ran as independent candidates, but they also appeared on the candidates' lists of the Movement for Democratic Slovakia, Slovak Democratic Coalition, Slovak Democratic Left, Communist Party of Slovakia and the Hungarian Coalition and the Association of Slovak Workers. Altogether 254 Romani candidates ran for municipal councillors and seven candidates ran for mayor. In the end, a total of 56 Roma were elected as municipal councillors and six Romani candidates became mayors of municipalities or city districts.

At the beginning of September 1999, representatives of 14 Romani political parties signed a joint agreement establishing the Coalition Council of Romani Political Parties. In October 2000, 14 Roma political parties and 37 Roma non-governmental organisations signed an agreement on a joint strategy for the 2002 parliamentary elections. The agreement was the most remarkable achievement so far in Romani political unification. It stated that all Roma political parties would team up behind the Roma Civic Initiative, the

<sup>44</sup> Unless indicated otherwise, the information on Romani participation in the elections in this subsection is based on Vašečka, Michal, Martina Jurásková, Elena Kriegerová and Jana Rybová (eds.). *Rómske hlasy: Rómovia a ich politická participácia v transformačnom období. Bratislava: Inštitút pre Verejné otázky, 2002.*

<sup>45</sup> *The Labour and Security Party, although listed among Romani parties, has not been solely ethnic Romani. The party stands on the left of the political spectrum.*

<sup>46</sup> *The Democratic Union stands at the centre-left.*

<sup>47</sup> *The Movement for Democratic Slovakia is a centre-left, nationalist political party, while the Hungarian Coalition is at the centre and ethnically Hungarian.*

oldest and most consolidated Romani political party in Slovakia.

In the 2002 Parliamentary election in Slovakia, two candidates from the Roma Intelligence of Slovakia Party appeared on the candidate lists of the Movement for Democratic Slovakia. Despite a promise that they would be placed in the first 40 positions of the electoral lists, Alexander Patkoló, leader of Roma Intelligence for Coexistence appeared at the unwinnable 75<sup>th</sup> place on the Movement for Democratic Slovakia's list. Two Romani candidates stood for office on the electoral list of the Democratic Party-Democratic Union at the 38<sup>th</sup> and the 77<sup>th</sup> place respectively, though shortly before the election the party withdrew its candidacy in favour of the Slovak Democratic Christian Party (Majchrák 2002: 24). In addition, the Roma Civic Initiative and the Political Movement of Roma in Slovakia stood independently in the elections. None of the Romani candidates were elected.

Two parties representing Roma, the Political Movement of Roma in Slovakia and the Roma Civic Initiative of the Slovak Republic, participated in this election. None of them gained a significant share of the vote; the former had 8,420 votes (0.29 percent), and the latter 6,234 (0.21 percent).<sup>48</sup> In none of the country's 79 districts did the Roma parties' coalition vote reach the electoral threshold of 5 percent. Yet, Romani membership in the electoral commissions at all levels was higher than in previous elections, indicating heightened attention to involvement of Roma in the electoral process.<sup>49</sup>

In Slovakia in the local election in December 2002, several local representatives were elected on electoral tickets of mainstream parties.

*Poland*<sup>50</sup>

In Poland, creation of Romani NGOs and political parties happened at a slower pace and Romani leaders had not raised the issue of political participation until 1997, when the deterioration of the socio-economic situation of Roma and the growing level of racially motivated violence, prompted Romani leaders to call for the attention of the government. An inter-Roma community unification was achieved between the *Bergitka* Roma and the *Polska* Roma<sup>51</sup> on the issue of improving the situation of Roma in Poland. Romani leaders made an effort to build a partnership with the Ministry of Interior and Education on Roma policy making. However, there has been no Romani Member of Parliament or local municipality anywhere in Poland during the 1990s and early 2000s.

In the Małopolska Province, Romani leaders attempted to mobilise the Romani electoral force in the local elections of November 2002. Four Romani candidates ran on the ticket of the Democratic Left Alliance. Although none of them were elected, the turnout of the registered Romani electorate reportedly reached 95-100 percent, compared to 35 percent of all registered voters.

### **Roma in the Mainstream Political Parties' Platforms**

In the 1990s, no serious discussion on political representation of Roma took place inside the mainstream political parties in the Czech Republic, Poland and Slovakia. Slovak and Czech politicians conceptualised Romani policy mainly through such objectives as crime

<sup>48</sup> See The Slovak Republic: Parliamentary Elections 20-21 September 2002, Final Report, at: [http://www.osce.org/odihr/documents/reports/election\\_reports/sk/sk\\_par\\_sep2002\\_efi.php3#3](http://www.osce.org/odihr/documents/reports/election_reports/sk/sk_par_sep2002_efi.php3#3).

<sup>49</sup> Ibid.

<sup>50</sup> If not indicated otherwise, data on political participation is taken from Piotrowska, Gabriela. Report on Assessment of the Roma Participation in the Local Elections in the Selected Localities of Małopolska region, Poland, on 27.10.02.

<sup>51</sup> Anthropologists distinguish between four groups of Roma settled in Poland: Polish Roma (*Polska* Roma), the "Vlach" Romani groups, a group known locally as "*Bergitka* Roma", and *Sinti* Roma, a small number of whom lives primarily in the west of Poland. According to several sources, *Bergitka* Roma in southern Poland, who have always lived in the shadow of rural communities, are in the worst socio-economic situation of any of the Romani groups in Poland.

prevention, control of migration and protection of public order.<sup>52</sup> In the Czech Republic, an explicit policy stand on Roma has been taken only by the extreme right-wing parties.<sup>53</sup>

In Slovakia, political parties have addressed policy towards Roma in their electoral programmes, taking especially the social policy perspective. In the 1992 elections, the Hungarian Christian Democratic Movement in Slovakia raised issues concerning Roma within the framework of schooling policy and minority rights. In the 1994 Slovak national elections, only the Slovak Democratic Left briefly mentioned Roma policy in its documents. In the Parliamentary election in 1998, the Slovak Democratic Left, the Movement for Democratic Slovakia and the Hungarian Coalition Party mentioned Roma in their electoral programs (Vašečka, 2002: 34). Here again, the greatest attention to Romani issues was paid by the Slovak Democratic Left, which viewed Romani issues as “an internal problem of the national minority, which is trying to find its identity and further possibilities of their fulfilment in education, culture, language and social improvement” (Majchrak 2002: 35). The Movement for Democratic Slovakia’s electoral program of 1998 touched on two points concerning Romani issues. Having a clear anti-

Hungarian context, it expressed concern that too many Roma declare Hungarian nationality and formulated the goal of “raising the national consciousness of the Roma, so they proclaim freely their own nationality” (Majchrak 2002: 35). The second point related to Roma indirectly, proposing a reduction in the amount of social benefits for “citizens which are inadaptable”.<sup>54</sup> The Slovak Hungarian Coalition touched upon the Roma in its electoral program under the chapter on social policy, stating that it was necessary to include Roma in policy-making and implementation.

In the 2002 Slovak Parliamentary election, a new populist political party, the Alliance of New Citizens (ANO), paid significant attention to Romani issues. The ANO declared the previous Romani policy efforts insufficient and made the following suggestions:

- ◆ centralise financial sources on Roma policy implementation;
- ◆ create a centre for Roma policy implementation in Eastern Slovakia;
- ◆ create a state system of missionary work among Roma.<sup>55</sup>

<sup>52</sup> *Government policies on Roma dealing with crime prevention and protection of public order have been prompted by intensive racist stigmatisation of Roma, as perpetrators of crimes and violators of public order, carried out by media and public officials in the Czech Republic and Slovakia. The issue of migration control in the Czech and Slovak government policies on Roma reflected international pressure on the governments of the two countries to curb the large numbers of Roma asylum-seekers in the EU and North America.*

<sup>53</sup> *For example, one of these parties in the Czech Republic has been the Association for the Republic – Republican Party of Czechoslovakia. Jan Vik, the Parliamentary Deputy of the party stated in October 1993: “We can’t wait for the country to be flooded by crime. At age three, a Gypsy will see his drunk father, his prostitute mother, and all we try to do for him will prove in vain. His parents tell him the best way of life is stealing.” (Cited in Folkeryd, Fredrik and Svanberg, Ingvar. Gypsies (Roma) in the Post-Totalitarian States. The Olof Palme International Center, Stockholm, 1995, p. 29). Members of the Polish parties Self-Defence and Peasant’s Party have made public anti-semitic and anti-Romani pronouncements. Also, there is some evidence that these parties have had links with skinhead organisations, which directly target Roma in Poland.*

<sup>54</sup> *The link between Roma and the policy of reduction of social benefits for the “inadaptable citizens” was made explicit in 1993 by Vladimír Mečiar, the former Prime Minister of Slovakia and head of the Movement for Democratic Slovakia, in a speech delivered at a party conference. He used the same phraseology with respect to Roma, saying that Roma are inadaptable and grow in large numbers and therefore it is necessary to ensure that they don’t outnumber white Slovaks. (See Commission on Security and Cooperation in Europe. Coerced Sterilisation of Romani Women in Slovakia, Washington D.C., March 2003, p. 2.)*

<sup>55</sup> *See Návrh na riešenia romskej problematiky, at: <http://www.ano-aliancia.sk/?view=article&id=686>.*

The policy proposal on missionary work takes as a model in the Israeli *kibbutzim* from the 1960s, with an attempt to rebuild Romani settlements on the *kibbutzim* model, where the Romani missionary would control upbringing of children centrally. In the program description of the Romani missionary, the political party specifically requested that: “the character and other qualities of Romani missionaries include the ability to live for a long term (with family) in a highly stressful conditions of the Romani settlement, risky environment, in infectious environment (hepatitis, AIDS, syphilis, fleas and lice), in a criminal environment, in a segregated Romani community, without privacy, with risks of exposure to cancerous thoughts including radical Islam and with a long-term low quality of life.” The proposal also depends heavily on stereotypes, reflected in assertions such as the idea that communication with Roma is most successful through music, etc.<sup>56</sup>

The Slovak Hungarian Coalition promised in its electoral program to address Romani issues with active participation of the Roma themselves. The Social Democratic Alliance addressed Romani issues only partially in the chapter on social policy dealing with a broader category of disadvantaged poor (women, elderly, youth, unemployed etc.). The Movement for Democratic Slovakia raised again its concern about the “unadaptable citizens” in relation to social benefits and promised larger competencies for the local authorities to decide over social benefits. On a similar note, the Slovak National Party and the Slovak Democratic Christian Union proposed payment of social benefits in material goods. The right-wing political party Smer (“Direction”)—widely viewed as Slovakia’s most dangerous new political development—proposed to address the “irresponsible growth of Romani population in Slovakia” through “dissemination of information on health”, and to “lower the number of Roma” through “qualified social work”.<sup>57</sup>

In conclusion, in Slovakia, unlike in the Czech Republic, all political parties participating in the elec-

toral process included Roma-specific policy in their electoral and party programmes. The political discourse on Romani policy has oscillated between calls to diminish the “large numbers” of Roma and perpetuate the segregationist pattern of the Romani settlements (Smer, the Alliance of New Citizens), to commitments for the active involvement of Roma in “solving their own problems” (the Slovak Democratic Left, the Slovak Coalition and all Hungarian parties). Neither the left nor right of the Slovak political spectrum viewed the Romani issue as an issue of relevance for the whole of Slovak society.

### Roma Political Rights in Government Policy Documents

The Czech government adopted two framework policy documents, the “Report on the Situation of the Romani Community in the Czech Republic and the Government Measures Assisting its Integration into Society in 1997” (hereafter “Report”) and the “Concept of the Government Policy towards Members of the Romani Community, Supporting their Integration into Society” (hereafter “Concept”) in 2001.<sup>58</sup> While the Report does not use the term political representation and has an overall socio-cultural approach to Roma, the Concept, specifying three approaches to Romani affairs—“human rights, national identity (ethnicity), and the wider socio-cultural perspective”—touches upon the presence of Roma in public life in the context of national minority rights and, to some extent, in the context of human rights. Neither the Concept nor the Report, however, consider steps to increase representation of Roma in Parliament.

The practice of Roma policy implementation in the Czech Republic shows that a socio-cultural approach prevails. The Concept states that,

Because of their oppressive social situation, many Roma avoid the issue of their affiliation to national minority; government policy, on the other hand,

<sup>56</sup> Ibid.

<sup>57</sup> See for example, *RFE/RL Newslines*, June 17, 2002.

<sup>58</sup> See Report on the Situation of the Romani Community in the Czech Republic and the Government Measures Assisting its Integration into Society, *document reference No 686/1997* and Concept of the Government policy towards members of the Romani community, supporting their integration into society, *document reference No 599/2000*.

must address the plight of this category of socially marginalized Roma, and generally focuses on social matters (employment, social welfare, and housing) rather than specifically national minority concerns (the development of culture and language, national minority education).<sup>59</sup>

According to the Concept, the nationality issue, with regard to Roma in the Czech Republic, should be overseen by the Council for National Minorities. However, activities of the Council for National Minorities do not include efforts to develop a policy proposal on increasing the presence of minorities in public life, and they are limited to giving grants for cultural projects and events, such as festivals and minority press or other publications. In this way, as cited in the Concept, it “can strive to preserve and develop their independence, language and culture.”<sup>60</sup> Moreover, the Council for Nationalities brings together national minorities living in the Czech Republic, though there is lack of cross-group solidarity. Each national minority represents its own interests.

The Slovak government adopted three framework documents of policy on Roma. In 1991, Resolution No. 153/1991, entitled “Principles of Government policy towards Roma”, laid out areas for improving the situation of Roma. Subsequent adoption of a policy paper drafted by the Ministry of Labour, Social Affairs and Family, issued in April 1996, and entitled, “The Resolution of the Slovak Government to the Proposal of the Activities and Measures in Order to Solve the Problems of Citizens in Need of Special Care” rejected the approach identified in the 1991 Resolution and reframed policy towards Roma as an issue of social policy.<sup>61</sup> In 1999, the Slovak government adopted redrafted policy towards Roma “Strategy I of the Government of the Slovak Republic for the Solution of the Problems of the Roma National Minority” and the “Set of Measures for Its Implementation Stage I” outlining areas of action. However, those do not deal with

political rights. Stage II of the Strategy, adopted in 2000, does not include any measures for increasing presence of Roma in the legislature or the executive either. Further updates on the priorities of the Slovak government on Roma-related policies, especially the plans of action of the Commission for Romani Community Affairs and the Council for National Minorities and Ethnic Groups, do not include political rights objectives.

The Polish government’s primary concept for addressing the issues of Roma in Poland is the “Pilot Government Programme for the Roma Community in the Małopolska Province for the years 2001-2003”, known as “the Małopolska Programme”, adopted in 2001.<sup>62</sup> Geographically limited to the Małopolska Province, the programme addresses areas of life of Roma residing in the province, focusing primarily on socio-economic issues. The programme does not address the issue of participation of Roma in public life. The programme is co-ordinated by the Ministry of Interior and Administration. Although Roma are appointed as consultants on the programme, no institutionalisation in the form of, for example, an advisory body, has taken place.

However, in the Report to the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention of the Council of Europe for the Protection of National Minorities, the Polish government reports that, during the process of preparation of the report, the government consulted national and ethnic minorities, who “submitted a number of postulates going beyond the issues addressed in the Convention. These include mainly matters concerning: education, access of minorities to the mass media, ensuring more persistent politics of the state and self government authorities, guaranteeing the development of culture and maintenance of minority identity at a safe level, bigger access to the public funds, strength-

<sup>59</sup> *The Concept of Roma Integration IV, 1.4., p. 2.*

<sup>60</sup> *The Concept of Roma Integration IV, 1.3., p. 1.*

<sup>61</sup> *See Ministerstvo Práce, Sociálných vecí a Rodiny, Vláda Slovenskej Republiky. Uznesenie vlády SR k návrhu úloh a opatrení na riešenie problémov občanov, ktorí potrebujú osobitnú pomoc, na rok 1996. April 30, 1996.*

<sup>62</sup> *Document available at: [http://www.mswia.gov.pl/pdf/program\\_eng.pdf](http://www.mswia.gov.pl/pdf/program_eng.pdf).*

ening of the spirit of tolerance and intercultural dialogue, enriching the knowledge about minorities living in Poland, and increasing the possibilities of representation of minorities in eligible offices and authorities” [emphasis added].<sup>63</sup>

## Conclusion

States that have well-designed democratic political institutions are more successful at managing conflict and resolving political grievances, particularly those that relate to national minorities. Accordingly, the design of the political institutions, and the electoral system in particular, has an important role in ensuring effective participation in public life. Electoral systems can be specifically constructed to address the needs of particular groups in a society. The electoral system, however, must be viewed as one of a multiplicity of interlocking mechanisms which, taken together, will have the effect of accommodating national minorities and ensuring their effective participation in public life. By way of illustration, reserved seats for a particular minority may ensure representation for this minority, but, unless the underlying processes and mechanisms, such as funding, eligibility, training and education are provided, that representation may have little influence.

Accordingly, while the electoral system may ensure minority representation in the legislature, there remains no guarantee that the minority represented will be accorded any material role in the legislature or in the executive. Representation is often not enough. It needs to be supported by other measures. For example, in parliament, the minority may be accorded key seats in parliamentary committees that concern the interests of national minorities or special procedures may be established to deal with minority vetoes with respect to minority issues. In government structures, the proportional allocation of civil service positions may be a

mechanism that may be considered to give real meaning to minority participation in public life.

These kinds of supporting measures all contribute to turning what would otherwise be a formal representation through a minority of seats in parliament into meaningful participation of a national minority in public life. Tokenism in representation of national minorities may influence the allocation of seats to a national minority without those seats constituting a platform for a meaningful influence on the decisions that affect that minority. Such perception will undermine the legitimacy of the state’s measures to ensure minority participation.

With the advent of the early 1990s, the escalation of a protest cycle by Roma representatives and human rights advocacy by Romani activists, Roma were left still very much in the ranks of civil society, social movement type of organising, not included in the political mainstream. In the words of Rumyan Russinov, the director of the Roma Participation Program of the Open Society Institute, who claims to speak from the position of a Romani activist: “the mechanisms of the Romani movement itself are exhausted and we no longer can carry policy change on the level of civil society [...] we need broader inclusion, not at the policy level, but at the political level.” (Russinov 2002: interview).

Improving the political representation of Roma in the Czech Republic, Slovakia and Poland is the ultimate future for these countries, should they care for increasing integration of Roma within the state. A substantial proportion of migration of Roma is caused, as relevant studies show, next to the human rights violations and the low social-economic status, by a feeling of “not being welcomed” and a deeply-rooted feeling of “not belonging”.<sup>64</sup> Under-represented groups, such as Roma, on the other hand,

<sup>63</sup> See Report to the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention of the Council of Europe for the Protection of National Minorities, Part V, Final Remarks, Warsaw 2002, p. 52. In fact, the requests addressed by the grassroots organisations referred to by the Polish government do fall under the Convention. Political representation, for example, falls under Article 4, Section II of the Convention and Article 15 of the Convention, which oblige the states’ parties to promote full equality in political representation and to create effective participation of persons belonging to national minorities.

<sup>64</sup> Government of the Czech Republic. Ministry of the Interior. Security Policy Section. *Analýza důvodů vedoucích příslušníky romské komunity k emigraci z České Republiky [Analysis of reasons motivating members of Romani community to emigrate from the Czech Republic]. 2002.*

should pursue a strategy of reaching a critical mass in a number of political parties in parliament. Such a spread would allow them to have a greater influence by, for example, participation in a number of parliamentary committees and councils, crucial in the procedure of adopting laws.

The openness of mainstream political parties toward the candidacy of minority groups, a phenomenon termed in political science “soft mechanics” of the political system, is crucial in addressing the inadequacy of Romani representation. Examples of openness towards Romani candidacy were provided by the general elections in Czechoslovakia in 1990, when 11 Roma were elected in the three representative bodies in Czechoslovakia. One can also mention as partially successful the elections in the Czech Republic in 1992 and 1998, each resulting in the election of one Romani repre-

sentative. In a short historical retrospect, election of Romani representatives has resulted from an overall openness of political parties and alliances to the idea of visible Romani political representation.

Political parties are the key players in the power division process within the democratic system. Comprehensive policy change in recruiting Roma to the mainstream political parties would increase the presence of Roma in legislative and executive bodies. However, this change requires either change in electoral laws or change in the implementation of the existing laws. Moreover, it requires convincing the general public, political party leaders and rights groups to actively promote non-discrimination in the implementation of political rights of minorities, as well as equal representation of minorities, as matters of national interest.

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# Obstacles to the Participation of Roma in Elections in Romania

Cristi Mihalache<sup>1</sup>

**A**S IN MOST OF THE COUNTRIES of Central and Eastern Europe, participation of Roma in elections in Romania, be it as individual voters or organised in political formations seeking representation, is seriously obstructed by numerous factors. Regardless of the affirmative action measures<sup>2</sup> taken in conformity with the Governmental Strategy for Roma,<sup>3</sup> recent elections in Romania indicate weak results both in terms of participation of Romani voters and performance of the Romani political formations.<sup>4</sup>

This article focuses on the factors which condition the low electoral activity of Roma. The first reason

for the weak participation of Roma in elections and public life is poor education. The large majority of Roma live in very poor conditions. Thus, they either cannot afford to send their children to school, or worse, they have to use them in various economic activities.<sup>5</sup> Those Romani children who are in school are often condemned to inferior education in segregated school facilities. As a result, several generations of Roma received poor or no education at all, a factor which is a serious obstacle to developing political awareness.

In general, the level of understanding of Roma of the political and electoral processes is low. Roma usually do not have, or have very little, information about political parties, the way they operate, their

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<sup>2</sup> *As a result of both the provisions of the Governmental Strategy for the Improvement of Roma Situation and of political arrangements between the governing party (the Social Democrat Party) and the main Roma political organisation (see endnote 4 for the explanation of the term), the Social Democrat Roma Party, Romani representatives have been appointed as advisers in the office of the Government (Prefectură) in every county ("judeţ") but their decision-making power is very low, and they are provided with very small, if any, budgets for developing their activity and implementing projects that Roma communities could benefit from. At the level of the government, a National Office for Roma was established during the term of the previous government. The office is run by a Roma under-state secretary, but his power is diminished by frequent structural changes, under-staffing, low decision-making power and small annual budget. At the same time, advisers on Romani issues may be appointed at the level of the municipality, but the Local Council has discretionary power for the appointment. It can appoint advisers only where "there is sufficient demand from the local Roma community" and the budget of the municipality allows it. Another form of representation of Roma in the state administration is the appointment at the level of the local school county office of one person in charge with the schooling of Roma children, but it is often the case that this person is not Romani.*

<sup>3</sup> *The Governmental Strategy for the Improvement of Roma Situation (hereinafter "the Strategy"), adopted by Governmental Decision 430/ 2001, available in English at [http://www.rroma.ro/download/new\\_strategy.pdf](http://www.rroma.ro/download/new_strategy.pdf), last visited August 15, 2003.*

<sup>4</sup> *In Romania, one cannot speak about Romani political parties per se. The NGOs established on ethnic criteria can join with political parties in elections. Thus, these organisations can submit lists of candidates in elections to parliament, as well as for county and local councils. Non-governmental organisations can also support candidates for mayor and run electoral campaigns, i.e. they can perform all of the activities of political parties running in elections. I will refer hereinafter to Romani organisations forming partnerships with political parties for the purposes of electioneering as "Roma political organisations".*

<sup>5</sup> *For example looking for materials for re-sale (paper, iron, etc.), often by going through local dumpsites looking for discarded valuables, different house-keeping activities, etc.*

political platforms, etc. Sometimes they have some loose ideas about some Romani political organisation, but usually it is not clear for them what goals, programmes or ideology the respective organisation is furthering.

The majority population in Romania, especially the rural population, experiences the same problems, but at a different level from Roma. Roma are less likely to have political culture than the majority, but the discrepancies are attenuated in rural areas.

Another factor affecting the exercise of the right to vote and other political rights by Roma, is traditionalism. In some Romani communities the influence of the traditional leaders is very strong, and it is likely that the political views of the other members of the community reflect the opinion and the views of the traditional leader.<sup>6</sup> Furthermore, in such traditional Romani communities or families, women are often neither considered nor treated as equal to men. Thus, it may happen that a woman's desire to vote be seen as jeopardising the authority of the head of the family. In other instances, Romani women are compelled to vote for the same party/candidate as their spouse, a trend which, however, is not specific for the Romani communities only but is also present at the level of general Romanian society.

Another interesting distinction can be made between urban and rural participation. In this case, the trend among Romani voters is more or less similar to the one among their non-Romani counterparts.

In a smaller community, people know each other better, and they are less likely to vote (or to abstain from voting) on solely protest grounds,<sup>7</sup> and are thus more likely to participate in elections, especially local elections, than people from urban areas.<sup>8</sup> Roma in this sense are typical Romanians; they are more likely to exercise their right to vote if they live in the countryside.

In rural areas, candidates frequently buy potential voters by organising feasts or giving them food and/or drink. People in the countryside, and Roma are not an exception, are very receptive to this kind of "electoral campaign" due to higher levels of poverty and economic hardship in general.

A range of problems preventing Roma from the exercise of political rights is related to the issue of a lack of personal identity documents. Roma more than other Romanian citizens are affected by this problem.<sup>9</sup> According to the Romanian law on elections and its amendments, a person who is entitled to vote according to the law<sup>10</sup> can exercise this right only by showing a valid identity card (ID). Some Roma have been prevented from exercising the right to vote because of partially destroyed or expired IDs. Non-Roma have faced similar obstacles and have been treated similarly in this situation, i.e. denied the right to vote, but this problem is particularly widespread among Roma. Thus, a significant number of Roma cannot exercise very important rights, which are conferred upon Romanian citizens. The Romanian legislation on identity documents<sup>11</sup> is inflexible, requiring

<sup>6</sup> *The traditional leader of a Roma community is "bulibaşa"; the modern type of leader is the head of a local NGO or branch of a Roma political association. Sometimes the former becomes the latter.*

<sup>7</sup> *In recent years, voters in Romania have frequently manifested dissatisfaction with government by abstaining from voting altogether.*

<sup>8</sup> *People from rural areas in Romania sometimes regard the election process as a major event, an occasion when they can meet each other; wear nice clothes and express their right to vote, so that the others can notice that, like in a folk celebration.*

<sup>9</sup> *In a recent report on housing rights and non-discrimination in Romania, the U.N. Special Rapporteur of the Commission on Human Rights on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Mr. Miloon Kothari, noted in the chapter "Housing and Living Conditions of Roma": "From the field visits by the special rapporteur and testimonies received, it is evident that the lack of identity cards and documentation represents one of the most serious problems affecting the enjoyment of the right to an adequate standard of living, including adequate housing, as well as civil and political rights."*

<sup>10</sup> *A person who is 18 years old is entitled to vote. Sometimes people with criminal records are banned from exercising their political rights, mainly the right to vote, for a certain number of years, as a part of their sentences.*

<sup>11</sup> *The Law No. 105/1996 and Governmental Decision No. 112/1997.*

a permanent residence in all instances when citizens are applying for IDs.<sup>12</sup> The Romanian legislation regulating the procedure of issuing IDs stipulates the situations when the identity card (“Buletin de identitate”) can be issued or modified, and also the documents necessary for issuing the ID: among others, most importantly, the birth certificate and the document proving the housing status of the applicant, i.e. either an ownership certificate or a valid rental contract. In a case of a minor reaching 14, the applicant has to submit the identity documents of his/her parents. Thus, Roma are most of the time in the situation that they simply are not able to fulfil the requirements for obtaining the ID, since their housing status is unclear, most of the time they do not own or rent a housing facility and often live in informal settlements. Moreover, a Romani minor reaching the age of 14 is supposed to submit the documentation to obtain an ID.<sup>13</sup> However, such a person would not be able to procure an ID, since her parents do not possess valid IDs. Those Roma who do not have an ID practically do not exist as citizens, and therefore cannot exercise their right to vote, along with a range of other rights. Although the Government Strategy provides for the remedying of this situation, there have been only isolated projects in some communities, with very limited reach, designed by NGOs and implemented in partnership with the police departments,<sup>14</sup> with funding provided by various donors. But there is no coherent, concrete national plan to overcome

this problem, and ultimately to provide those Roma encountering it with IDs.

During the last general elections in November 2000, some Romani non-governmental organisations monitored the participation of Roma in the elections. A few Romani representatives have also been able to undertake election monitoring as part of a larger NGO-led monitoring project.<sup>15</sup> These micro-level monitoring projects have to some extent enabled oversight, and have revealed substantial and procedural flaws barring Roma from fully participating in public life and, more specifically, in elections.

Some isolated incidents of verbal or physical abuse or intimidation by unauthorised persons occurred, but they were rather incidental than generalised. There have been also instances of illiterate Roma prevented from voting through a representative, as provided by the electoral law. Some voting sections have been closed before the time stipulated in the legal provisions, allegedly at the command of a Romani political organisation.<sup>16</sup>

The next round of elections in Romania will take place in 2004. There will be, in 2004, local elections, general parliamentary elections and elections for the presidency. In the run-up to the coming elections, no visible measures are being undertaken to ensure that Roma will effectively realise the right to vote.

<sup>12</sup> A parent can obtain a birth certificate for his/her child only by showing his/her own ID. Lacking a permanent residence, a Romani person would also lack an ID, thus s/he would not be able to obtain a birth certificate for their children. Accordingly, the children could not benefit from state child allowance, and until recently could not be enrolled in schools, and the chain continues.

<sup>13</sup> In Romania, the ID is not only a right, but an obligation.

<sup>14</sup> Authorities responsible for issuing identity documents.

<sup>15</sup> PRO Democratia organisation, the primary goal of which is the strengthening of democracy through civic participation. Its main field of expertise is elections and related areas. For further details, see: <http://www.apd.ro/index.php?lang=en>.

<sup>16</sup> For further details, see ODIHR Project Roma and Elections, Compiled by Ilona Klimova, University of Cambridge, August 2001, available at: [http://www.osce.org/odhr/cprsi/doc/prj\\_el1.pdf](http://www.osce.org/odhr/cprsi/doc/prj_el1.pdf) (last visited August 5, 2003).

# Legal but Illegitimate: The Gypsy Minority Self-Government in Jászladány

Anita Danka and Nicole Pallai<sup>1</sup>

**J**ÁSZLADÁNY, a village in the Hungarian county of Jász-Nagykunszolnok, has 6,194 inhabitants, of which 655 declared themselves Roma during the 2001 census.<sup>2</sup> The village has been a showcase of the various deficiencies of the Hungarian minority self-government (MSG) system, particularly where the Romani minority is concerned. The current Gypsy minority self-government (*Cigány Kissebségi Önkormányzat*), which took office after the elections in October 2002, is composed of one person who identifies herself as Romani and four persons who identify themselves as non-Romani. The election of non-Roma for the Gypsy minority self-government and the events that led to this result, draw attention to the failure of the Hungarian legal regime on minority self-governance to solve the tension between the right to a free choice of ethnic identity, enshrined in the Hungarian Constitution and the 1993 Act on the Rights of the National and Ethnic Minorities (hereinafter “Minority Act”), and representation on ethnic grounds – an inherent feature of a minority governance system.

## Background on the Minority Self-Government System in Hungary

The 1993 Act on the Rights of National and Ethnic Minorities defines the Bulgarian, Romani, Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovak, Slovenian and Ukrainian ethnic groups as national or ethnic minorities native to Hungary. The established criteria of a national minority are: “. . .all such nationalities, settled at least one century ago in the territory of the Hungarian Republic, which are in a minority as regards the number of inhabitants of the state, are Hungarian citizens and are different from the rest of the population in their language, culture and traditions, and such a consciousness of banding together can be seen in them which preserves this heritage, protects their historically created societies and represents their interests.”<sup>3</sup> Since the Hungarian legal system does not differentiate between national and ethnic minorities, this definition is equally valid for both.<sup>4</sup>

Article 7(1) of the Act states that “it is the individual’s exclusive and inalienable right to take on and

<sup>1</sup> The article is based on field research in Jászladány conducted in August 2003 by Nicole Pallai and on legal research conducted by Anita Danka. Nicole Pallai is a recent graduate of the Nationalism Studies Masters Program at Central European University (CEU), Budapest. She wrote her thesis on “Nancy Fraser: Recognition and Redistribution in the Instance of the Roma Minority Self-Government of Nagykanizsa, Hungary.” She is currently continuing her research on the MSG system in Hungary. Anita Danka is legal assistant at the ERRC. She has graduated the Human Rights Masters Program at Central European University.

<sup>2</sup> See *Népszámlálás 2001. Központi statisztikai hivatal, 2002.*

<sup>3</sup> LXXVII Act of 1993 on the Rights of National and Ethnic Minorities, Article 1(2). Official translation, at: [www.obh.hu/nekh/en/index.htm](http://www.obh.hu/nekh/en/index.htm).

<sup>4</sup> Kaltenbach, Jenő. “From Paper to Practice in Hungary: The Protection and Involvement of Minorities in Governance.” In Biró, Anna-Mária, Petra Kovács (eds.). *Diversity in Action. Local Public Management of Multi-Ethnic Communities in Central and Eastern Europe.* Budapest, LGI-OSI, 2001, p. 176.

declare their affiliation to a national or ethnic group or a minority” and “nobody is obliged to proclaim that they belong to a minority group”.<sup>5</sup>

The Act also declares that minorities have the right to form local and national self-governments. The minority self-governments are bodies that represent the interests of the given national and/or ethnic minority at the local or national level. The guarantee of cultural autonomy was the underlying principle in the creation of these legal entities. For this purpose, they have the authority to maintain institutions in the areas of education and promotion of traditions and culture, as well as to establish minority media (Article 27). Furthermore, any decision of the local government concerning education, media, language and promotion of culture may be taken only after the approval of the minority self-government (Article 29(1)).

The law outlines three types of local minority self-governments (Articles 22 and 23): 1) if more than 50 percent of the members of a local self-government are representatives of a particular minority group, the local self-government can transform itself into a local minority self-government; 2) if 30 percent of the board of the local representatives have been elected as representatives of the same minority group, they may form an indirectly created local minority self-government; and 3) directly created local minority self-government. The last type of minority self-government is elected by voters directly.

The elections for the minority self-governments take place at the same time as municipal elections.

Every franchised person in a given settlement may take part and cast a direct vote for candidates of the given minority. For exercising the passive voting right (the right to be elected), one has to submit a written request supported by at least five voters. At least 50 valid votes are needed in settlements with less than 10,000 citizens and 100 in larger constituencies. The minimum number of candidates is also determined for the election to be valid: three candidates in settlements with less than 1,300 tenants and five candidates in the ones with more residents. The formation of national minority self-governments occurs on the basis of electoral assemblies following the formation of local minority self-governments.<sup>6</sup>

Since the Constitution ensures free choice of identity and universal suffrage,<sup>7</sup> both the active and the passive right to vote in the course of a minority self-government election is not limited to genuine members of a minority community.<sup>8</sup> Therefore, it can hypothetically happen that the majority circumvents the minority will by putting up candidates in the minority elections who would meet the approval of majority voters.<sup>9</sup> As will be seen below, this is precisely what happened in Jászladány in 2002 during the Gypsy minority self-government election.

In 1998, there was an ad hoc committee established within the Parliament’s Human Rights Committee to amend the minority legislation such that only members of a given minority could be elected. The committee did not recommend restricting the active right to vote, but suggested that the candidates should declare that they belong to the given

<sup>5</sup> *The 1992: LXIII. Data Protection Law declares data related to one’s national or ethnic belonging sensitive, and therefore protected by the criminal law.*

<sup>6</sup> *On the election of local minority self-governments and national minority self-governments see 1990: LXIV Act on Self-governments.*

<sup>7</sup> *Hungarian Constitution, Article 70(1).*

<sup>8</sup> *At the same time, Antal Heizer, head of the Office of National and Ethnic Minorities argues that Article 68(4) provides for the right of national and ethnic minorities to form local and national bodies of representation, therefore this right is secured to members of that particular minority group and not to other minority or majority communities. In: A kisebbségek kerekasztal lovagjai és a fegyverhordozók, at: <http://www.meh.hu/nekh/Magyar/3-mh.htm>.*

<sup>9</sup> *According to the data published by the Central Office of Statistics, there were settlements where minority self-government elections were initiated, although, according to the 2001 census, no one declared himself/herself a member of that minority, no one marked that particular minority language as his/her mother tongue and no one expressed cultural attachment to that particular minority. Quoted in Kaltenbach, Jenő. “Report on the Minority Self-government Elections in 2002 and 2003”, p. 7, at: <http://www.obh.hu/nekh/hu/index.htm>.*

minority, and the polling stations should be different from those of the municipal elections.<sup>10</sup> In addition, Minority Ombudsman Jenő Kaltenbach suggested that, since participation of the candidate in the minority self-government election is legitimized by the given community, one should become a candidate only if he/she is a member of or supported by a minority organization.<sup>11</sup> Moreover, a candidate should also meet certain objective criteria for belonging to a certain minority, which would be determined by law after a codification process involving minority consultation. Such criteria might include knowledge of culture, traditions, the language of the community, etc.<sup>12</sup>

One of the ideas raised for deterring non-minority voters from voting in the minority self-government elections was the introduction of the minority register. In Hungary, a proposal that a minority register be maintained by the minority community was recently discussed, but the National Gypsy Minority Self-government opposed it.<sup>13</sup> Since voter registers are put on display before the elections, concerns were articulated based on the sensitive nature of the ethnic data. One proposal that appears to have more support within the Romani community is to call the minority self-government elections on days different from those of the municipal self-government elections.

Although the government promised that the amendments would go before parliament by the end of 2003, as of the date of publication of this article, such amendments had not yet been introduced.

## Jászladány

In 2002, Jászladány made national headlines in Hungary because of the alleged intentions to segre-

gate Roma at school through the founding of a private school. The Zana Sándor Imre Foundation School – the private school established by a local government, however, was not permitted to operate due to the veto of the then-Gypsy MSG. According to the then-president of the Gypsy MSG, Mr László Kállai, the private school signifies a milestone in a larger segregation process.<sup>14</sup> The mayor of Jászladány, Mr István Dankó, stated that the establishment of the school is not anti-Romani; the purpose is rather to separate “students who wish to study from those who do not”. He has also stated that the former Jászladány Gypsy MSG had a tendency to dress every issue up as Roma versus non-Roma.<sup>15</sup> After the MSG elections in October 2002, however, the private school in Jászladány was permitted to operate. The new Gypsy MSG of Jászladány, composed of one Roma and four non-Roma, among them the wife of Dankó, did not exercise its veto right on the private school issue.

The conflict over the private school was alleged to have been one of the motivating factors behind the distribution of a flier in the village days before the MSG election, urging voters to elect the current five Gypsy MSG representatives into office. The flier listed Mr Kállai by name, under the heading “Who we shouldn’t vote for”. Beside “Let’s not vote for the shame of the village: László Kállai and his team”, the unidentified author wrote “but this requires no explanation”. On the backside of the document, three paragraphs denounce national and local actors who actively opposed the private school.<sup>16</sup>

## Events Leading up to the 2002 Election Scandal

Tensions between the Gypsy MSG and the local government in Jászladány had been building for several

<sup>10</sup> “Report on the Minority Self-Government Elections in 2002 and 2003”, p. 3.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Gábor, Czene. “A cigány önkormányzat elutasítja a kisebbségi névjegyzéket”, Népszabadság, October 6, 2003.

<sup>14</sup> Interview by Nicole Pallai, August 5, 2003, Jászladány.

<sup>15</sup> Doros, Judit. “A cigány önkormányzat nem fitneszklub”. Népszabadság, September 3, 2001.

<sup>16</sup> Jászladányi Szamizdat, No. 1.



years. A chronology of the events which culminated in the 2002 election scandal follows:

#### *Summer 1999*

The Gypsy MSG posted a “Jászladány Gypsy Self-Government” sign on the local government building. Mayor Dankó had the sign taken off, on grounds that it should contain the word “Minority”.<sup>17</sup>

#### *November 21, 2000*

Mayor Dankó tabled a motion regarding the establishment of a private school at the local government assembly. He justified support for the private school in saying, “In Jászladány, the Gypsy-Hungarian cleavage is increasing, although it might overlap the divide between rich and poor. This societal conflict must be avoided.”<sup>18</sup> Mr Kállai challenged the above on grounds that the local government did not consult the Gypsy MSG.

#### *January/February 2001*

Four attacks on Jászladány Roma residents were reported. The attackers were reportedly dressed in all black, with hoods covering their faces.<sup>19</sup>

#### *February 2001*

A hunger strike by Mr Kállai and other Roma from Jászladány took place to protest the politics of the mayor and the local government, in particular to protest: the plans to open a private school in order to separate Roma and non-Roma; the mayor’s refusal to consult with the Gypsy MSG; the abortion of transitional social benefits since 1998; to oblige the local government representatives to examine the situation of Roma residents near the trash dump; to account for the 2.2 million Hungarian forints (approximately Euro 8,627) received from the National Gypsy Self-Government.<sup>20</sup>

#### *May 14, 2001*

The Gypsy MSG submitted a six-question referendum application to the village clerk, due to the mayor’s failure to respond to the demands it made at the hunger strike.<sup>21</sup> Questions addressed: segregated education, building permits from the local government, local government hiring of the unemployed for community construction, removal of the trash dump from the Roma-inhabited area and peaceful coexistence between Roma and non-Roma.<sup>22</sup>

#### *May 29, 2001*

Jenő Kaltenbach, Ombudsman for National and Ethnic Minorities, visited Jászladány in response to Mr Kállai’s letter of complaint, to meet with the mayor. The Ombudsman notified the local government that the body may only transfer education property or maintenance rights with the approval of the Gypsy MSG.<sup>23</sup>

#### *June 2001*

The Jászladány clerk, Terézia Lajkó, rejected the Gypsy MSG referendum application on the grounds that four out of five questions addressed areas outside the jurisdiction of the local government.<sup>24</sup>

#### *June 2001*

Two lawsuits were initiated: the Jászladány local government sued Mr Kállai for calling the village leadership “fascist” at a village gathering. Mr Kállai sued a local newspaper for offensive statements targeted at him personally and at the Jászladány Roma generally.<sup>25</sup>

#### *July 2001*

The Gypsy MSG submitted a revised group of referendum questions to the Jászladány clerk. The Gypsy MSG had turned to the *Roma Civil Rights*

<sup>17</sup> Doros, Judit. “A cigány önkormányzat nem fitneszklub”. Népszabadság, September 3, 2001.

<sup>18</sup> Letter from the Ombudsman for National and Ethnic Minorities to Dr Tota Aronne, the Director of the Jasz-Nagykun-Szolnok Administrative Office, May 28, 2002.

<sup>19</sup> Doros, Judit. “A cigány önkormányzat nem fitneszklub”. Népszabadság, September 3, 2001.

<sup>20</sup> Purgely Híradó: A Jászladányi Cigany Kisebbségi Önkormányzati Lapja, March 1, 2001.

<sup>21</sup> Doros, Judit. “A cigány önkormányzat nem fitneszklub”. Népszabadság, September 3, 2001.

<sup>22</sup> “Döntsön a nép!”, Purgely Híradó: a Jászladányi Cigány Kisebbségi Önkormányzat Lapja, July 3, 2001.

<sup>23</sup> Letter from the Ombudsman for National and Ethnic Minorities to Dr Tota Aronne, the director of the Jasz-Nagykun-Szolnok Administrative Office, May 28, 2002.

<sup>24</sup> “Jászladányi Nepszavazasvita”, Népszabadság, June 2, 2001.

<sup>25</sup> Amaro Drom, “Jászladányi: Private School and Trash Dump”, 2001.

*Foundation (Roma Polgárjogi Alapítvány)* for advice on revising the questions.<sup>26</sup>

*July 30, 2001*

The Jászladány clerk rejected the second Gypsy MSG application for a local referendum.<sup>27</sup>

*September 15, 2001*

The Gypsy MSG held a Roma Day celebration. The occasion was used to re-post the “Jászladány Gypsy Self-Government” sign. Since the local government removed the sign in 1999, the passageway through the courtyard from the local government to the Gypsy MSG had been blocked off, reportedly by the mayor. In addition, the Gypsy MSG had received a response to their inquiry from Ombudsman Jenő Kaltenbach. He stated that MSGs have the right to choose their name and insignia. Gypsy MSG representative Karoly Danyi found the gate locked on Roma Day, and he could not post the sign.<sup>28</sup>

*March 12, 2002*

The Jászladány local government council passed a motion to lease part of the public primary school building to the Zana Sándor Imre School Foundation. At the same assembly, the local government voted 10:1 to accept a request for negotiation from the Gypsy MSG if it publicly apologised for the “fascist” name-calling.<sup>29</sup>

*April 2-5, 2002*

The Gypsy MSG protested at the trash dump, arguing that the accumulation of waste there was hazardous for the Roma-inhabited area.

*May 28, 2002*

The Ombudsman for the Rights of National and Ethnic Minorities wrote a letter to the Jász-Nagykun-

Szolnok Administrative Office in response to Kallai’s complaint that the local council did not seek the approval of the Gypsy MSG in leasing local government property to the private school. The Ombudsman also declared that the establishment of the Zana Sándor Imre School would cause negative discrimination for Jászladány Roma. The letter declared the local government’s demand for public apology (March 12, 2002) as a precondition for negotiation with the Gypsy MSG, since the two bodies are obliged, by Hungarian law, to work cooperatively.<sup>30</sup>

*August 30, 2002*

The Jász-Nagykun-Szolnok County Administrative Office reversed the decision of the Jászladány local government to lease a school building to the private school.<sup>31</sup>

*September 2, 2002*

The Zana Sándor Imre School closed down after one day of teaching. The Jászladány Public Primary School took back students enrolled in the private school.<sup>32</sup>

*September 10, 2002*

Parents whose children were enrolled in the private school demonstrated in Jászladány. Such parents also sent a letter to the prime minister, Péter Medgyessy, claiming that the closing of the school was unlawful.<sup>33</sup>

*October 1, 2002*

Several national Romani politicians denounced the intention of Gabriella Makai Dankóné, non-Roma and wife of the Jászladány mayor, to run in the Gypsy MSG elections. Among those denouncing the development were: László Teleki, the state secretary for

<sup>26</sup> “Kétszer elutasított jászladányi népszavazás”, *Népszabadság*, July 31, 2001.

<sup>27</sup> “Kétszer elutasított jászladányi népszavazás”, *Népszabadság*, July 31, 2001.

<sup>28</sup> Doros, Judit. “A cigány önkormányzat nem fitnessklub”, *Népszabadság*, September 3, 2001.

<sup>29</sup> Letter, from the Ombudsman for National and Ethnic Minorities to Dr Tota Aronne, the Director of the Jász-Nagykun-Szolnok Administrative Office, May 28, 2002.

<sup>30</sup> Ibid.

<sup>31</sup> “Jászladányi iskolaügy,” *Népszabadság*, September 19, 2002.

<sup>32</sup> “Jászladány: Per, cáfolat,” *Népszabadság*, February 3, 2003.

<sup>33</sup> “Jászladányi iskolaügy – demonstráció az alapítványi iskoláért”, *Magyar Távíratí Iroda (MTI)*, September 10, 2002.

Roma Issues at the Prime Minister's Office, Flórian Farkas, President of the National Gypsy Self-Government, Orbán Kolompár, leader of the Roma Left Coalition, and Aladár Horváth, Advisor of the Prime Minister. Gabriella Makai commented to the *Roma Press Center (RSK)*: "I didn't write the law," and cited her right to run for the office.<sup>34</sup>

*October 16, 2002*

Kállai told the Hungarian Press Agency (MTI) that he called international monitors to the October 20 local elections in Jászládány. He said he decided to do so when he learned that non-Roma had registered candidacy for the Gypsy MSG.<sup>35</sup>

*October 2002*

"Immediately previous to the elections",<sup>36</sup> a flier was distributed in Jászládány, entitled "Jászládányi Szamizdat". The flier states: "Who we should vote for" and "Who we should not vote for". Under the latter, "doctors", "teachers working at the local government primary school, or anyone closely related to them," and "the shame of the community, László Kállai and his team" were listed.<sup>37</sup>

*October 20, 2002*

Elections were held in Jászládány for mayor and local government positions. Ms Makai Dankóné was elected to the local Gypsy MSG.

*October 25, 2002*

Mr Kállai appealed to the Jász-Nagykun-Szolnok Court, stating that he could not accept the decision of the Provincial Electoral Office. The latter rejected Kállai's objection to the elections on the grounds that the contents of the "Jászládány Szamizdat" flier influenced voting. Kállai claimed that the mayor's of-

fice participated in the distribution of the flier, and that he had an eyewitness from Hungarian Radio.<sup>38</sup>

*October 28, 2002*

The Jász-Nagykun-Szolnok Court rejected Kállai's appeal of the Provincial Electoral Office's decision.<sup>39</sup>

*November 23, 2002*

The *Jászság Roma Citizens' Rights Organisation (Jászsági Roma Polgárjogi Szervezet)* was founded by Mr Kállai in Jászládány; Mr Kállai became the group's president.<sup>40</sup>

Events leading up to the 2002 elections clearly indicate that the Gypsy MSG and the local government had been in conflict for some time. The means of protest chosen by the Jászládány Gypsy MSG, under the leadership of Mr Kállai, included legal action at the provincial court, popular demonstrations, a hunger strike, a referendum, petitions, open letters, appeals to the Ombudsman and to the President of Hungary. The 2002 elections marked the culmination, and end, of the tense relations between local government and the Gypsy MSG. In October of that year, the above-mentioned flier was distributed and the five candidates listed on that flier overwhelmingly defeated Mr Kállai and other Romani candidates. The one Romani member of the current Gypsy MSG, Ms Rita Suki, is now its President. Mr Kállai has continued pressing for legal action against the private school, which earned its operation permit and opened in September 2003.

Mr Kállai was at the center of the Jászládány events since 1999; his presidency at the Gypsy MSG started in 1995. In media reporting on Jászládány, local government representatives and residents associated with

<sup>34</sup> Kállai, Szilvia. "Választási botrány Jászládányba". *Roma Press Center (RSK)*, October 1, 2002.

<sup>35</sup> "Önkormányzati választások – nemzetközi megfigyelőket hívtak Jászládányra", Magyar Távírat Iroda (MTI), October 16, 2002.

<sup>36</sup> "Önkormányzati választások – Jászládány – bíróságon a választási kifogás," Magyar Távírat Iroda (MTI), October 25, 2002.

<sup>37</sup> Jászládányi Szamizdat, No. 1.

<sup>38</sup> "Önkormányzati választások – Jászládány – bíróságon a választási kifogás", Magyar Távírat Iroda (MTI), (October 25, 2002).

<sup>39</sup> "Önkormányzati választások – Jászládány – elutasított kifogás", Magyar Távírat Iroda (MTI), October 28, 2002.

<sup>40</sup> "Roma polgárjogi iroda Jászládányba", Népszabadság, January 28, 2003.

the private school often pinpoint Kállai as the source of “trouble” in the village. The episode serves as a stark illustration of the fact that current Hungarian minority rights legislation enables the majority to remove from even nominal political power persons who

it regards as irritating, such as activists agitating for equal rights. An interview was conducted with the former Jászladány Gypsy MSG leader, to collect his thoughts on the MSG system in general and on recommendations to change the law in particular.

### Interview with László Kállai, former President of the Jászladány Gypsy Minority Self-Government:

*Q: MSGs have been in existence since 1994. Do you see any patterns in how Gypsy minority self-governments operate?*

*A: There are two types of minority self-government, and two types of civil self-organisation. The first kind of MSG includes that small circle, the five people, and the family circles that spring from those five individuals; it gets along very well with the local political elite. Here I mean the mayor, the municipal council members, and in addition the main personalities financially, such as businessmen and shopkeepers. For them, those few thousand forints are secured, as well as minimal respect from the non-Romani society.*

*Now there's the other type. The head of this other type of minority self-government says, I don't need an honorarium, I don't need the Hungarians to like me, I don't have to participate in banquets. He doesn't kiss up – excuse me for the expression – to the mayor. Rather, he is familiar with the laws, he would like to squeeze out the possibilities granted by the law. His interest is that he doesn't want to help the Roma who are well-off, because they don't need it. He tries to help the poor and those in a disadvantaged position. This is what existed in Jászladány when I was head of the Gypsy MSG.*

*Q: What kinds of tasks should a Gypsy MSG fulfill?*

*A: In the first place, it should clear up legal issues. In truth, the Jászladány Gypsy MSG would have been able to bring external support of the character of a Red Cross, or an aid organisation. MSGs are not in a subordinate position; they are not under the jurisdiction of the local council or the National Gypsy MSG. It must be accepted by majority society, the Roma included, that a MSG does not come into existence to distribute sugar, salt, pepper, bread and medicine, because organisations already exist for these purposes. An MSG has three*

*areas of jurisdiction: education, preserving traditions and culture, and language. It must carry out these tasks. There are many spheres in which it can be active and many responsibilities which it can take over from the municipal government. But I don't find it favorable if a local council transfers those social welfare tasks, because such a transfer will result in a backlash. The Roma will say much more often among themselves, “Why did you only give me 2,000 HUF?” And then the mayor can remove this task from his shoulders and say, “OK, then let them attack you.”*

*Q: So most of your efforts were expended on rights protection?*

*A: Well yes, Jászladány was in an unusual situation.*

*Q: Why?*

*A: Because here the mayor is the type of person who is willing to be openly and confrontationally racist.*

*Q: Does it matter that you took up the fight against them?*

*A: It is possible that this would have appeared openly in other places too, but the mayor or respective body had second thoughts. And now they're waiting to see what will happen in Jászladány, and if they can go ahead with such plans, then from therein there is a green light. Why didn't the Jászladány Gypsy MSG deal with, for example, distributing aid? Why didn't it provide for entertainment, events, cultural events? Because, in the given political situation, the first priority was to carry out rights protection. The top priority was to prevent the negative decisions of the municipal council, to report these, initiate investigations. And there was no time left, truly, for those things.*

*Q: And before Mayor Dankó? How did things work under the previous major, Mr Benedek Sziraki?*

*A: I worked with him for a long time, with Mr Sziraki. In my opinion we were able to agree on some things, not on others, but I think the Roma minority always came out a winner, and he understood that he, in this village, is not only the mayor of the Hungarians, but of all of the residents. This is what the current mayor doesn't understand, Mr István Dankó, and he makes it felt, and seen, that he cuts himself off from the Roma. He doesn't want, and doesn't need, this voting block, and turns rather to the better-off agricultural group, who determine for him what he should do, and that appeals to him.*

*Q: So what kinds of tasks did the Gypsy MSG carry out between 1994 and 1998, when Sziraki was mayor?*

*A: There were huge developments then, when the new school was under construction: telephone lines, a paved road network. I can say that, at that time, in two areas of Roma residence, paved roads were built, but this process has since come to a halt. We had cultural programs, then in social welfare matters the municipal council asked our opinion; we were able to carry out family visitations, we could make recommendations. In sum, there was a demand from the municipal council for the services we offered. And it didn't make decisions without asking our opinion. So, he didn't say, "I'm the mayor and I won't consult with you. I can make the decisions on my own." Rather, he called us into his office, and came to every meeting; he made recommendations too, asked for our assistance, so we truly worked cooperatively.*

*Q: You said that MSGs have three areas of jurisdiction: education, preserving traditions and culture and language. But you also list rights protection as a top priority, but that isn't prescribed by the Minority Law. So what are your thoughts on these areas of jurisdiction?*

*A: The MSG can and will do exactly as much as the municipal council will let it. Now if the municipal council is good, and wants to work with the MSG, then it includes the MSG in every positive development in the municipality, and they can take credit for those achievements together. Now if the relation between the municipal and minority councils is not good, in that case, at some point the MSG becomes completely unnecessary. Because it has all in all 670,000 HUF (approximately Euro 2,625) budget, and of course it cannot maintain the support of that portion of voters with the most problems, it*

*cannot deal with issues. It does not have a lawyer on hand, it doesn't have the infrastructure, maybe not even knowledge, and then it stops. In that case, it chooses rather to be on good terms with the mayor, so that it at least gets something. In other words, it sells itself out, and sells out the Romani community. But in my opinion this minority system, as it is now, is useless: I consider these to be institutions for the sake of appearance.*

*Q: MSGs were established for the sake of appearance?*

*A: Yes, these are just institutions for the sake of appearance, since the state didn't provide and didn't establish what precisely the obligations of local council are towards MSGs. The financial resources that the state provides are too little for an MSG to support itself.*

*Q: You said earlier that you submitted recommendations to change the Minority Law. What were they?*

*A: There were three recommendations. The first one addresses the problem of how we could prevent the opportunity for non-Roma or non-minorities to make it onto a list. The main point was that in 2002 there was a census. On these occasions, one could declare oneself as belonging to a minority, or a language group. Now, if I want to be a candidate for the next election, then a system should be created whereby I could get a hold of this declaration. Then I present it to the Electoral Commission and I say, in 2002, I declared myself Gypsy. This is the most important, that the candidates themselves could prove that they belong to the minority. I show, I was Gypsy in 2002, and in 2006, I still will be. This shouldn't be an institution, the minority, in which I can jump from one to the other- now I'm a Serb, then Hungarian, then Romanian.*

*Q: And the other two recommendations?*

*A: The electoral procedure should be altered. There could be a solution that the MSG elections would be on a different date from the elections for local government. Not on the same day, on a later date. Also, the elections should be held in different buildings – here the municipal council, mayor and whatnot, and at the other place the MSG. Here you could filter the opportunity – I'm Hungarian, I'm not going to go to the minority elections. There, everyone knows each other, one could easily say, "excuse me, where are you going?"*

*Q: So these were your recommendations, with regard to the elections themselves. And beyond that? Financial support for the MSGs, to strengthen them... Or to oblige the local government to work cooperatively with the MSG; can that be doctored legally?*

*A: Yes, it can, of course. This all falls under the reform of the Minority Law, since the state must strictly establish. It shouldn't only indicate its possibilities; rather it should concretely identify, if an MSG is formed, what the local government must provide it with.*

*Q: So, for example, "x" amount of money, and what else? A community house?*

*A: Well, I think the community house is something that the MSG should work for itself. I wouldn't consider it favorable if such an opportunity would simply be put on its table. It should struggle for that, work for it. But the basic infrastructure, the basics – such as a computer, or I could imagine a secretary for the president, to deal with daily tasks, and items for operation, telephone, fax, etc., should be provided. The MSG shouldn't suffer a shortage of what it needs just to operate.*

*Q: So that it isn't at the mercy of the majority government?*

*A: I don't consider it favourable if an MSG is one kilometre from the local government, and the current law states that the local government must fulfill the photocopy needs of the MSG.*

*Q: And beyond that, it's better if the MSG makes its own way?*

*A: It needs to be provided with the basic tools, it should use them and try to create something. Let me cite a very simple example: a fisherman doesn't need fish, he needs a net. My opinion is that the basics should be ensured. Since if you give a fisherman a net, surely he'll catch fish... if there are fish.*

*Q: As I understood earlier, you see quite a lot of possibility in civil organisations.*

*A: Yes, I see the most possibility in civil organisations since we are approaching the time of entering the EU. And this is important because among the Union's members, not one has MSGs. So, in the West it is civil organisations that are truly strong. As it is now, I would finish off this minority system. I would finish it off, since in many communities they use them to throw responsibilities off of their shoulders.*

The interview was taken by Nicole Pallai for the *ERRC*, August 5, 2003, Jászladány.

# European Forum For Roma and Travellers: From the Finnish initiative to the Franco-Finnish proposal

Miranda Vuolasranta<sup>1</sup>

**T**HE QUESTION OF Romani leadership and representation in a wider context started to interest Romani activists during the mid-1990s. During the 1997 OSCE Human Dimension Implementation meeting, the first official Round Table on Roma and Sinti Questions took place. At the Round Table, the US-based non-governmental organisation *Project on Ethnic Relations (PER)* distributed the publication “The Roma in the Twenty-First Century: A Policy Paper”, which presented for the first time the Roma actors in Europe to the wider audience.<sup>2</sup>

The authors of the policy paper, Mr Nicolae Georghe and Mr Andrzej Mirga, evaluated the traditional Romani leadership and the new generation Romani leaders, partly comparing the two models of leadership to the challenges that the issue of international Romani representation brings along. This raised a new kind of interest in the question of leadership and representation. Do Roma need the old type of traditional community leaders – *chero rom* – or the emerging non-governmental organisation (NGO) leaders or the few academically educated Roma expert intellectuals? Which type of these various representations is needed and who could speak on behalf of Roma? Is it enough to have educated persons as representatives or is there a need for persons with a strong commitment to the Romani cultural identity and community structures? Who would be qualified enough to take part and represent the various European Roma groups in the international context? Who has the legitimacy to be the voice of the rank and file Roma, to represent their interests and to be also capable of tackling the issues affecting Roma in the European framework?

Many round tables and seminars were organised during the final years of the 1990s, focusing on these questions. One of the conclusions of all these discussions was the recognition of the fact that the European Roma were facing a new phase of participation and a need of permanent representation. The understanding of leadership was in a period of transition – the old community leaders, the NGO leaders, the Romani intellectuals, Romani women and youth – all had their role and have to be tolerated and accepted as actors, if Roma are to build a better future and participate equally with *gadje* – non-Roma – in Europe.

On January 24, 2001, the President of Finland, Ms Tarja Halonen, proposed in her speech to the Council of Europe Parliamentary Assembly that “*serious consideration be given to a need to create for the Roma some kind of consultative assembly to represent them on the pan-European level*”.

A Seminar on Roma Participation, held in Helsinki on October 22, 2001, and attended by members of the Group of Specialists on Roma/Gypsies (MG-S-ROM), Finnish authorities, and representatives of Roma organisations, considered the initiative of Ms Halonen to set up a European Forum for the Roma. The Romani representatives issued the following statement at the end of the seminar:

*Referring to the initiative of the President of Finland made at the Parliamentary Assembly of the Council of Europe in Strasbourg on 24 January 2001 to consider some kind of representative forum to be created for Roma on a pan-European level, we, representing Romani people from 13 European countries, would like to once more express our support*

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<sup>2</sup> Document available at: [http://www.per-usa.org/21st\\_c.htm](http://www.per-usa.org/21st_c.htm).



*and interest in developing the idea further. Therefore, we propose that a working group be established for a period of 6-12 months to carefully look at all the details and work out outlines for the consultative body. The working group should be composed of representatives of Roma experts, representatives of IRU, RNC, representatives of some governments, as well as representatives of the EU, Council of Europe and the OSCE.*

The Specialist Group on Roma/Gypsies (MG-S-ROM), at its biennial meeting in Helsinki on October 23-24, 2001, took note of the proposal by the Romani representatives and considered that the initiative had to be examined more in depth.

### **Information on the Initiative to the Council of Europe Committee of Ministers**

At the 109<sup>th</sup> session of the Council of Europe Committee of Ministers on November 8, 2001, the State Secretary replacing the Minister for Foreign Affairs of Finland, Mr J. Laajava, declared that:

*Given its broad membership and extensive expertise in human rights, the Council of Europe provides in our view the most appropriate framework for such a body. An ad hoc group will study in detail the various aspects related to establishing such a body. My Government looks very much forward to working together with all interested parties in order to develop this initiative.*

An informal exploratory group headed by Mr Gunnar Jansson, Chairman of the Committee on Legal Affairs and Human Rights of the Council of Europe Parliamentary Assembly, was set up in the autumn of 2001. It was composed of members of international Romani organisations, Roma and government experts, as well as the EU, the Council of Europe and the OSCE. This ad hoc group studied for a year the feasibility of the proposal for establishment of a European Roma Forum. The study, however, revealed more than the feasibility of the project – it demonstrated the need of establishing a body representing the Roma in Europe.

It showed that the unity of purpose of Romani organisations and communities – to improve the situa-

tion of Roma – needed to be complemented by a unity of action which could only be achieved through a coordinated instrument.

It showed that action is effective if carried out in accordance with democratic processes. There was a need for Romani organisations and communities to develop negotiating abilities and political know-how which would allow them to undertake action within the democratic process.

And it showed that a forum of Roma, on its own, would be a voice in the wilderness. It would need the partnership of one or more inter-governmental organisations and institutions which would not only listen to what the forum has to say but also act on what the forum wants to achieve.

During this period, international Romani organisations – the International Romani Union (IRU), the Roma National Congress (RNC) and the Gypsies and Travellers International Evangelical Fellowship (G.A.T.I.E.F.) – showed a great sense of responsibility and managed to go beyond some conflicting interests to reach a consensus. A debate also took place between those Roma who favoured a transnational representation, based on belonging to international organisations, tribes and religious groups, and those who opted for a country-based composition.

### **Why the Council of Europe**

Because the idea was launched within the Council of Europe, it was felt that this Pan-European human rights organisation was well-suited to provide the necessary infrastructure for the Forum. Council of Europe standards have served as a platform also for other inter-governmental actors, and have provided the basis for combating discrimination and racism for all multilateral legal instruments in Europe.

The informal working group that debated the feasibility of the proposal foresaw a partnership which went well beyond the Council of Europe and included the OSCE, the European Union and United Nations agencies. A forum for the Roma would only become meaningful if it had a real partnership with international actors. These considerations made it possible to present a reasonable and plausible proposition to

the Committee of Ministers of the Council of Europe for the setting up of this Forum.

At its fifth meeting on September 19-20, 2002, the exploratory group drew up a final report containing proposals for the setting up of a pan-European Roma advisory body. The recommendations covered the aims and objectives, the composition (non-governmental representatives only) and functions of the Forum, its funding and possible links with the Council of Europe and other international organisations.

This report was submitted in October 2002 to the Committee of Ministers and to the Specialist Group on Roma, Gypsies and Travellers (MG-S-ROM). The latter, which is composed of governmental experts and some Roma NGO representatives, is the unique inter-governmental body dealing specifically with Roma/Gypsy and more recently Traveller issues. It drafts recommendations<sup>3</sup> in order to assist governments developing appropriate comprehensive policies for their Roma populations.

The Committee of Ministers, in a communiqué dated November 2002,

*noted with interest the Finnish initiative concerning a 'European Forum for Roma' and invited their Deputies to continue considering this issue, bearing in mind its topical nature, with a view to determining suitable follow-up.*

The Deputies instructed one of their working group (GR-SOC)

*to continue its work relating to the Finnish initiative concerning a European Roma Forum, bearing in mind its topical nature, and to submit proposals to them concerning suitable follow-up to be given to that initiative.*

The GR-SOC expressed itself in its majority in favour of setting up an open-ended working party (GT-ROMS) under the chairmanship of the Finnish ambassador.

The GT-ROMS has so far met three times. After approving its terms of reference, it drew up a list of

issues to be addressed, and it examined whether the proposal to establish such a forum was appropriate and compatible with the principle of non-discrimination as contained in Article 14 of the European Convention on Human Rights. The GT-ROMS also circulated a questionnaire to collect information about the level of participation of Roma in the Council of Europe member states.

### **Franco-Finnish Proposal**

This concept of partnership has now been further developed through a joint proposal of the French and Finnish governments. It has been proposed that the forum be an autonomous body, independent of the Council of Europe and/or any other institution. It will, however, when set up, establish a special relationship with the Council of Europe through a partnership protocol containing a juridical cooperation contract between the association set up by Roma and Travellers under French law, the Council of Europe and, hopefully, other international organisations, with a view to informing discussion and influencing decisions concerning Roma. This proposal is currently being examined by the aforementioned working group, GT-ROMS, of the Committee of Ministers. The interest of such a partnership lies in the financial and practical contribution, that the Council of Europe can make in having representatives of the Forum attend meetings of the various organs and bodies of the Council of Europe.

At their last meeting of the GT-ROMS in July 2003, the governments of France and Finland stressed that the aim of the Forum was not to accord special rights but to help with the process of integration of Roma into the societies in which they live. In July, the GT-ROMS also discussed the heterogeneity of the population to be represented, the need for a geographical and gender balance, and the funding of the Forum. The question of composition and representation of the Forum still remains a particularly important and difficult issue. The GT-ROMS is concerned about ensuring a proper representation in the Forum, and feels that certain terms, such as "tribes" and "religious groups" need further clarification.

<sup>3</sup> See documents at: [http://www.coe.int/T/E/social\\_cohesion/Roma\\_Gypsies/Documentation/Recommendations/](http://www.coe.int/T/E/social_cohesion/Roma_Gypsies/Documentation/Recommendations/).

The discussions among international Romani organisations stress the importance of a wide representation aimed at covering international and regional European Romani organisations, main Romani groups (tribes) in Europe, religious confessions and political parties, taking into account gender balance and representation of Romani youth. In order to find the utmost democratic representation and avoid manifold and too-centralised representation, there is a need to also create some kind of criteria on candidacy and representation.

The goals to be pursued by the future Forum have been seen, by the Romani NGO leaders, to include human rights and fundamental freedoms, political and civil rights, economic, social and cultural rights and the full enforcement of international treaties and conventions.

The idea of a forum is today no longer a novelty. It is seen by many as a natural development of the international movement to improve the social and political status of the Roma. Many of the original doubts and hesitations are slowly disappearing.

Undoubtedly, issues remain to be solved. The forum must have credibility and legitimacy – and that can only be achieved by appropriate representation. Funding is another issue which still requires intensive discussion.

But where there is a will there is a way – and the will is there. The Romani community desires it; foremost human rights organs of the Council of Europe such as the European Commission against Racism and Intolerance (ECRI) and the Advisory Committee on the Framework Convention for the Protection of National Minorities want it; and the OSCE and the European Commission have constantly and un-


reservedly supported the proposal throughout the process. The OSCE and the World Bank have expressed similar feelings at the recent conference “Roma in an Expanding Europe” held in Budapest in June 2003.

### **Developments in the Autumn of 2003**

On September 17, 2003, the MG-S-ROM (Specialist Group on Roma/Gypsies) held an extraordinary session in Strasbourg to provide its opinion about the Finnish-French proposal to create a forum for Roma and Travellers, as well as the way in which the Group sees its collaboration with this possible future partner. The basic opinion of MG-S-ROM supports the establishment of such a forum as well as future collaboration. The opinion of the Group of Specialists was presented the next day at the fourth GT-ROMS meeting, which also heard representatives of several international Romani organisations, which supported the establishment of the Forum unanimously.

Although the issue of the establishment of the European Roma and Travellers’ Forum still remains under examination in the Council of Europe, and the negotiations were expected to go on at least until the end of 2003, the tendencies make obvious the fact that Roma have reached a phase when they feel that they have the right and trust to be full members of European societies and are ready to fight and work for these rights and equal participation.

Common efforts are needed to make this Forum a reality. The Forum will need the support of all major European organisations and actors involved in European Roma politics if it is to make its voice heard effectively. It is the duty of all of us to empower the Roma to take their rightful place in our societies.



# The Romani Nation or: “Ich Bin Ein Zigeuner”

Paolo Pietrosanti<sup>1</sup>

**D**O WE STILL NEED TO POINT OUT that nation does not necessarily mean state? Do we still need to point out that politics has a duty to make clear and give concrete form to the profound difference between the juridical concepts of “state” and “nation”? Shall we repeat that it is precisely the tendency to make these concepts converge that has brought about the worst massacres, genocides and acts of cruelty in European and world history?

The answer is yes. We still need to reiterate, not only that this correspondence does not exist at a technical and juridical level, but that the difference must be defended with the force of our convictions and political action.

Yes, because we must stress the vital importance of the appropriacy of the juridical and institutional dimension to the everyday life of individuals and of society, all the more so in the face of the profound changes that have made it possible for a German national living in Milan, for example, to vote in local elections in Italy rather than in Germany and to choose whether to vote in Italy or in Germany on the occasion of European elections.

Meanwhile, other things are changing radically in the European Union. For example, “negligible” things like the very pillars of the sovereignty of states, since they no longer mint money and are increasingly less responsible for military defence. Political power has increasingly little connection with the economy, wealth creation and production.

In Europe, however, politics is the slowest sector of human activity, and this characteristic has always been dangerous.

It is within this framework that we must place the proposal for the construction of a Romani Nation, a nation that does not intend, nor can it intend, to become a state, but whose members are much more numerous than the populations of many European states.

The very term “Romani Nation” is no longer taboo and has actually become part of the lexicon of the political public debate. No one, as it is easy to imagine, is more pleased about this than I am, no one could be more proud than I am. It is not, however, a matter of pleasure or pride – it is a matter of political realism. In other words, it is a matter of the ability to understand that the question of Roma, the “problem” of Roma in Europe, is by no means just a problem that concerns the relationship between minorities and majority societies. It is much more than this.

Moreover, it is now finally clear that the problem should be treated as a European problem and not only a problem of the individual countries in which Roma live.

After myself and others have spoken and written about this issue in recent years in the main European and international media, attracting both harsh criticism and wide accord, many others came to realise the empirical need for this line of argument. Finally.

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Thus, in a Europe which is changing but is still not up to what is required of it, seven governments (five of which were represented by their prime ministers), responded to an invitation to attend the conference “Roma in an Expanding Europe”, held in Budapest on June 30-July 1, 2003, sponsored by the Open Society Institute and the World Bank. At this conference, governments pledged to establish a common policy and a common political will. This shows that it is possible, that it is not pure folly, that is it not unreasonable. This shows that with intelligence and good will it is possible to realise hopes that seem to be imaginary or doomed to defeat. Provided that, when confronted with this challenge, in this wide-reaching and perhaps relatively long-term battle, we are able to avoid treating the Romani issue as an issue that is only social, or only about Roma or ethnic minorities. To state the need of placing the issue at the centre of European politics means to acknowledge, finally, the fact that it is a political problem and to demand full acceptance of their responsibilities from European governments, as well as from international and supranational organisations and institutions.

The whole of Europe can and must benefit from an intelligent policy that concerns a whole European people. The Roma are a people, a nation, which does not have a state in the traditional sense to look after its interests, which does not yet have representation, but which has at least the formidable strength that in democratic governance is derived from its enormous size. That strength derives, not merely in cultural or evocative terms, from the fact that Roma are “The first Europeans to be only Europeans”.<sup>2</sup> The awareness of this status is literally a great resource for all Europeans, Roma or otherwise.

A great resource for everyone, in fact, is the very existence of a people in Europe who lay no claim to statehood (in any case an anachronism), who are naturally suited to European citizenship rather than any other – a European citizenship that is established

by the treaties of the Union, but unfortunately only to a partial extent and in a subsidiary manner.

That progress made in the cause of Roma as a result of the efforts of the Open Society Institute (OSI) has inspired great hopes. In order to further the prospects outlined and developed by the Budapest conference, it seems to me worth pointing out some features of the strategy of the Romani Nation. First of all, we must address and eliminate what is a deep-rooted habit – the habit in Europe and elsewhere to speak ABOUT Roma rather than WITH Roma. In the language and customs of political action too, Roma continue too often to be the object of political communication rather than participants in it.

When the International Romani Union (IRU) circulated the Roma “I Have a Dream” text around Europe, borrowing not only the words but all their political significance, the solemn declaration that the President of IRU, Mr Emil Scuka, and the IRU handed to a dozen heads of state and government was extremely clear: It would be pointless to propose the emancipation of a minority, all the more so of such a numerous minority, if external social and political factors remain the same. In other words, it would be completely pointless, and frankly unrealistic, to believe that the individuals who comprise the Romani people can bring about a substantial improvement of their living conditions in the absence of a radical change in the very system of European institutions. It would be naive to think that a sudden wind of good will would blow through the political and decision-making centres of Europe and induce a change in their policy toward Roma.

The parallel with the movement of Dr Martin Luther King, although conditions are very different, can be useful precisely because King managed to expand his movement and transform it from an action for the emancipation of a minority, into a movement for the growth of American democracy as a whole. This was

<sup>2</sup> *The sentence “The only Europeans to be only Europeans” has been emphasised by the author and by the president of the International Romani Union, Emil Scuka, in the opinions published by them in some of the most authoritative newspapers in Europe, such as Corriere della Sera and El Pais. While a French individual is French by nationality and citizenship, a Romani individual living anywhere in Europe is Romani by nationality and Spanish, Hungarian, Italian or whatever else, by citizenship. The citizenship that would better fit a Roma is the European one. The European citizenship as a primary citizenship, and not the subsidiary citizenship existing today on the basis of the EU treaties. The author stresses the need for a full European citizenship, comparable to the Federal one in the USA, as the very best not only for the Roma, but for all European citizens.*

the key to his policy and the key to results he achieved for the United States and for the whole world. In order to do this nowadays, however, what is necessary is a substantial, vital unity of purpose around concrete objectives, bringing people and interests together and providing new impetus. It is above all from this point of view, perhaps, that the initiative of the OSI and the World Bank is not only interesting, but also capable of achieving concrete results.

In the current institutional context however, there is a risk that the situation of Roma will get much worse. In other words, that Roma will not have the possibility of making their voice heard, because what Roma need and what they lack is a voice, a voice to express their views and needs. It is precisely for this reason that the challenge launched by the OSI and the World Bank at the Budapest conference is of great importance and allows optimism for the future.

The problem that arises now is the legitimisation of whoever claims to speak for Roma.

As the progress of the Finnish initiative<sup>3</sup> has shown, the attempt to create organs or bodies to represent Roma through a committee of associations or NGOs does not and cannot work. No European citizen who is the citizen of a country with a democratic institutional structure founded to a greater or lesser extent on the rule of law, would ever agree to be represented, even for merely consultative purposes, by a committee of associations, let alone by a committee of representatives of associations to which only a small number of European Roma belong, and which is therefore far from representative at a substantive level. It seems bizarre that a system that would not be accepted by any non-Roma must be accepted by Roma. Democracy, the method of democracy, must be valid for everyone, whatever the colour of their skin. Since there is undoubtedly a serious problem regarding the legitimacy and representativity of all the bodies that may claim to represent Roma in Europe, a new political will is needed – with an awareness that the response for Roma is the one which is valid for everyone else: legality, democracy and the rule of law.

In other words: elections. Elections by universal suffrage of Roma and organs representing Roma, starting at the European level. And let no one object, as has happened in the past, however difficult it may be to believe, that calling Roma to the ballot-boxes would be a waste of time because Roma refuse to vote, because they are afraid that people will discover they are Roma, and so on. There are technical and organisational problems; no one is trying to hide this fact. However, their solution depends on the political will of governments, first of all, the will that governments will be and must be called on to demonstrate. The objection that Roma would not turn up to vote because they are afraid of being “discovered” smacks very much of racism. This problem exists, there is no denying it, but the way to fight the widespread racism in our societies is not to pretend that it doesn’t exist.

In any case, there are two very clear parallel needs: Roma need a legitimate, legal voice that can speak with absolute clear and well-defined competencies and powers – not, of course, in conflict with the democratic institutions of society as a whole. Conversely, society as a whole benefits from a clear, direct dialogue with a strong voice of the great Romani Nation.

The awareness of the need for an adequate, legitimate Roma voice is a matter of political realism, not of good will or good intentions. An initiative such as the one launched ambitiously in Budapest at the beginning of July will not go very far without solid support from Roma. That is, without effective legitimisation on the part of those directly involved.

There is no doubt that there will be strenuous opponents of this proposal; the practice of democratic elections has, as we know, very often had bitter enemies over the course of history. People are not ready, it is said, they are not educated enough... perhaps even not intelligent enough. Nothing new here, one might say, since political democracy has only been established for a few decades, hardly any time at all compared to the entire history of the human race.

<sup>3</sup> The “Finnish initiative” referred to in this text is the proposal by the Finnish President Ms Tarja Halonen from January 2001 to establish a Roma consultative assembly at pan-European level. For a detailed account of the events which followed the proposal of the Finnish President, see the article by Miranda Vuolasranta in this issue of Roma Rights.

It is also strange that Roma are denied the power to elect their own representatives (as many minorities around Europe are already able to do), while they are not – at least I hope not – denied the right to vote in general elections in the countries of which they are citizens. It is necessary, at this point, to weigh up the political costs and political and social benefits of the strategy: to what extent is it in the interest of Europe to allow the emergence of a reliable, responsible interlocutor representing Roma? To what extent is it in the interests of Roma no longer to be considered an “accident”, or at best an annoying social (rather than political) problem, of no great importance in the international political debate?

However, without a democratic procedure, no representation is legitimate, at least on the basis of what has been the doctrine in Europe for many centuries and what has been reality for several decades.

One of the many commonplaces about Roma, in the past and present, is that they are divided, they argue and are unable to agree among themselves, unable to live as a community, they are unable to take decisions and to stick to them. Although comments of this kind are frequent and widespread, they express more than a hint of racism. Take, for example, the parliaments of the countries founded on the most solid democracies: In the United States Congress there are fierce battles, heated debates, as in the British Houses of Parliament. Bitter clashes, harsh words: these are the very essence of democracy. What makes the difference is the context, the institutional framework. In other words, the fact that the conflict takes place in a parliament and is part, if not the basis, of the legal decision-making procedure.

To expect a unity of intentions outside a clearly defined institutional context is a vain hope and probably does not belong to the realm of human possibility. What is advisable, on the other hand, is a realistic and concrete approach to a problem that affects real people. If we believe it is useful for all parties to build a system of representation so that people with special interests, such as Roma, can have a voice, these people will be able to reach common decisions in contexts characterised by suitable mechanisms and institutions. Exactly as happens among non-Roma, who – I would bet my life on it – would be much more quarrelsome than the Roma if they had to make decisions outside clearly-defined institutional and legal contexts.

When we began to talk about the Romani Nation with the general public and the political leaders of many countries, what we meant and what we still mean, is this institutional context in which the voice of Roma could emerge and give direction to Roma and to all Europeans. If we manage to be free from racist reactions and to be influenced as little as possible by commonplaces, the concrete prospect of the Romani Nation, a nation that does not intend to be a state, is the response. It is a pragmatic, empirically based and concrete response to equally concrete needs, because it is absolutely clear that the question of the representation of Roma and its legitimacy is a crucial one. It is worth pointing out, too, that juridical doctrine, international and constitutional law, has paid considerable attention over the last few years to the draft projects we have received, albeit in a fragmentary manner, since the beginning of the 1990s. The concept of a Romani Nation is far from alien to the international legal framework.

We need a nation with a parliament, elected directly and not necessarily or automatically with electoral constituencies conditioned by existing administrative or national borders, but elected by universal suffrage by Roma, so that one of the commitments of government is to ensure that no one, no one at all, should be afraid or ashamed of being Romani. Every citizen of Europe should now be capable of exclaiming “Ich bin ein Zigeuner”, so that Roma may be free to be Roma and that this may happen soon and not over the course of several generations.

At the Budapest conference, which was opportunely and intelligently addressed to the outside world, but which was also a moment of true reflection and debate, of interaction and brain-storming, one of the two bodies that convened the prime ministers and politicians of Europe, as well as the conference as a whole, expressed evident concern about the urgent need to achieve true representativity. It was the President of the World Bank, Mr James Wolfenson, in fact, who underlined the continuing problem of representation of the voice of Roma and the need to help to create such representation, while at the same time insuring its credibility, stability and legitimacy.

If we talk about present-day Europe, I do not believe in the relevance of the concept of the self-determination of peoples, which I think is less important than the freedom to choose the democratic organisa-



tion of cohabitation with others. The very different concept of “Swaraj”, which Gandhi coined in the sense of inter-dependence rather than absolute independence, seems to me to be much more relevant, less ideological and more concrete, realistic and pragmatic. I say this, with particular emphasis, so that it should be clear beyond all doubt that we are not talking about representativity such as that of a state. What we are talking about, rather, is concrete, reliable legality and the reliability of representation. In democratic contexts this is achieved through elections involving all those who have the right to vote.

It is difficult, true. But then valuable, important things, as we know from everyday life, are hardly ever easy and effortless.

However, to return to the great and historic Budapest conference, it should be noted that in response to Mr Wolfenson’s objections, a number of people claimed legitimacy in that they represent 20 or 50 or even more NGOs that got together and decided who should take part in the conference. Democratic representation is clearly very different.

The Budapest conference, and above all its results, undoubtedly represent a turning point that I would not hesitate to define as historic, not only for Roma but for the whole of Central and Eastern Europe. The political force of the initiative is beyond doubt and clear for all to see. We need to increase this force precisely by reinforcing the democratic legitimisation of the mechanism of representation, taking care not to state, even indirectly, that Roma can accept any form of representation that non-Roma Europeans would reject out-of-hand.

The question raised with such explicit emphasis by Mr Wolfenson, and also by others, deserves all our attention and above all our active and constructive response – without preconceptions or postulates, but starting out from the principal mechanism of liberal democracy, that of elections, that of the ability and power of each individual to express his or her opinion or position.

If, in fact, the majority society, or society *tout court*, stands to benefit if Roma have a voice and become interlocutors, not only capable of speech but also politically responsible for what they say, then the procedure of representation is quite simply the most

important thing. Because, if we are talking about giving Roma a representative voice, then there is an enormous hurdle to overcome, or rather a point to be made clearly. The point is, if we believe there should be an organ (consultative at the very least) that reflects the will and the ideas of Roma, as many people have proposed, it seems illogical that this organ should not be elected by the people, as happens with all other Europeans. So the milestone of democracy and the rule of law, the guarantee of the rights of each and every individual, must also be established for Roma, perhaps as the first concrete step on a path that is difficult and complex, but at the same time absolutely necessary. It is worth repeating: No non-Romani Europeans would entrust their voice or their interests to bodies that they have not been able to choose directly through an electoral procedure based on universal suffrage. No non-Romani Europeans would agree to be represented by a coalition or committee of existing NGOs or associations. (It is a well-known fact, moreover, that only a tiny proportion of Roma are organised in associations).

The question is doubly important because the instrument of the election of a decision-making organ of the Romani Nation would demand great commitment from society as a whole and from its administrative institutions. We cannot fail to welcome this.

I used the term “decision-making organ of the Romani Nation”. What does this mean? There is no need to worry, I do not wish to open the Pandora’s box of nationalism. For nationalist claims, in the past as in the present, are claims for state sovereignty, while it is clear that what Roma are claiming is entirely different and unrelated to what has been the cause or the pretext of the massacres carried out over the centuries all over Europe. It is literally the opposite.

What, however, should this representative or decision-making organ decide about? What does the Romani Nation have to decide? What would the Romani Nation be called on to decide and to govern through the organs that make up its institutional structure?

The Romani Nation – and its elected parliament – will obviously not be responsible for those policies that form the pillars of the very existence of states and indeed of the very possibility of a state to define itself as such. There is no doubt that the Romani Nation and its institutions will not be responsible for monetary policy, nor for minting money – even less

so now that at least 12 of the EU Member States have stopped doing so. Nor will it be responsible for security and defence policy – even less so now that practically all European states have stopped doing so in the classical sense. Nor, again, will it be responsible for territorial sovereignty, even less so since what for centuries was the source and reason of sovereignty no longer has the same connotations.

The Romani Nation will have to govern what everyone claims Roma should become capable of governing precisely that which several governments and international institutions, the Open Society Institute and the World Bank believe that organised Roma should urgently help to achieve.

What I am convinced makes the essential difference, lies in the method of democratic legality that is historically the only method that has allowed development in terms of culture and civilisation.

If Roma are to have a voice, as everyone says, and this voice is to be a Romani voice, there is no doubt that one of the main aims, perhaps the most urgent, must be the election of an organ capable of representation and of assuming consequent democratic responsibilities; in a reasonably short space of time and above all, according to a clear, fixed timetable.

The world of the Roma must not, however, be a separate world. As I said earlier, there is no point talking about the Romani Nation, or the voice of Roma of whatever type, and this political and social process, if it is not set in the context of the political dynamics of Europe as a whole, partly in order to modify these very dynamics. This is not a vain hope: It would be vain and hardly realistic, on the other hand, to think that the emancipation of millions people and their clear, powerful entrance onto the stage of European interaction could leave Europe unchanged. This would seem to me to be strange, and frankly unrealistic, especially in an age of interdependence.

It also seems to me unrealistic and rather naive, to think that the very existence of this “European oddity”, of a people whose members live in and are citizens of various Member States of the European Union and also of other international organisations and institutions, has no influence on the constituent process currently in progress.

Let us take an even more concrete example. It is obvious that Roma would benefit from a European institutional framework of a federal type with the direct election of the President of the EU Commission, one of the solutions being considered in the Convention and in the process of institutional reform. Several million votes cast by Roma in over twenty countries would inevitably be able to influence the whole political life of Europe. The institutional and legal factors related to the new Europe are therefore highly significant for the fate of Roma, just as they are highly significant for the future of all Europeans. The choice of a hybrid institutional system, perhaps tending more toward an intergovernmental system, or a “United States of Europe” with a president elected directly by the people, as in the US, is therefore an option that have direct consequences for the future of Roma and on their chances of having a voice equal to that of all the other citizens of Europe. This brings us back to what I said earlier about European citizenship, about its (almost physiological) necessity for Roma and for all the other people of Europe.

It seems to me completely self-evident: The fate of Roma coincides with that of all Europeans. And, not just of Europeans. Here, too, we must have the political intelligence and will to see the “R factor” not as something passive, irrelevant in the political and institutional dynamics of Europe and the world, but as an active, fertile element to be used for the benefit of everyone, in Europe and also beyond.

That democracy must become a central discriminating feature in international relations, including commercial and economic relations, is a belief that is fast taking hold, partly thanks to the political initiatives conducted in the context of the “Community of Democracies” international treaty and process.

In a world in which enormous forces (though still insufficient due to the inertia of too many governments) are working to make democracy and legality a fundamental factor in international relations, including exclusively commercial and economic relations, it would be absolutely unthinkable to propose an initiative or a mobilisation of consciences and forces that seek the emancipation of the largest European people not organised in a state without focusing on the issue of democracy, the rule of law and legality

as the basic method of relations between individuals and between communities, thus pretending not to understand that emancipation is only possible in the presence of an appropriate institutional framework.

Over the years, and particularly in recent times, many authoritative figures have warned us not to be distracted, not to pretend not to see the dramatic urgency of the problem of Roma in Europe and to urge “the powerful” to do what they are able to do: to help the Roma to have a voice, to become free.

This liberation will take the same route that has always led to the liberation of all people: the conquest of a new legality that is of an institutional and juridical framework that allows, rather than hinders, the growth of people. Europe must achieve such a conquest. It must respond concretely to the interests of its citizens, beginning with the creation of appropriate legal and institutional forms. And in this sense, also in relation to Roma, how can we forget the pressing need to open the European Union to the Balkans, to the whole of the Balkans, at least by forcing the EU institutions and governments of the Balkan countries to work out a strict timetable of stages and objectives for the enlargement of the Union to the Balkans?

Some might say that I have already stated and written these things in some of the most respected publications in Europe. Others might say that here too I have not spoken enough about Roma.

I, on the other hand, would say that experience suggests realism, and it is realism and common sense that make me and many others consider the Europe dreamed of by figures who have had streets and squares named after them around the continent (perhaps with a touch of hypocrisy) as not only possible, but now also necessary and urgent; a Europe that can be helped precisely by a new way of looking at the most European of peoples, “The first Europeans to be only Europeans”.

What is preferable, necessary and of vital importance for Roma is to bring about a context in which being Roma is one of the qualities of a person together with European citizenship, as European as a person who is not Roma but French, Spanish, or Polish. Let us say it loud and clear: Roma are a minority only because the political project created by figures such as Schumann, Monnet, Adenauer, and De Gasperi<sup>4</sup> has not, even after 50 years, become reality. If that project, created by men honoured by having streets, squares and buildings named after them, had become reality, even partially, Roma would not be a minority or would only be a minority in the same way that 85 million Germans are a minority. For an individual to be considered as a member of a minority, however large, does make a substantial difference.

In recent years, juridical science has given credibility and concrete realism to this political approach, which, as we know, first developed over a decade ago. The path has now become wider and it should be taken swiftly, for to use the expression of the late Dr Martin Luther King, there are plenty of reasons “why we can’t wait”.

If Europe manages to find the answers to these questions, the questions that affect the lives of Roma, it will have managed to find the answers to the great questions of our time, and a new Europe will be able to be born and develop.

Is this an over-ambitious aim? No. At least not in light of what various heads of state and government, as well as the United Nations Secretary General Kofi Annan, have said to Mr Scuka and to myself in the meetings we have had over the last few years, and of what the authoritative representatives of several governments pledged to do at the beginning of July in Budapest.

It is a huge task, but few things are more worthwhile at the moment.

<sup>4</sup> On May 9, 1950, Robert Schumann, French Foreign Minister, inspired by the proposal of the French economist Jean Monnet, presented a plan for the integration of the French and German coal and steel industries under a higher authority, membership of which would be open to other European states. As a result, in 1951, the European Coal and Steel Community (ECSC) was set up, with six members: Belgium, West Germany, Luxembourg, France, Italy and the Netherlands. The ECSC is the first supranational institution in Europe and the first institution of what is known today as the European Union.

# The Challenges of and for Romani Women

Nicoleta Bițu<sup>1</sup>

**W**HEN I WAS ASKED TO WRITE AN ARTICLE for the first women's rights section of *Roma Rights*, I was puzzled. I didn't know what to write or how to write about this issue. Finally, I decided to write about the challenges that Romani women's rights are creating for both Roma and women's rights movements – and to map the challenges that we, Romani women activists, are facing as a social movement.

To start, I want to repeat what I have said on several occasions. The most challenging fact about Romani women's rights is the following: The discussions about Romani women's issues brought to the surface a much deeper question, and this is the assumed universality of human rights discourse. Romani women's questions fall at the same time into two types of discrimination: racial and gender-based discrimination. This fact challenges the Romani community, by bringing gender issues into public debate, and women's rights movements, by bringing into discussion the racial aspect.

I realised this for the first time in 1999. In that year, I presented a paper about the situation of Romani women at meetings of Romani activists and women's activists. Then I started to put forward questions on my own declared beliefs and public discourse. Do I really believe in the universality of human rights? I was thinking: I am an activist fighting for the rights of Romani people, but what about other types of rights? Do I really believe in them or are my personal convictions so far from that that I pray in public until the point where I start to have double discourse?

I am sure that there is an increasing number of people, Romani activists, thinking the way I do. But that is

why Romani women's issues and rights represent not only a challenge for the women themselves and they are not issues to be discussed by women only.

I hope that after reading this paragraph each of us will think: I want rights for the Romani people, but do I want rights for women inside this community? Do I want rights for disabled people in this community? Or should we enjoy only the rights as a group and a minority? There are already these two types of discourses in public meetings, but my impression is that there is not enough coherence in the public discourse of Romani activists.

On the other side we, Romani women activists, who contributed to the movement are facing some challenges as well. These challenges became clearer for me during the meeting at the conference in June in Budapest – “Roma in an Expanding Europe” – organised by the World Bank and the Open Society Institute.

One of the evident challenges was for the “older” generation of activists. It was clear that the organisers wanted to support the new emerging generation of Romani activists with a clearer professional identity and expertise in a specific field. The challenge is how to assure a smooth transfer from one generation to another.

From the point of view of Romani women, after me, there were two major challenges expressed during that conference: Where are the men activists in our debates? Do we want to be a separate movement and not invite the men colleagues? And the second major challenge is where do we go from here? What do we want?

<sup>1</sup> Nicoleta Bițu has been affiliated with the Bucharest-based Romani non-governmental organisation Romani CRISS since its founding in 1993. At that NGO, she coordinated European Commission regional projects on Roma and worked as community worker in post conflict situations. Recently, she has served as a consultant to the OSI Network Women's Program Romani Women's Initiative. She is also an ERRC board member.

Concerning the participation of men in the debates and activities, I believe that this is a major decision to be made. It is true that the participation of men in the debates and meetings, as well as the activities, can raise uncomfortable questions and could be also very painful for a majority of us. But we need to start having these debates. We cannot stay any longer in the "women's corner", a corner which somehow is more comfortable in the sense that we do not face any challenges or negative approaches. We need to prepare ourselves for this. Also, I am sure that there is a significant number of Romani men activists who believe in what we are doing, and they are ready to contribute to our work.

Where do we go? This question has become more acute this year. We have three European networks of Romani women, two of them established only this year; we fought for putting on the agenda of different organisations Roma women related issues, and this year was the highest recognition of our work. How do we go on?

Personally, I feel the need to, on one hand, continue lobbying and advocacy, but to be more focused on the national levels. The different initiatives to bring state officials and Romani activists together could have a major contribution in introducing gender aspects in the states, policies and, more importantly, in their implementation.

On the other hand, I think we need to concentrate more and more on grassroots projects. This will allow us to discover new young Romani women and to address Romani women in the communities and make them aware of their rights. International advocacy should go hand-in-hand with grassroots activities.

Finally, before we make our way forward, we have to face our challenges and solve them in an open discussion. One such challenge is the so-called cultural taboo issue. It has been several months since the wedding of the traditional Kalderash<sup>2</sup> family in Romania – the Cioaba family – exploded into the domestic and international media. The wedding event received extensive attention from both Romanian and international society. In spite of this impressive media coverage (for a Romani event at least), most of

news items about the issue failed to give any context to the event, leaving only the bare sensationalist and the stigmatising elements in the story. One such detail of the context is the fact that this was happening in a family with, let's say, a "tradition" in sending their girls to school. Two of the girl's aunts have finished higher education and university. Another detail relates to the rivalry between King Cioaba, who belongs to the Pentecostal Church, and another self-proclaimed king, who is supported by the Orthodox Church. In this context the wedding became a public relations campaign for King Cioaba.

Apart from the fact that a teenager has had the traumatic experience of being exposed to pressure from both her family and society, for me this case represents a turning point in the way in which we continue to work as human rights activists, and I'll always remember it. The case raised some much broader challenges:

- ◆ individual rights vs. group issues;
- ◆ cultural tradition and its human rights implications, which affect women more often than men;
- ◆ the question of how we react when human rights violations against members of a minority group are committed by persons belonging to the same group;
- ◆ when public figures condemn human rights violations committed by private persons belonging to a much denigrated minority such as Roma, we must avoid perpetuating stereotypes against this minority and intensifying hatred from the majority.

What was interesting in this case was that the Romani women activists started a discussion about this and took public stands on the issue. For the first time a group of young Romani women from Hungary, with similar customs, reacted publicly to both the wedding and the way media represented the event. These women came down clearly on the side of the right of the woman to choose, against more traditional roles defined by patriarchy. It will be interesting to follow developments in the coming years, as more and more Romani women weigh the choices provided by the human rights framework.

<sup>2</sup> "Kalderash" Roma are one of a number of subgroups of Roma. Kalderash Roma are particularly prominent in Romania.



# Romani Women's Participation in Public Life<sup>1</sup>

Isabela Mihalache<sup>2</sup>

**T**HE OBJECTIVE OF THIS PAPER is to look briefly at the role of Romani women in the Romani movement and to explore the concurrent process of the emergence of a “consciousness” among Romani women about the realities of a patriarchal culture.

Serious violations of the rights of Roma, especially in the countries of Central and Eastern Europe, have been the focus of the European community in the past five-to-six years. However, the issue of the violations of the rights of Romani women remained unaddressed for a long time. The discourse focusing on the fight against violence and discrimination against Roma left out such issues as violence against Romani women, trafficking and gender discrimination.

There are very few statistics on Romani women in Central and Eastern Europe. Apart from reports, interviews and discussion papers, one can find very few studies in relation to Romani women. In order to fill the gap on the health-care status of Romani women, the Council of Europe undertook a study in nine European countries on *Roma Women and Access to Public Health Care*. The report was prepared by Anna Pomykala in May 2002 for the Migration and Roma/Gypsies Division of the Council of Europe. A general lack of information has

been further compounded by the reluctance of the Romani community to address certain issues having to do with private life, such as gender relationships, sexuality and some traditional customs. Probably among the most important reasons why there is so little information on women's issues in the Romani community are that Romani women are underrepresented in public life, on the one hand, and that, on the other, the Romani women's rights movement has not been part of the Romani movement as we have known it in the past decade.

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

I am absolutely in favor of the idea that we should preserve our language and culture and pass it on to our children. I am, however, not in favor of preserving our traditional relationships, relationships that oppress the personalities of other people. I refuse to accept traditions that imprison people and do not allow them their freedom.<sup>3</sup>

<sup>1</sup> The author is especially grateful for the contribution to this article of the following Romani women's rights advocates: Beata Olahová (Slovakia), Kalinka Vassileva (Bulgaria), Enisa Eminova (Macedonia), Sanela Besić (Bosnia and Herzegovina), Inge Stuer, Educational Advisor, Directorate of Youth and Sport, former staff member of the National Agency of Youth in Ireland, and Valeria Bodoczky, the Head Co-ordinator of the “Bronz Klub Association”. Special thanks to Debra Schultz, Director of the Network Women Program of the Open Society Institute, New York, Nicoleta Bițu and Azbija Memedova, Director of the Roma Center of Skopje, Macedonia.

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<sup>3</sup> Xhemajli, Sabina. “Everything We Don't Want to Hear!” In *Roma Rights 1/2000*, p. 30.



Nevertheless, it is extremely difficult for Romani women activists, who are at the same time frequently wives and mothers, to embark on a road full of risks and insecurities – the road of activism against oppression from within the community. Some still prefer to remain silent on aspects of their life with which they do not feel comfortable. In some cases, Romani women may not consider patriarchy as something that needs to be questioned, not to say challenged. Violation of women's rights is not acknowledged as such, but it is seen as an exaggeration on the part of some women activists. Other Romani women think that "women's rights is an excuse by women who are unable to express themselves in other ways. I do not think that anyone – even if she is a woman – has the right to interfere with the life of a family."<sup>4</sup> As Ms Azbija Memedova declared at the World Bank/Open Society Institute Conference "Roma in an Expanding Europe" held in June 2003, "This was one of our challenges: to try to find the real way to deal with Roma women's issues without attacking frontally the patriarchal structure of Roma families and communities."<sup>5</sup>

One of the first important opportunities for Romani women to make their voices heard was the First Congress of Roma from the European Union, organised with the support of the European Commission, in May 1994, in Seville, Spain, where Romani women from all over Europe discussed their problems. The outcome of the meeting was a *Manifesto of Roma/Gypsy Women*.<sup>6</sup> The *Manifesto* referred to the situation of Romani women in Europe and stressed the need for Romani women to have access to education that would empower them in their fight against discrimination and patriarchal rules within

and outside the family.<sup>7</sup> One novelty of the document was the reference to Romani women from Western Europe. Although the *Manifesto* proposed the setting up of a women's working group, this proposal has only been realised very recently.<sup>8</sup>

The following year, the Council of Europe held a Hearing of Roma/Gypsy women in Strasbourg. According to Ms Nicoleta Bițu, a Romani woman activist from Romania, "The hearing introduced a new dimension in the discussion about the situation of Roma women as it was convened by the Steering Committee for the Equality between Women and Men of the Council of Europe, which shows the beginning of an integrated approach to the Roma/Gypsy women issues within the gender equality programs rather than within the specific Roma/Gypsy programs."<sup>9</sup>

In May 1995, the Youth Directorate of the Council of Europe organised a training for young Roma leaders, the *Situation and Perspectives for the Young Roma/Gypsy and Travellers in Europe*. As a result, the Forum of European Roma Young People was established in 1998 to provide information, training and representation of Romani young people in Europe.<sup>10</sup> One of the first steps of the Forum was to organise a training course in July 1988, *Development of the European Roma/Gypsy Youth Movement*. The training was followed by several seminars: *Training of Roma/Gypsy Young Multipliers* and *Young Roma/Gypsy Women: Twice Discriminated...?* in 1999; *Young Roma Gypsy people in the New Millennium: Between Tradition and Modernity* in 2000; and a training course on project management in October 2001.

<sup>4</sup> Sztojka, Katalin. *Roma Rights 1/2000*, p. 33.

<sup>5</sup> Memedova, Azbija. *Statement in Roma Women's Forum, Budapest, June 2003*.

<sup>6</sup> Ceneda, Sophia. "Romani Women from Central and Eastern Europe: A 'Fourth World', or Experience of Multiple Discrimination". Refugee Women's Resource Project, Asylum Aid, 2002, p.31, at [www.asylumaid.org.uk](http://www.asylumaid.org.uk). See also Schultz, Debra. "Romani Women: Between Two Cultures". In *Bending the Bow: Targeting Women's Human Rights and Opportunities*. Open Society Institute, Network Women's Program, 2003.

<sup>7</sup> Schultz, Debra. "Romani Women: Between Two Cultures".

<sup>8</sup> Bițu, Nicoleta. *The Situation of Roma/Gypsy Women in Europe*. Council of Europe, Strasbourg, 1999.

<sup>9</sup> Ibid.

<sup>10</sup> Raikova, Alexandra & Grassi Corinne. *Young Roma/Gypsy Women: Twice Discriminated...? European Youth Foundation of the Council of Europe & National Agency Youth for Europe, Bulgaria, 1999*.

In September 1996, the Roma Women's Association from Romania (RWAR) was founded, the first women's organisation in Romania. It has more than 100 members, among whom is Ms Violeta Dumitru, the executive director and program coordinator, and Ms Mihaela Zatreanu, graduate of the Philological Faculty at the Bucharest University, and author of school manuals for grades 1-4 in Romania who is currently working in the Romanian Ministry of Education, Research and Youth. According to its statute, the RWAR's main objective is to defend the right of development and expression of the ethnic, cultural, linguistic and religious identity of its members.

In June 1999, the Roma Participation Program of the Open Society Institute (OSI) in Budapest organised the *International Conference of Romani Women* in Budapest. As a result, the Roma Participation Program and the Network Women Program supported a joint internship for a six-month period in the Budapest office of the OSI and one fellowship for women leadership training. Beneficiaries of these grants were Ms Liliana Kovatcheva, from Bulgaria, and Ms Bițu from Romania. Their activity focused on creating a database of Romani women's associations and activists in eastern Europe and Human Rights Leadership Training for women, respectively.

In accordance with the new modalities for the Organisation for Security and Cooperation in Europe (OSCE) Implementation Meeting on Human Dimension Issues, approved in July 1998, the OSCE held the second of three Supplementary Meetings in Vienna on 14-15 June 1999. The meeting was dedicated to gender issues. The goal was to discuss key substantive concerns, identify examples of good and bad practice and make recommendations as to how the OSCE and its participating states can better address gender issues in policy making and projects. At the *OSCE Supplementary Human Dimension Meeting on Gender Issues*, held in Vienna, in June 1999, it was decided that a gender component should be included on the agenda for the following meeting, *Supplementary Human Dimension Meeting on Roma and Sinti Issues*, Vienna, September 6, 1999.

Political participation and leadership skills were some of the key issues discussed at the 1999, December conference on *Romani Women and Public Policies in Central and Eastern Europe*, organised by the Association of Romani Women in Romania with the support of the East-East Program of the OSI-New York. Participants from Romania, Bulgaria, Hungary, Macedonia, Yugoslavia and Croatia discussed and tried to find strategies related to health, education, human rights and public policies regarding Romani women. Improving access to health care services, family planning education, research into prostitution, greater participation in education and establishing a European network of Romani women's organisations, were some of the issues that were addressed in-depth. Additionally, the conference was a good opportunity for Romani women to meet and exchange ideas and experiences. A concrete result of the meeting was the drafting of a declaration that put together all the priorities identified for future work. A means to implement them was, through the establishment of a European network to facilitate the communication among Romani women who are advocating Romani women's rights.<sup>11</sup>

In June 2000, Romani women participated in the Beijing Plus Five meeting in New York. *Le Journal Quotidien* wrote on the occasion: "For the first time in the history of the United Nations, Gypsy women have come to New York to defend the rights of women from the Roma community. [...] They want to create solidarity among the Gypsy women and Europeans. They want to create relationships with women that live in similar conditions. Finally, they want to sensitise the European governments to their situation."<sup>12</sup>

In the same year, the *Roma Participation Program* and the *Roma Women's Initiative of the Network Women Program* organised *Leadership Training for Young Romani Women Activists* from the Balkans in Ohrid, Macedonia, October 4-8, 2000. It was coordinated by Ms Bițu and Ms Memedova and focused on rights advocacy, project writing, and

<sup>11</sup> *Association of Romani Women in Romania*. *Romani Women and Public Policies in Countries of Central and Eastern Europe, 1999*.

<sup>12</sup> *Simerska, Lenka*. "Women Action 2000". In *Journal Quotidien* No 3, 8 June, 2000, at: [http://www.womenaction.org/ungass/bulletin/080600\\_fr.html](http://www.womenaction.org/ungass/bulletin/080600_fr.html). (Translation from French by the author.)



fundraising strategies.<sup>13</sup> The seminar proved to be highly efficient, as in the following time period, Romani women activists developed projects addressing specific women's needs and participated in a series of seminars at the national level, organised by the Women's Programs of the national Open Society foundations.

Since 2000, the *Romani Women's Initiative*, designed and led in partnership with Romani women activists, has focused on leadership development by and for Romani women. The region-wide training in Ohrid, Macedonia, in 2000, led to the establishment of an informal regional network of Romani women activists. The meetings in the Czech Republic, Slovakia, Bulgaria, Romania, Macedonia, Kosovo and Serbia, helped identify agendas and linked key activists.

In September 2001, Romani women attended the UN World Conference against Racism in Durban, South Africa. In the course of the training held by the *European Roma Rights Center* before the conference, they identified the most significant issues to be addressed at the NGO Forum, such as: forced sterilisation, unemployment and domestic violence. Ms Andrea Bučková, the President of the *Cultural Association of Roma in Slovakia* recalls that, "Romani [men] leaders only allowed them to discuss one issue – involuntary sterilisation – at the Forum. Seen as an effort to reduce the Romani population and thus as a racist attack, sterilisation of Romani women was presented as a violation of Roma rights and not necessarily women's human rights. In addition, leaders said that violence against women was not a big problem."<sup>14</sup>

In 2002, the *Roma Information Project (RIP)* was founded by the *Advocacy Project*.<sup>15</sup> *RIP* is supported by the Network Women's Program, Roma Participation Program and the Information Program of the OSI. The main aim of the project is to increase the informa-

tion and communication capacity of leading Roma organisations with a team of information technology experts – the so-called "eRiders", who are technology consultants working with non-profit organisations. The experts' team consisted of six Romani eRiders who provided ICT support to over 100 of OSI's Roma grantees. Ms Gabriela Hrabánová is a *RIP* eRider in the Czech Republic. She is a student at the Anglo-American Institute of Liberal Studies in Prague and chairwoman of the Student Civil Organisation, *Athinganoi*. As an eRider, she supports several organisations with a special focus on the growing Roma women's organisation, *Manushe*.

In Macedonia, Ms Enisa Eminova is working with Ms Memedova of the *Roma Center of Skopje* and Ms Roza Ilić of the *Roma Information Center* on the development of a databased collection of activist profiles. Ms Eminova launched a campaign against the humiliating practice of a public ritual confirming the virginity of Roma brides in Macedonia. In total, 660 individuals (220 parents, 220 boys and 220 girls aged 14–25 years) from 10 Romani communities participated in the research.

Ms Maria Metodieva is an eRider with the Roma in Bulgaria. She is a graduate of a Master's program in public administration and a committed activist who has worked with several Romani organizations. She serves as a member of the board of the Roma program at the Bulgarian *Open Society Foundation*. As an eRider, she works with two sectors of NGOs – women's organisations and organisations working on the desegregation of Romani education.

In June 29, 2003, Romani women had a special place in the World Bank/Open Society Conference "Roma in an Expanding Europe", held in Budapest. More than one hundred Romani women activists, governmental representatives, donors, etc. participated at the Romani Women's Forum. It was the

<sup>13</sup> *Roma Women Association Romania*. Report on the Leadership Training for Roma Women Activities, October 4–8, 2000, Ohrid, Macedonia.

<sup>14</sup> Schultz, Debra. Romani Women Between Two Cultures in *Bending the Bow*. Targeting Women's Human Rights and Opportunities. *Open Society Institute, Network Women's Program*, 2003, p. 48.

<sup>15</sup> *The Advocacy Project was formed in 1998 to serve the needs of civil society – particularly community based advocates for peace and human rights. It helps new networks become self-sufficient in the use of information and communications technologies. A non-profit organization, the Advocacy Project is based in Washington DC.*

first great opportunity for Romani women to express their concerns and to present themselves as a coherent group with a structured policy agenda. The Forum was comprised of four panels focusing on education, economic opportunities, sexual and reproductive rights, grassroots leadership and political participation.<sup>16</sup>

Ms Žaklina Durmis, president of the Skopje-based Romani Organization for Youth and Children *Dendo Vas*, spoke at the panel on education. She spoke about the poor school attendance of Romani girls in Macedonia and of their failure to complete elementary school because they usually marry at young ages (between 12 and 17). She congratulated some of the programs that encourage Romani women to become teaching assistants, stressing the double benefits that they bring to both students and women themselves.<sup>17</sup> She concluded that Romani women names in school curricula and textbooks would positively change students' attitudes toward gender bias and "would break down barriers between boys and girls".<sup>18</sup>

Ms Kalinka Vassileva is the Executive Director of the *Equal Access Foundation* in Bulgaria and worked with NGOs for over six years on human rights and Roma education advocacy. She graduated with a degree in Applied Linguistics from the New Bulgarian University and she is one of the most active Romani women activists in promoting desegregation policy in Bulgaria. Her speech was focused on the causes and effects of institutional segregation. She urged governments to adopt desegregation policies at the national level.

In the Sexual and Reproductive Rights panel at the Budapest conference, Romani women talked about forced sterilisation, domestic violence and early arranged marriages. Ms Viola Horváthová from Slovakia has been an activist since she was 16. She coordinates the Slovak *Pakiv* European Roma Fund. She stressed the responsibility of the Slovak government to address the issue of involuntary sterilisation of Romani women in Slovakia. Ms Vera Kurtić ad-

dressed domestic violence. She is a sociologist and the President of the *Women's Space* organisation in Serbia. She is a Romani activist in the field of women's rights, focusing on education and health. At the conference, she highlighted the problems of domestic violence and trafficking in women, stating that as a result of the Romani community's reluctance to publicly tackle such issues, it is very difficult for the Romani women activists to assist Romani women victims.

Coming back to the Women's Forum, among the Romani activists in the panel of the Women's Leadership and Political Participation was Ms Memedova, who tried to give an overview of the Romani women's human rights movement. She underscored that "one of our first challenges is to try to find the real way to deal with Roma women's issues without attacking frontally the patriarchal structure of Roma families and communities."

Ms Slavica Vasić, the president of the Roma Women's Centre, *Bibija*, stressed that the best way to better Romani women's life is to increase their political participation. She added that women have taken steps to achieve this goal through various projects, such as "Roma Women Can Do It" and "Your Voice, Voice of Difference". The project "Roma Women Can Do It", started in February 2003, is in the process of being implemented in 12 countries in south-east Europe. Its goals are to enhance Romani women's participation in public life through increasing their self-esteem and raising awareness among them. Setting up the project "Your voice...", meant that about 450 women had the opportunity to attend various workshops that enabled them to become more gender aware and to become involved in general Romani women's activism.

Inadequate health care is one of the aspects that Romani communities are facing, and this has a particularly negative impact on Romani women. The first meeting of Romani NGOs was held in Vienna in November 2002, to map out the current situation

<sup>16</sup> *Women Network Program. Putting Romani Women's Rights on the Map. A Report on the Roma Women's Forum, Budapest, June 29, 2003, at: [http://www.soros.org/initiatives/women/articles\\_publications/publications/romawomensforum\\_20030923/romawomensforum\\_20030922.pdf](http://www.soros.org/initiatives/women/articles_publications/publications/romawomensforum_20030923/romawomensforum_20030922.pdf).*

<sup>17</sup> *Durmis, Žaklina, Statement at the Roma Women's Forum, June 2003.*

<sup>18</sup> *Ibid.*

of the health status of Roma women. The project is being implemented at the local level in Armenia and Azerbaijan. On March 2003, a seminar was organised in Budapest in order to elaborate projects that would help improve the services at the local level. Particular attention was paid to the Guidelines for improving access to social protection, adopted by the European Committee for Social Cohesion (CDSC) in 2001.<sup>19</sup>

In September 2003, the Council of Europe organised the conference *Roma Women and Access to Public Health Care* in Strasbourg. At the conference, Ms Miranda Vuolasranta from Finland delivered a presentation for health care professionals giving as a positive example the Finnish experience. Ms Vuolasranta is a Finnish Romani woman and she is the first Romani person to work at the Council of Europe. In 1998 she was nominated secretary general in the Advisory Board on Romani Affairs in the Finnish Ministry of Social Affairs and Health. She started working in the Directorate General for Social Cohesion in the Roma/Gypsy Division in early October 2002. At the Council of Europe, she is involved in a number of activities, such as the project "Roma Women and Access to Health Care" of the Office of the OSCE High Commissioner on National Minorities, the Council of Europe and the European Monitoring Centre on Racism and Xenophobia. She is also involved in the project, "Education of Roma/Gypsy Children in Europe", of the Council of Europe, which aims at elaborating textbooks and other school materials for Romani children and teachers.<sup>20</sup>

At the conference Ms Soraya Post, the President of the *International Roma Women's Network (IRWN)*, challenged European governments to improve the health of Romani women: "You have drafted laws against discrimination and laws that protect minorities and laws that respect our cultural identity.

You have drawn up a Social Charter in Europe that sets a standard for the whole world. Yet, these laws are often not enforced. They do nothing for millions of Roma."<sup>21</sup> She emphasized that things will not change unless Romani women take matters into their own hands and European governments respect their legal responsibilities. Soraya Post is a prominent leader of the Sinti community in Sweden, as well as a businesswoman and mother of four children.<sup>22</sup> The *IRWN* was established on March 8 with the help of the *Advocacy Project* and has Romani women leaders from 28 European countries. Its aim is to lobby governments for better conditions and to fight for Roma women's human rights. In February, the *IRWN* held a meeting at the Council of Europe and participants adopted a charter and elected a provisional coordinating committee. They agreed that the network would be independent of governments and international agencies.<sup>23</sup>

An important contribution to the conference was Ms Mariana Buceanu's presentation. She is the coordinator of the Health Department of the Bucharest-based Romani organisation, *Romani CRISS*, and, in 2001, she was a consultant to the Council of Europe in the *Roma Women and Health Project*. The presentation focused on the Romanian experience as a positive model for future approaches regarding programs of health mediators within the Roma communities. She was delegated as an expert to the Working Group of Roma Associations (GLAR), which was the Romanian government's partner in the elaboration of the Governmental Strategy for Improving the Situation of Roma. Accordingly, the Health Department of *Romani CRISS* was assigned as partner of the Ministry of Health and Family for the implementation of this strategy.<sup>24</sup>

Romani women's participation in politics continues to be limited. Public and political institutions need

<sup>19</sup> Social Cohesion: Developments, No 8/March 2003, Council of Europe, DG III Social Cohesion, pp. 8-9.

<sup>20</sup> Ibid., p.8.

<sup>21</sup> Post, Soraya, Statement to the Conference on Roma Women and Access to Public Health Care, Strasbourg, September 11, 2003.

<sup>22</sup> See Roma Women Challenge European Governments over Health Crisis in RomNews Network, September 26 at <http://www.RomNews.com/modules.php?op=modload&name=News&file=article&sid=1161>.

<sup>23</sup> For more information visit: [http://adocacynet.autoupdate.com/resource\\_view/link\\_366.html](http://adocacynet.autoupdate.com/resource_view/link_366.html).

<sup>24</sup> For more information visit: <http://www.romanicriss.ro/indexeng.html>.

a balance of women and men whose experiences give them a personal understanding of a wide range of issues. But Roma, generally, are dramatically under-represented in both state and local administrations. Few Roma occupy seats in the parliaments of their countries or the local councils. In most of the countries of Central and Eastern Europe, Roma are either not represented at all in parliament, or there are only one or two Roma representatives.

Hungary has recently undertaken positive measures with respect to the inclusion of Roma in the national-level administration. Following the elections in 2002, Ms Viktória Mohácsi took up the position of Ministry of Education's Commissioner for the Integration of disadvantaged and Romani Children, and Ms Éva Orsós became Deputy State Secretary in the Ministry of Health, Social and Family Affairs.

In Slovakia, Ms Klara Orgovanová is the Commissioner for Romani affairs. The office falls under the supervision of the Deputy Prime Minister for European Integration, Human Rights and Minorities.

In Romania, Ms Maria Ionescu is the Chief of the Phare Implementation Unit in the National Office for Roma of the Ministry of Public Information. She worked as a General Secretary at the Ethnic Roma Community from Romania between 1993-1994. She was then named Secretary of the National Minorities Office within the Ministry of Culture until 1995. Ms Maria Ionescu has been a consultant to the Association of Human Rights Defence, *Apador*, and was project coordinator at *Romani CRISS* on the project "The Development of Roma Communities in Romania" until 1998. She is a member of several professional bodies, such as: deputy, SPO, *Phare Pr. 98.03.01*. "The Improvement of the Roma Situation", member of the *Steering Committee of M.A.E. Stability Pact*, member of the *Steering Committee of the Resource Center for Roma Communities*, member of the *Coordinating Council of "Voluntary Return of Asylum Seekers"* project – IOM, Consultant - *Co-Operating Dutch Funds in Central and Eastern Europe- Netherlands*, Consultant to the organisation *Save the Children*, member of the *Working Group for the Elaboration of the Law Against all Forms of Discrimination*, deputy

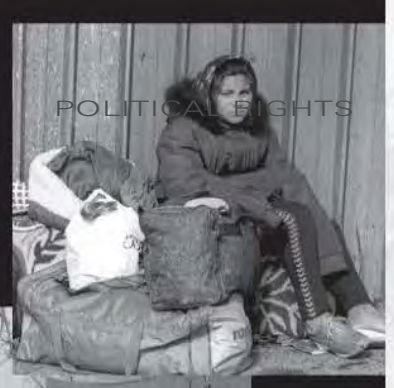
expert of the *Working Group for Roma Associations in the Interministerial Subcommission for Roma People*, within the Romanian Government – National Minority Direction. She graduated from the Juridical and Administrative Sciences Faculty of the University Dimitrie Cantemir in Bucharest.

This year Ms Angéla Kóczé was named director of the European Roma Information Office in Brussels. It is the first time a Romani advocacy organisation started operating in the EU capital. The European Roma Information Office was founded by two Dutch non-governmental organisations on Romani issues. Previously, Ms Kóczé worked as Human Rights Education Director at the *European Roma Rights Center*. She is also the Council of Europe's representative for Hungary on their Specialist Group on Roma/ Sinti Issues. Between 2000-2001, she was an International Policy Fellow (IPF) of the Center for Policy Studies, Open Society Institute, Budapest. As an IPF fellow, she conducted the "Background Research for A Policy Paper on Roma Higher Education", where she analysed the situation of Roma in education from elementary through post secondary level in Hungary, Romania, Czech Republic and Bulgaria. She has a BA degree in sociology and an MA degree in Human Rights from the Central European University in Budapest.

In conclusion, Romani women's participation in public life is essential for improving the situation of Romani women. It represents a driving force for ensuring women's equal opportunity for participation in leadership and decision making – networking, capacity building, empowering and lobbying.

Nevertheless, although the number of Romani women's NGOs has certainly increased over the years, participation in non-governmental organisations has not been sufficient to ensure Romani women's effective participation in public life. Effective participation in public life requires that Romani women leaders and activists play a stronger role in both electoral politics and governmental policy-making. As Romani women are not adequately represented in the political sphere, women's NGOs should understand that political action is integral in the issues that affect their daily life.





## News Roundup: Snapshots From Around Europe

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

- Expulsions of Roma from **Macedonia** and the **United Kingdom**;
- Physical abuse and other inhuman and degrading treatment by police and other officials in **Bulgaria, Italy, Romania** and **Serbia and Montenegro** – and serious violations of Romani children’s rights in **Germany**;
- Racial killing, attacks and harassment by skinheads and others in **Bosnia and Herzegovina, Bulgaria, Czech Republic, Romania, Russia** and the **United Kingdom**;
- Anti-Romani Racism in local elections in **Bulgaria**;
- Action Plan on Roma Approved in **Bulgaria**;
- Comprehensive Anti-Discrimination Legislation adopted in **Bulgaria**;
- School segregation concerns in **Hungary**;
- Forced evictions, and planned evictions, in **Bosnia and Herzegovina, Czech Republic, Greece, Hungary, Romania, Serbia and Montenegro, Slovakia, Slovenia** and the **United Kingdom**; other issues related to the right to adequate housing in **Italy**;
- Denial of fundamental social and economic rights in **Bosnia and Herzegovina**;
- Access to personal documents and threats to the exercise of fundamental rights and freedoms in **Romania**;
- Access to justice issues in **Czech Republic, Greece and Hungary**; Romani victims of human rights abuse awarded compensation in **Czech Republic**; European Court of Human Rights to review mob violence case from **Romania**;
- Incitement to racial hatred in **Slovakia** and the **United Kingdom**;
- Coercive sterilisation concerns in **Slovakia**;
- European Commission for Racism and Intolerance reviews **Slovenia** and **Spain**.

## **BOSNIA AND HERZEGOVINA**

### **◆ Grenade Attacks and Gunfire against Roma in Bosnia and Herzegovina**

According to *ERRC* research, conducted in partnership with the *Helsinki Committee for Human Rights, Republika Srpska (HCHRRS)*, during September 2003 there were two grenade attacks and gunfire against Roma in Bosnia and Herzegovina. The most recent incident occurred at 1:30 AM on September 23, 2003 in Bijeljina. On September 24, 2003, Mr Mehmedalija Suljić, a 34-year-old Romani man, testified to the *ERRC/HCHRRS* that he was sitting on the front porch of his house with his friend Mr Djordje Jovanović, a 24-year-old Romani man from Serbia, and his 24-year-old Romani neighbour Mr Nedžad Hidanović, when a grenade exploded beside a car parked in front of the house. Mr Suljić, Mr Jovanović and Mr Hidanović sustained cuts to their hands and faces. The police reportedly arrived soon thereafter and checked the area for perpetrators. As of January 6, 2004, the police investigation was ongoing.

The evening before the attack, Mr Suljić reported, gunshots had been fired in front of their house. Mr Suljić's brother Ahmet testified to the *ERRC/HCHRRS* that at around 1:00 AM on September 22, 2003, he went outside to the garden where he noticed a man about twenty metres away from him. Ahmet stated that he asked the man what he was doing and the man raised a gun, which he pointed at him. According to Ahmet, he shouted to his brother that there was a man with a gun, and then he

fell to the ground, at which point several gunshots were fired above him. The man then fled. The incident was reported to the police, who came to investigate the following morning. The police reportedly did not find any evidence. Mr Ahmet Suljić also informed the *ERRC/HCHRRS* that at the beginning of August 2003, an unknown person set fire to the haystack in front of his house. Soon thereafter, his wooden shed was burned down, followed by his brother's about a month later. According to Ahmet and Mehmedalija, though the police had not identified any of the perpetrators as of the date of their interviews with the *ERRC/HCHRRS*, they suspected nearby ethnic Serb refugees were responsible for the attacks.

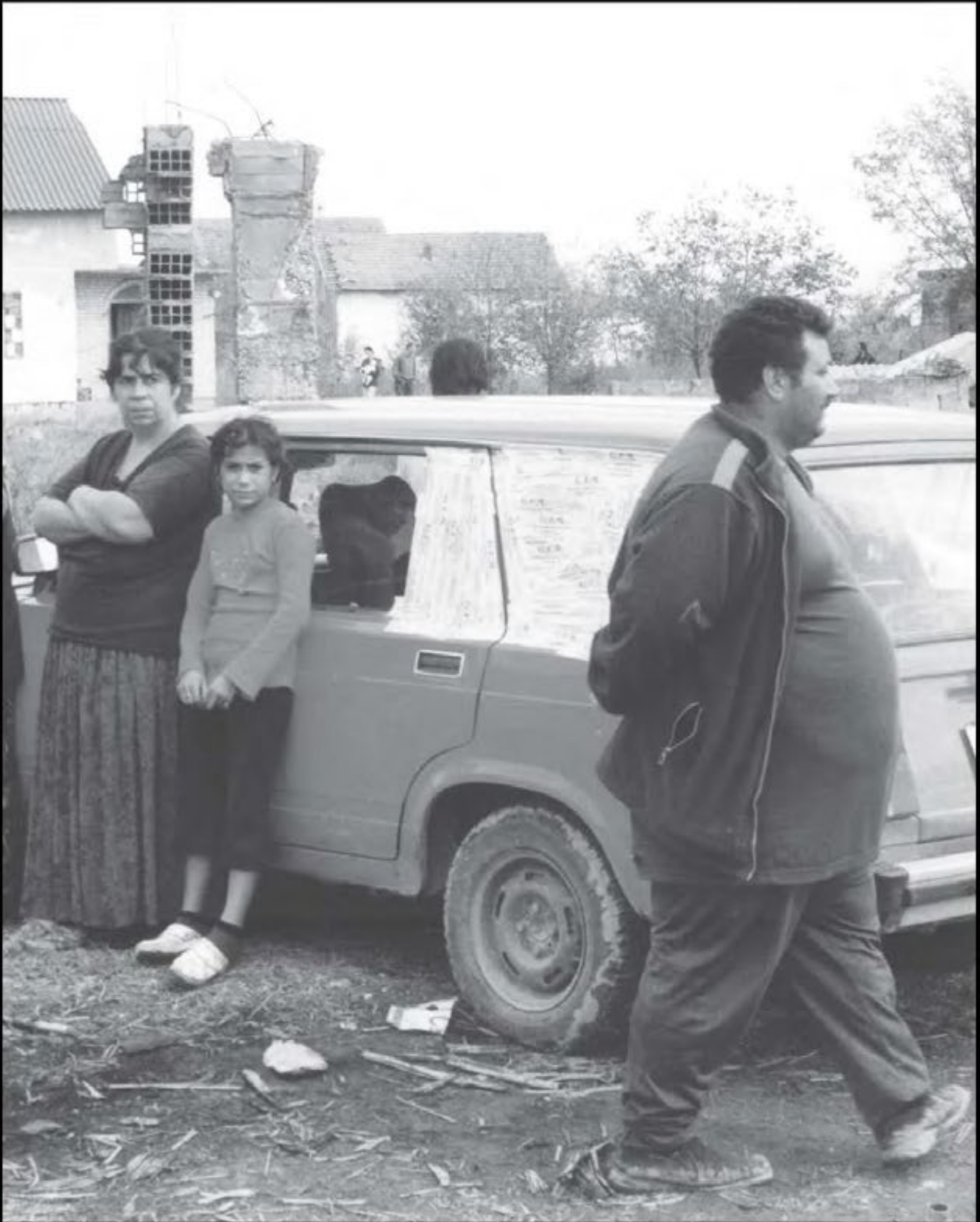
An earlier incident took place at 10:00 PM on September 13, 2003. Mr Husein Nuhanović, a 58-year-old Romani man in the town of Kozluk in the Tuzla Canton in July 2003, testified to the *ERRC/HCHRRS* on September 18, 2003, that he and his wife were in bed when they heard an explosion outside their home. According to Mr Nuhanović, he and his wife did not go outside until the morning because they were afraid. In the morning they saw that a grenade had exploded approximately 10 metres from their home. No damage was caused to the house. Mr Nuhanović informed the *ERRC/HCHRRS* that he reported the incident to the police, who began an investigation into the incident. Though he had no proof, Mr Nuhanović believed that ethnic Serb refugees occupying Romani property in the town were responsible for the grenade attack. Ac-

ording to Mr Nuhanović, ethnic Serb refugees, who occupy properties owned by Roma in the town, regularly curse the "Gypsy origin" of Romani returnees such as Mr Nuhanović, and they have threatened them and told them to leave the town. The police investigation was ongoing as of January 6, 2004. (*ERRC, HCHRRS*)

### **◆ Forced Eviction of Roma in Bosnia and Herzegovina**

According to *ERRC* field research, over 30 Romani families, comprising at least 150 people, were forcibly evicted from a municipally owned building referred to as "Samacki dom" in the town of Zavidovići in the Zenica-Doboj Canton, Bosnia and Herzegovina at the beginning of August 2003. According to former Romani residents with whom the *ERRC* spoke on August 5, 2003, a female employee of the Zavidovići municipality, accompanied by two police officers and several workers of the Public Utilities Company, visited the Samacki dom building on an unspecified date in late July and told the Roma that they had to leave the building by July 31, 2003, without stating any reason for the pending eviction or offering alternative housing. After the municipal employee left, and apparently following her orders, the workers reportedly switched off electricity and water supply in the building and proceeded to demolish the flats, breaking glass panes, taking out window frames, etc. This activity reportedly continued throughout the day. Local Roma informed the *ERRC* that they were not presented with written eviction orders. As of





*Mr Mehmedalija Suljić (on the right) and his family in front of the car which shielded their home from the effects of the grenade, September 24, 2003.*

PHOTO: ERRC/HCHR/S



August 5, 2003, the date of the *ERRC* visit, five Romani families still lived in the Samacki dom building, including a significant number of children ranging in age from 18 months to 15 years. According to local Roma, on August 8, 2003, the municipal employee visited the remaining families again, accompanied by several police officers, and the final eviction took place.

None of the Roma living in the building had legal permission to live in the Samacki dom building. Many were internally displaced persons, but not officially recognised as such, and many did not have personal documents. Mr Saban Frljanović, who lived in the building with his wife and their six children, expressed concern to the *ERRC* that the Roma were ordered out of the Samacki dom building at the end of summer, with the coming of colder weather. Ms Ajka Bajrić, one of the evicted Roma, informed the *ERRC* that municipal authorities did not provide any of the more than 30 evicted families with alternative accommodation. Some persons, such as Ms Munevera Tahirović, a 22-year-old woman in an advanced stage of pregnancy, her husband Mr Muharem Bajrić and their three children, and Mr Frljanović's family, moved into small, abandoned and dilapidated shacks without water supply. Other Roma evicted from the Samacki dom building moved to the Novo naselje settlement of Zavidovići, where they lived as of August 25, 2003 in small and sub-standard pre-fabricated housing. Reportedly, many families share flats, as they cannot afford paying full rents. The most desperate of the Roma reportedly lived under tents. Others moved to other informal settlements, such as the

Rupin Dol Romani settlement of Zavidovići, which has its own share of problems. Although it has existed for over a hundred years, and numerous Roma from the settlement have legal ownership of their land, the Romani houses in this area are considered illegal because local authorities have zoned it as a forest, ignoring the existence of generations of Roma living in the settlement, according to local Roma.

On September 1, 2003, the *ERRC* sent a letter to Mr Sabahudin Viso, Minister for Labour, Social Policy and Refugees in Zenica-Doboj Canton, Bosnia and Herzegovina, expressing concern that Bosnian authorities have failed to provide alternative accommodation to the Roma, urging Bosnian authorities to undertake measures to provide adequate housing to the already evicted Romani families and ensure security of tenure to all Roma on the territory of Bosnia and Herzegovina. As of January 15, 2004, the *ERRC* had not received a response to its letter. (*ERRC*)

#### ◆ Roma Prohibited from Accessing Public Services in Bosnia and Herzegovina

Mr Šaban Mujić, president of the Tuzla-based Romani organisation *Sa E Roma* informed the *ERRC*, in partnership with the *Helsinki Committee for Human Rights, Republika Srpska (HCHRRS)* that residents of the village of Kiseljak attempted to forbid Romani residents from accessing public transportation in the town at the beginning of July 2003. Mr Mujić reported that town residents petitioned the local government for a regulation which would prohibit

Roma from using public transportation. In the petition the residents claimed Roma avoid paying for bus tickets and that Romani children are always very dirty and use foul language, which is inappropriate in a public setting. The petition also reportedly stated that passengers had complained about the presence of Roma on the buses. *Sa E Roma* informed cantonal authorities of the situation and stated their concern about the effect of such a motion. Cantonal authorities reportedly responded immediately and informed the local authorities in Kiseljak that such a decision was illegal.

In another case, on May 22, 2003, workers at a private swimming pool in the town of Živinice in the Tuzla Canton, Bosnia and Herzegovina, refused a group of Romani children access to the pool in which non-Roma were swimming, according to Mr Mujić. Mr Mujić reported that *Sa E Roma* had organised a summer school/camp for Romani children from all areas of former Yugoslavia. On the day in question, the camp leader bought the tickets for all of the children, but when the children entered the pool area, they were approached by pool workers who stated that not all of the children could swim in the main pool. The workers then reportedly started to divide the children into two groups according to the colour of their skin. Children with very dark skin were sent to a smaller pool, while children with lighter skin were allowed in the main pool. As reported by Mr Mujić, the children did not accept such division and their guide pleaded with the owners and pool workers not to separate the children, adding that such separation was a clear case of discrimina-

tion. Despite their protests, the owners did not allow the darker skinned children to swim in the main pool and all children, together with their guide, left the pool.

Mr Mujić told the *ERRC/HCHRRS* that the owners of the pool confirmed to him that the event had taken place. Mr Mujić also reported that since this particular incident, *Sa E Roma* had encountered several more cases of discrimination against Roma at the pool. *Sa E Roma* immediately informed the Živinice municipal authorities about the incident, as well as the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, the cantonal authorities, the *OSCE* and the Office for Endangered People of Bosnia and Herzegovina, along with the media.

Mr Mujić reported that on July 22, 2003, the Živinice municipal authorities sent a letter to the pool owners warning that discriminatory behaviour towards Roma violates international human rights standards. According to Mr Mujić, the pool owners did not amend their practises or act in any way on the information. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina reportedly informed the association that they condemned the discriminatory acts at the pool.

Finally, on May 19, 2003 Mr Esad Ibralić, a 44-year old Romani man from Lipovica in northeastern Bosnia and Herzegovina, testified to the *ERRC/HCHRRS* that Roma from the village are routinely refused access to a road crossing in the primarily Bosniak

neighbouring village of Meškovići. Roma from Lipovica reportedly have to pass through Meškovići to get to Lipovica. Severe tensions between Bosniaks and Roma in the two villages has reportedly arisen, as the Roma are frequently subjected to racial slurs such as, “Run away, children! Here come the Roma!” and threatened with violence. Mr Ibralić stated that the tension has caused many of the Romani parents from the village to not send their children to school because they have to pass through Meškovići. Further information on discrimination against Roma in access to public accommodation is available on the *ERRC*’s Internet website at: <http://errc.org/publications/indices/discr.shtml>. (*ERRC, HCHRRS, Sa E Roma*)

## **BULGARIA**

### **◆ Increased Romani Participation Fuels Anti-Romani Racism in Bulgarian Local Elections**

According to information provided by the Sofia-based non-governmental organisation *Human Rights Project (HRP)*, political participation of Roma at the local level increased after the local elections held in October 2003. One-hundred-and-twenty-six Roma were elected municipal councillors in more than 70 of Bulgaria’s 263 municipalities on the lists of eight Romani parties. Another 36 Roma municipal councillors were elected on the lists of coalitions between Romani parties and non-Romani parties. For comparison, in the 1999 elections, the number of

elected Romani officials was about a hundred.

The *HRP*, however, noted that the political mobilisation of Roma in the election campaign apparently fuelled anti-Romani sentiment. According to the organisation, expressions of anti-Romani racism in the 2003 elections were more intense than in previous election campaigns. In the town of Samokov, southwest Bulgaria, for example, fliers were disseminated calling on voters to vote against one of the candidates for a mayor, because he allegedly “loved Roma”, and “if he was elected, the town would become a Gypsy town”.

In the town of Razlog, southwest Bulgaria, where two Roma were elected municipal councillors, fliers

called on the voters not to allow Razlog to become a “Gypsy town” and not to allow “Gypsies to become members of the town council”. In Vidin, in northwest Bulgaria, prior to the second round of the elections, in an article entitled “Vidin: European or Gypsy Town”, in its edition of October 30-November 2, 2003, the local newspaper *Nie* called on the ethnic Bulgarians not to vote for one of the candidates for mayor because his election “would result in the Gypsy-isation of the town”. The *HRP* has sent complaints to the police and the prosecutor’s office of Samokov and Razlog against the authors of the fliers. For information on the situation of Roma in Bulgaria, visit the *ERRC*’s website at: <http://www.errc.org/publications/indices/bulgaria.shtml>. (*HRP, Nie*)

### ◆ **Bulgarian Government Approves First Ever Action Plan on Roma**

According to a press release of the Sofia-based non-governmental organisation *Human Rights Project (HRP)* dated October 16, 2003, by its decision No. 693, the Council of Ministers approved Bulgarian Government's Action Plan for Implementation of the Framework Program for Equal Integration of Roma in Bulgarian Society through 2004. The Action Plan is welcomed as the Bulgarian government's first such initiative in the course of four years since the adoption of the Framework Programme in 1999, though the Action Plan raises serious concerns, as noted by the *HRP*.

On the positive side, the Action Plan envisages measures for the education of law enforcement officials in implementing anti-discrimination legislation and the introduction of anti-discrimination clauses in school ordinances. Most money available within the Action Plan is earmarked for measures devoted to combating long term unemployment among Bulgarian citizens, including Roma. The Action Plan further elaborates general health service providers in 15 cities and health education programmes for Roma in seven cities. Beginning with the current school year, the Action Plan authorises teaching assistants and sets aside 1.2 million Bulgarian leva (approximately 600,000 Euro) for school directors to employ teaching assistants. An additional 2 million Bulgarian leva (approximately 1 million Euro) is earmarked to provide free textbooks for "ensuring of free of charge textbooks for all poor children, including Romani children." Two-hundred-and-eighty-four houses are to be built in Plovdiv and

the infrastructure improved in four cities' Romani neighbourhoods.

The *HRP*, however, noted that certain aspects of the Action Plan raise serious concerns. The total amount of the funds allocated for Roma-related activities is 271,199,431 Bulgarian leva (approximately 135 million Euro). Although this is a significant increase as compared to previous years, the *HRP* noted that the funds cover expenses which are not specifically for Roma. For example, the biggest amount envisaged by the Action Plan – 217 million Bulgarian leva (approximately 111,133,000 Euro) – covers expenses for the Ministry of Social Affairs' programme "From Social Benefits to Employment", which is not a Roma-specific programme, although many Roma have been participating in it. Another amount allocated in the Action Plan – 28 million Bulgarian leva (approximately 14,340,000 Euro) – covers expenses for the programme "Beautiful Bulgaria", which is not a Roma-specific programme either.

Another problem posed by the Action Plan is the lack of funds for the desegregation of Romani education – one of the priorities of the Framework Program for Equal Integration of Roma in Bulgarian Society. Nor does the Action Plan envisage any funds for transportation of Romani children from segregated schools into mainstream schools.

Finally, the *HRP* noted that the Action Plan was adopted hastily, prior to the release of the EU Commission's Regular Report on Bulgaria's Progress Towards Accession for 2003, leaving practically no time for civil society – including Romani organisations – to review it and comment on it. (*HRP*)

### ◆ **Bulgaria Adopts Comprehensive Anti-Discrimination Legislation**

On September 16, 2003, the Bulgarian Parliament adopted a comprehensive anti-discrimination law. The law bans discrimination on a number of grounds, including race, gender, religion, disability, age and sexual orientation. It provides that in prima facie cases of discrimination, the respondent has the burden of proving that discrimination did not occur. The law establishes an Anti-Discrimination Commission consisting of nine members, five elected by Parliament and four appointed by the President, with specialised subcommittees for racial and gender discrimination, which will have the power to receive and investigate complaints and issue binding rulings, as well as to impose significant fines on perpetrators. The law includes provisions such that more than one victim can join a complaint in cases where the discriminatory abuse harms groups of people.

The law is in harmony with European Council of the European Union Directives 2000/43, 2000/78, 2002/73, providing the current standards on anti-discrimination law in Europe, and fulfils prior obligations freely adopted by the Bulgarian government in the Framework Programme for the Equal Integration of Roma into Bulgarian Society. The law consolidates Bulgarian anti-discrimination law into a single comprehensive act, thus improving the chances for real and comprehensive enforceability in practice.

The law was drafted with the active involvement of Bulgarian non-governmental organisations, including: *Bulgarian Helsinki Committee*, *Bulgarian Lawyers for*

*Human Rights, Bulgarian Gay Organisation "Gemini", Center for Independent Life, Human Rights Project and Romani Baht Foundation. (ERRC)*

#### ◆ **Police Abuse Romani Man in Bulgaria**

According to *ERRC* field research, three police officers abused Mr Ridvan Salim Sali, a 44-year-old Romani man, in the town of Targovishte in northeastern Bulgaria, on May 16, 2003. According to Mr Sali's testimony, at around 4:00 or 5:00 PM, Mr Sali went to the *S-Koyumdzhiev*, a nearby café, with his friend, Mr Rumen Dianov, and sat down at a table. While talking to an acquaintance, Mr Sali reportedly spotted two police officers in uniform and one civilian at an adjacent table. The officers were allegedly drinking alcohol. Mr Sali testified that one of the officers came to the table at which he was sitting and asked, "Are you not going to treat me to a drink?", to which Mr Sali replied that he saw no reason to treat the police officer to a drink. According to Mr Sali, he also told the officer that he did not think it was proper behaviour for an officer on duty to be drunk and ask for drinks in a café. At this point, the officer became angry and asked Mr Sali for his ID card. Mr Sali reportedly told the officer that his wallet with all his money and ID card was in the car with his friends. Mr Sali then asked Mr Dianov, who had arrived at the table, to fetch his wallet from the car. Meanwhile, one of the officers, Officer N.P., brought Mr Sali outside and made him lean up against a car with his back to the officer. Officer N.P. then hit Mr Sali hard on his left leg, causing a bruise, and handcuffed him, according to Mr Sali. The sen-

ior officer came out from the café and Mr Dianov handed him Mr Sali's wallet. Mr Sali testified that the officer took his ID card out of the wallet and placed it in his pocket. The officer reportedly then turned to Officer N.P. and the civilian and stated that Mr Sali should be arrested because he did not have an ID card. Mr Sali was then forced into a police vehicle and, during the drive to the police station, Officer N.P. in the front cursed at Mr Sali and punched him in the left eye. Mr Sali reported that his left eye then began to bleed.

At the Targovishte Police Station, another officer questioned Mr Sali, as the arresting officer repeatedly stated that Mr Sali did not have an ID card. Mr Sali told the *ERRC* he had tried to explain that his ID card was in the arresting officer's pocket, but was told that he was not in a position to make such remarks. According to Mr Sali, the officer then drew up his statement without giving him a copy to read or sign. Mr Sali was reportedly asked if he had any objections, to which he responded that he objected to the drunken officer who arrested him and kept his ID card. Mr Sali stated that he also asked the officers how it was possible to write the report without knowing his personal data, including the number of his ID card, which, according to the police officer arresting him, was missing. At this point, the arresting officer allegedly stated: "You can't do anything to me. I am a friend of Krassimir Kanev, the chairman of the Bulgarian Helsinki Committee." At 7:00 PM, Mr Sali was released from police custody, and his friends took him to hospital. On May 17, 2003, Mr Sali filed a complaint against the officers with the District Prosecutor's Office in Targovishte. According to Mr Sali, on May 18, 2003, he went

to the hospital in Varna and was issued a medical certificate attesting to the injuries he had sustained at the hands of the police in Targovishte. On May 23, 2003, Mr Sali filed a complaint with the Regional Military Prosecutor's Office in Varna. Mr Sali reported that he received a response from the Ministry of Internal Affairs, which stated the case would be sent to the Regional Military Prosecutor's Office in Varna, with an explanation that he did not have his ID card at the time he filed the complaint, an illegal act under Bulgarian law. On December 17, 2003, Mr Sali and several witnesses gave testimonial evidence to the Regional Military Prosecutor, who was investigating the actions of Officer N.P. Further information on police abuse of Roma is available on the *ERRC*'s Internet website at: <http://www.errc.org/publications/indices/state.shtml>. (*HRP*)

#### ◆ **Romani Pupil Physically Abused by School Teacher in Bulgaria**

According to information received from the Sofia-based non-governmental organisation *Human Rights Project (HRP)*, on May 22, 2003, Assen Iliyanov Todorov, a 13-year-old Romani boy and student at the "Romani" school in the northern Bulgarian village Bukovlak, was physically abused by his teacher, Mr Yakimov. According to Assen's testimony to the *HRP*, during a music class during which the children were instructed to discuss "black music", the children were reprimanded by Mr Yakimov for having engaged in a noisy discussion. Soon thereafter, the discussions resumed, and Mr Yakimov banged his fist on the table and moved toward Assen. Assen stated that Mr Yakimov pulled him

out of his desk and, while dragging him out of the classroom, began to repeatedly hit him on the back of his neck in front of the entire class. In the corridor, Assen testified, Mr Yakimov punched him in the stomach. On the day of the incident, Assen's parents, 37-year-old Mr

Ilian Mitkov Todorov and 33-year-old Ms Rositsa Assenova Todorova, took Assen to the hospital for medical treatment, and according to a medical certificate issued on May 22, 2003, Assen sustained several wounds on his back and chest. Mr Todorov and

Ms Todorova reportedly filed a complaint with the Pleven local court, with assistance from the *HRP*. As of January 8, 2004, there had been no response from the Regional Prosecutor's Office. (*ERRC, HRP, Standard*)

## **CZECH REPUBLIC**

### **◆ Romani Victims of Human Rights Abuse Compensated in Czech Republic**

On October 7, 2003, *Radio Free Europe/Radio Liberty (RFE/RL)* reported that Ms Marcela Zupková, a Romani woman from Hradec Králové in northeastern Czech Republic, received 200,000 Czech crowns (approximately 6,260 Euro) in compensation from AKYMA, the company that refused her employment on the basis of her ethnicity in January 2003. According to Mr David Strupek, Ms Zupková's attorney, AKYMA agreed to the amount in an out-of-court settlement (for further information, please see [http://errc.org/rr\\_nr3\\_2003/snap14.shtml](http://errc.org/rr_nr3_2003/snap14.shtml)). Ms Zupková originally requested a public apology and 250,000 Czech crowns (approximately 7,750 Euro) in non-pecuniary damages for racial discrimination and defamation.

Earlier, on July 29, 2003, the Czech government paid the family of Mr Gejza Cerveňák, a Romani man, 900,000 Czech crowns (approximately 27,700 Euro) in exchange for withdrawing a complaint before the European Court of Human Rights. According to the European Court of Human Rights' decision, the payment followed a friendly settlement agreed upon by the Czech govern-

ment and the applicants – Mr Gejza Cerveňák, Ms Margita Cerveňáková, Ms Aranka Horváthová, Mr Ondrej Jaslo, Ms Iveta Jaslová and Mr Peter Mirga – on May 26, 2003 and acknowledged by the Court on July 11, 2003.

In 1993, the Cerveňák family filed a complaint related to the actions of the local government of the town of Ústí nad Labem, in northern Czech Republic, after officials expelled the family from their flat in the city and out of the country to Slovakia. In Slovakia, the family could not find a place to rent. Eventually, the family returned to their home in Ústí nad Labem to find that the local government had locked them out of their flat. As a result, the family lived in highly substandard conditions. The Cerveňák's claimed a violation of Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (right to respect for private and family life) of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Cerveňák family also purported in their complaint to the Court that the Czech government had violated Article 6 (right to a fair trial), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination) of the Convention. The Court had agreed to review the complaint in August 2002.

Almost immediately following the settlement, on August 1, 2003, the Prague-based radio station *Radio Prague* reported that Mr Radek Vonka, the mayor of Ústí nad Labem, called on the Cerveňák family to use the money they are to receive as per the settlement agreement to pay off their debts to the town. Mayor Vonka reported in the media that, according to Ústí nad Labem local government records, the Cerveňák family owes 30,000 Czech crowns (approximately 925 Euro) in rent and an additional 100,000 Czech crowns (approximately 3,080 Euro) in penalties. The Prague-based Romani organisation *Committee for the Redress of the Romani Holocaust (VPORH)* informed the *ERRC* on August 1, 2003, that misrepresentation of the case in Czech media caused a burst of anti-Romani sentiment on the Internet and in the country generally. Apparently, a number of appeals for attack against Roma and money to gather weapons appeared on the Internet.

In another case, on May 30, 2003, *Radio Prague* reported that on the same date the Hradec Králové Regional Court ordered Mr Karel Svoboda, a restaurant owner in the eastern Czech town of Náchod, to compensate four Roma who had been refused service in his restaurant because of their skin colour. The court reportedly ordered

Mr Svoboda to pay each Romani victim 20,000 Czech crowns (approximately 615 Euro) in damages and send them a letter of apology for the discriminatory action. Mr Svoboda had reportedly not ruled out appealing the verdict to the High Court in Prague. For additional information on Roma in Czech Republic, please visit the *ERRC*'s Internet website at: <http://www.errc.org/publications/indices/czechrepublic.shtml>. (*Radio Prague, VPORH*)

#### ◆ Mixed Judicial Outcomes in Czech Race Crimes

In yet another inadequate ruling in a race crime in Czech Republic, on August 15, 2003, the *Czech News Agency* (*ČTK*) reported that Prague's Eighth District Court found 19-year-old Mr Jakub Melničák, 18-year-old Mr Filip Kousal and two other young Czech males guilty of racially motivated attempted bodily harm and causing public disorder, in accordance with Articles 221(1b) read with 8 and 202 of the Czech Criminal Code, respectively. The ruling was in connection with the severe October 25, 2002 attack on Mr Marek Polák, a then 17-year-old Romani youth, at a tram stop in Prague (further information on the incident is available at: [http://www.errc.org/rr\\_nr1-2\\_2003/snap9.shtml](http://www.errc.org/rr_nr1-2_2003/snap9.shtml)). As a result of the attack, Mr Marek suffered a concussion and sustained abrasions all over his body. The Court sentenced Mr Melničák to only three years imprisonment suspended for four years, and three other young Czech males to 11-years-imprisonment suspended for two years. The four youth reportedly left the courtroom visibly angered with the verdict. The *ČTK* reported that the court ruled in accordance with the wishes of

Czech State Attorney Ms Hana Vrbová, who in her closing speech told the court that the defendants' ages and the absence of any previous criminal convictions should be taken into account, and asked that the sentences should fall at the lower limit of the law.

In other news, according to the Prague-based news source *Radio Prague*, of June 27, 2003, a court in Karlovy Vary, northwestern Czech Republic, found three police officers guilty of abuse of power, in accordance with Article 158 of the Czech Criminal Code, in connection with the May 13, 2001 brutal attack by five officers on Mr Karel Billý, a Romani male. Officers Tomáš Mrňák, Pavel Holoubek and Eduard Kalla were sentenced to 10-months-imprisonment each, suspended for two years. Two additional officers were acquitted of all charges. *Radio Prague* reported that the court ruled the attack had not been racially motivated. On the day of the attack, Mr Billý, whose car had run out of fuel, was waiting for help at the side of a road when an officer stopped to check his documents, then called for backup. A police patrol car carrying three officers arrived at the scene and, after the first officer said "Take him with you and enjoy it", Mr Billý was violently pushed into the second vehicle and driven to a nearby forest. In the forest, the officers brutally beat Mr Billý and threatened to kill him while shouting racial slurs at him. One of the officers also placed a pistol in Mr Billý's mouth before leaving him lying on the ground. According to the Prague-based Romani organisation *Committee for the Redress of the Romani Holocaust* (*VPORH*), as of November 26, 2003, an appeal was pending with the Regional Court of Plzeň.

In an interview for the Czech daily *Pravo*, published on August 16, 2003, on the occasion of his appointment as head of the Czech Constitutional Court, and commenting on the actions of criminal authorities in relation to racially motivated crime, Mr Pavel Rychetsky stated, "I agree that the organs of the criminal justice system sometimes do not function adequately in this area. From the point of view of our legal regulations, we are the same as Germany, Holland and other continental European countries. From the point of view of the precision of their implementation, we are far behind those countries." (*ČTK, Radio Prague, RFE/RL, VPORH*)

#### ◆ Skinheads Attack Romani Wedding in Czech Republic

According to *Radio Free Europe/Radio Liberty* (*RFE/RL*) of September 23, 2003, a 35-year-old Romani bridegroom was hospitalised after a group of skinheads attacked his wedding party on September 20, 2003 in the northwestern Czech village Nové Hamry. The bridegroom reportedly suffered a concussion and others in attendance received minor injuries. The police, who are investigating the incident as a racially motivated crime, arrested three suspects, according to *RFE/RL*. On November 26, 2003, the Prague-based Romani organisation *Committee for the Redress of the Romani Holocaust* (*VPORH*) informed the *ERRC* that approximately 20 skinheads participated in the attack, including the co-founder of Blood and Honour, a neo-nazi group. (*RFE/RL, VPORH*)

### ◆ **Romani Families Evicted in Slaný, Czech Republic**

On June 17, 2003, Prague-based news source *Radio Prague* reported that local authorities in the town of Slaný near Prague evicted five Romani families from their home on Ouvalova Street during the weekend of June 14 to 15, 2003. According to the Prague-based Romani organisation *Dženo Association (Dženo)*, following the eviction, the five Romani families reportedly lived with their furniture on the street in front of their former home in protest. Three of the evicted children were reportedly removed from their mother's care and placed in an asylum centre in

Prague, though their pregnant mother was reportedly left in the street. According to *Radio Prague*, Mr Ivo Roubik, mayor of Slaný, rejected accusations of racism, stating that the eviction of non-Romani families was planned. Mr Roubik also stated that the evictions had been undertaken because the families failed to pay their rent. However, the Prague-based non-governmental organisation *Counselling Centre for Citizenship, Civil and Human Rights (Poradna)*, was quoted as having stated that some of the evicted Romani families had paid their rent on time, while the other families had attempted to negotiate with the town authorities only to be met by a blank refusal of

co-operation. *Radio Prague* reported that, following a decision of the town hall, the families were requested to pay rent for living on the street as it is public property.

*Dženo* reported that Slaný authorities have announced plans to turn the buildings occupied by Roma on Ouvalova Street into a women's shelter and move "unadaptable" citizens to a temporary accommodation being constructed on a former military base. The new site, located far from schools and most services, is reportedly not accessible via public transport. Two police officers were to be assigned to the area to preserve order. (*Dženo, Radio Prague*)

## GERMANY

### ◆ **Grave Violations of Romani Children's Rights in Germany**

On October 29, 2003, the Köln-based Romani organisation *Rom e.V.* reported that Köln police have forced Romani refugee children taken into custody on suspicion of pick-pocketing to undress, though the majority of them were female below the age of 14. According to *Rom e.V.*, officers have taken photographs of the naked children and their undergarments to document "dirt, feces, urine and vaginal outflow." Officers re-

portedly have performed ID checks on the children and young girls have been forced to lower their slips to their knees to enable officers to photograph the inner side of their slips from above. According to Mr Andreas Stage, a German lawyer, officers have also performed x-ray examinations on detained Romani children, without first obtaining the requisite court order. *Rom e.V.* stated that officers have questioned the Romani children without informing their parents and without permitting the children legal council or informing them they have the

right to refuse to give evidence. The evidence was reportedly gathered to prove that the children's parents were breaching their duties towards their children with the aim of removing the children from their care. The *ERRC* presented materials related to the incidents to the UN Committee on the Elimination of Discrimination Against Women, which reviews Germany's compliance with the International Convention on the Elimination of All Forms of Discrimination Against Women, in January 2004. (*EUMap, Rom e.V.*)

## GREECE

## ♦ Denial of Justice for Roma in Greece

Following a trial held on June 25, 2003, the Three-Member Misdemeanour Court of Patras dropped all charges against defendants in a case based on a Greek statute (927/1979) criminalising acts or activities aimed at racial discrimination, incitement to racial violence, racially offensive expression and the establishment of and participation in organisations promoting such activity. On May 29, 2002, with legal assistance from the *ERRC* and the *GHM*, two residents of the Romani settlement in the town of Riganokampos near Patras in northwestern Peloponnesse, Ms Maria Vasilari and Ms Eleftheria Georgopoulou, filed a criminal complaint with the Misdemeanour Prosecutor of Patras. The complaint was directed against local cultural associations, whose chairmen drafted and signed a letter of protest against the local Romani community, which was published in local Patras daily newspapers in mid-November 2001. One-thousand-two-hundred non-Romani residents of Patras who live near the Romani settlement reportedly signed the letter of protest. The petition threatened “militant action”, by residents of Eglykada, Perivola, Neo Souli and Riganokampos, if the Roma were not immediately evicted from their settlement. The letter blamed the Roma, as a group, for a litany of acts, ranging from felonious to petty, including, but not limited to, physical violence, arson, vandalism, theft, swearing and even ringing doorbells. In addition, it accused the Roma of three specific crimes: a physical assault and

battery, an arson attack on a car and a forceful trespass into a local sports facility.

At the trial, the defendants and witnesses again voiced their anti-Romani sentiments. According to the trial transcripts, witness George Tzolas stated, “[...] Athinganoi do not work, they depend on what we hand out to them [...].” His namesake, witness George Tzolas stated, “[...] they [the Romani plaintiffs] have diseases and they steal [...].” Defendant Evangelos Christopoulos stated “[...] the Gypsy kids wander around with no permit [...] they throw stones at the cars passing by the highway [...].” Defendant Alexios Davlouros claimed, “These people [the Roma] are hungry, they pillage, live off our area, they do not work [...].” During the trial, the plaintiffs showed that the letter of protest expressed racially offensive ideas and amounted to incitement to racial discrimination. As regards allegations of specific criminal acts contained in the letter and attributed to the Roma, documents obtained from the fifth Police Station of Patras and presented to the court established them to be untrue. According to the police, “there is no entry in our files concerning the perpetration of any of the alleged offences.”

Despite the sentiments expressed by the defendants and the witnesses, the public prosecutor’s motion to drop all charges stated that the defendants had no “malicious intent” aimed at the defamation of Roma and that the letter of protest in question was merely intended to draw the authorities’ attention to the plight of the Roma themselves. This assertion is

clearly at odds with the facts of the case. The letter of protest was in no way concerned with the problems faced by Roma, but rather expressly focused on “what it means for the [non-Romani] residents of our area to co-exist and live together with the Athinganoi.” Nonetheless, and providing no reasoning for its decision, the court accepted the motion.

During the course of the proceedings, Ms Eleni Koufi, the presiding judge, revealed her own anti-Romani feelings. In response to a comment by defence counsel that Roma commit many crimes, she said “it is true” and added that there are currently “many cases pending against Roma in the courts of Patras.” Worse yet, when Ms Maria Vasilari stated that the letter of protest had insulted her, Judge Koufi responded, “you have to admit, you Roma do steal though.”

On July 23, 2003, the *ERRC* and the *GHM* sent a joint letter to Mr Filippos Petsalnikos, the Greek Minister of Justice, expressing concern about the continuing absence of redress with respect to the 2001 letter, which the two organisations consider to be a severe form of incitement to racial hatred and discrimination against Roma. The *ERRC* and the *GHM* also urged Minister Petsalnikos to take all measures within his legal competence to ensure that justice is served. The Minister’s Office subsequently informed orally the *ERRC* and the *GHM* it had forwarded the letter to the Supreme Court Prosecutor’s Office, the authority competent to pursue a motion of cassation; the latter did not act on it.



Article 4(a) of the International Convention on the Elimination of All Forms of Racial Discrimination obliges Greece to outlaw the “dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin [...]” Under Article 4(c), Greece has pledged not to “permit public authorities or public institutions, national or local, to promote or incite racial discrimination.” Article 6 binds all state parties to “assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate one’s human rights and fundamental freedoms contrary to this Convention [...]” The *ERRC/GHM* Greek country report and an abundance of further information on the human rights situation of Roma in Greece are available on the *ERRC*’s Internet website at: <http://www.errc.org/publications/indices/greece.shtml>. (*ERRC, GHM, SOKADRE*)

#### ◆ Unsuccessful Relocation of Romani Community

On April 29, 2003, the Council of the Kato Kastritsi Compartment of the Municipality of Rio, north-western Peloponnesse, convened a meeting on the relocation of seven Romani families, currently living in prefabricated houses, to land long owned by the families, where they would live in prefabricated homes. According to the minutes of the meeting, received on May 12, 2003, by the *ERRC* and partner the *Greek Helsinki Monitor*

(*GHM*), Mr Spyros Politis, Chairman of the Kato Kastritsi Compartment Council, tabled a motion that the relocation of Romani families was in breach of provisions of the Common Ministerial Decree of the Minister of Internal Affairs and the Minister of Health No. A5/696/1983 “Sanitary Provision for the Organised Relocation of Wandering Nomads” and town planning regulations. The Romani group from Kato Kastritsi is not itinerant but rather registered as permanent residents in Rio’s municipal records. The Council unanimously adopted Mr Politis’ motion and forwarded the resolution to various local authorities.

*ERRC/GHM* research revealed that, on an unspecified date prior to the April 29 meeting, ethnic Greek residents of Kato Kastritsi forwarded a letter of protest to the Chairman of the Municipal Council of Rio, in which they stated that they would not tolerate a Romani settlement in their area, because they consider it to be degrading for the area. Moreover, they threatened to initiate civil proceedings for compensation in the event that the settlement was created, on grounds that the settlement would devalue their property. The letter was copied to local authorities and various media sources. On July 12, 2003, a state official informed the *ERRC/GHM* that the Prefect of Achaia, with whom responsibility lies for the approval of relocation of Romani communities, did not approve the relocation of the seven Romani families. The Municipality of Rio had previously spent approximately 30,000 Euro landscaping the land on which the prefabricated houses were to be installed. (*ERRC, GHM*)

#### ◆ Romani Children Access Education in Greece

Three years of persistent action by the *ERRC* and its local partner, the Athens-based non-governmental organisation *Greek Helsinki Monitor (GHM)* has resulted in the attendance of 14 Romani children in a local school in the Municipality of Spata, just outside of Athens. Since the Romani community was relocated to an area 5 kilometres from the town in October 2000, Romani children have not attended classes, because no school bus has been provided, despite oral assurances by the then-Mayor of Spata. At a meeting on June 5, 2003, the Spata Romani community, the *ERRC/GHM*, Spata’s Mayor Athanassios Tountas, and representatives of the Ministry of Education, the Eastern Attica Prefecture, the Greek Ombudsman’s Office and the Prime Minister’s Office for Quality of Life unanimously agreed “that a school bus be chartered in order to transport the Romani schoolchildren to the Third Primary School of Spata as well as that the children be provided with school items.” Also agreed upon was the establishment of reception classes, vaccination checks for the children and the commencement of a study by the municipality in order to obtain financing for the installation of electricity to the settlement by the Ministry of Interior, as well as for the carrying out of checks for the quality of water provided to the settlement.

With the co-operation of a social worker from the Eastern Attica Prefecture, 14 of the 18 children of primary school age were enrolled in the Third Primary School of Spata. However, on September 11, 2003, the first day of

school, Mr Konstantinos Kalogeropoulos, the school's headmaster, informed the *ERRC/GHM* that the school bus had not appeared and that he had been informed that, although a bus had been chartered to transport ethnic Greek pupils from another area in the vicinity, no such bus had been chartered for the Romani children. The *ERRC/GHM* informed various media and sensitive politicians of the situation and, on September 12, 2003, a local charter-bus company was contracted to transport the Romani children to and from school, beginning September 15, 2003. On September 15, 2003, when the bus did not arrive to transport the Romani children to school, the *ERRC/GHM* found that the bus driver had not been informed of the settlement's exact location. At this point, the bus driver asked that the Romani parents escort their children to the intersection about 1.5 kilometres

from the settlement, as the road after that was not paved. The Romani parents refused and the company agreed that the bus go into the settlement, though a representative of the company maintained that the company reserved the right to withdraw from the agreement it had signed, as the road leading to the settlement was so bad that it could cause damage to its vehicles. A further two Romani pupils enrolled in school following the commencement of busing to and from the settlement. (*ERRC, GHM*)

#### ◆ **Greek Police Officer Dismissed for Shooting a Romani Man in 2001**

On November 19, 2003, Greek Police informed the *ERRC*, in partnership with the *Greek Helsinki Monitor (GHM)*, that Officer George Tyllianakis was dismissed

from duty following disciplinary proceedings initiated after he fatally shot Mr Marinos Christopoulos, a 21-year-old Romani man, in Zephyri on September 24, 2001 (for further information, please see [http://errc.org/rr\\_nr3\\_2003/snap22.shtml](http://errc.org/rr_nr3_2003/snap22.shtml), [http://www.errc.org/rr\\_nr3-4\\_2002/snap18.shtml](http://www.errc.org/rr_nr3-4_2002/snap18.shtml) and [http://www.errc.org/rr\\_nr4\\_2001/snap12.shtml](http://www.errc.org/rr_nr4_2001/snap12.shtml)). Both the First and the Second Greek Police Disciplinary Councils, which convened on September 20, 2002 and June 5, 2003, respectively, ruled that Officer Tyllianakis be dismissed from duty. As a result, on June 28, 2003, Greek Police expelled Mr Tyllianakis from its ranks. Mr Tyllianakis is set to appear in court on May 12, 2004 where he will be tried by the Mixed Jury Court of Athens in accordance with Article 299(1) of the Greek Criminal Code for reckless homicide. (*ERRC, GHM*)

## HUNGARY

#### ◆ **Forced Eviction of One Romani Community Stopped, While Others Continue in Hungary**

On October 8, 2003, Ms Erika Sallai, a Romani woman from a settlement located just outside the central Hungarian town Keszthely, along the highway to Hévíz, informed the *ERRC* that on October 7, 2003, an unknown man served five Romani heads of families from the settlement with eviction orders. Ms Sallai reported that the homes in which the Roma lived without legal permission were property of the local government. According to the eviction orders of Ms Erika Sallai, her husband Mr György Bodgán and Mr József Titi, the eviction was to be conducted

at 10:00 AM on October 29, 2003, in the presence of police officers. Ms Sallai and Mr Titi stated that they had not received any offer for alternative accommodation from the local government and that, as they are unemployed, they cannot afford other housing of their own accord. Two other families, who live in their homes with legal permission, were not served with eviction orders. In total, 21 Romani residents, including 15 Romani children, face homelessness as a result of the impending eviction. On October 23, 2003, the *ERRC* sent a letter of concern to Mayor József Mohácsi, informing him that forced evictions violate Hungary's obligations under international law and requesting that the evictions be postponed or cancelled, particu-

larly with regard to the coming of cold weather. On November 5, 2003, Roma from the settlement informed the *ERRC* that the local government had postponed the eviction.

Finally, on June 18, 2003, 20 Romani families were evicted from their homes on Szállás Street in Budapest's 10<sup>th</sup> District, only one day after 50 police officers and civil guards had surrounded the settlement and informed residents that they would be evicted, according to the Budapest-based Romani organisation *Foundation for Romani Civil Rights*. According to the Budapest-based *Roma Press Center (RSK)*, on June 25, 2003, the families had been living in the abandoned property in the

vicinity of a former chemical industry plant in Kőbánya, in southern Budapest. Two small children, aged 1 and 5, were allegedly taken into state custody on grounds that they had been raised in surroundings immediately jeopardising their physical health. However, another 40 minors were left with their families. Ms Jánosné Pintér, Manager of the Kőbánya Municipal Welfare Office, was quoted as having stated, "if the residents don't leave the area, more children will be taken into state custody." The *Foundation for Romani Civil Rights* tried unsuccessfully for weeks before the eviction to reach a solution with the local authorities. According to the *RSK*, Mr Jenő Setét, Social Director of the *Foundation for Romani Civil Rights*, expressed surprise at the actions of the 10<sup>th</sup> District government as they had allegedly promised to provide support in the amount of 500,000 Hungarian forints (approximately 1,940 euro) to help cover the cost of future rent. On November 28, 2003, the *Foundation for Romani Civil Rights* informed the *ERRC* that the 10<sup>th</sup> District government provided accommodation for only two families, including seven children, but that it had found flats for three of the families in Budapest and four additional people had moved into a homeless shelter. The remaining families moved in with relatives in the countryside. (*ERRC, Foundation for Romani Civil Rights, Roma Press Center*)

#### ◆ **Romani Parents Unsuccessful in Enrolling Their Children in Private School in Hungary**

Of 101 Romani children who attempted to enroll in the private

school in the village of Jászladány, Jász-Nagykun-Szolnok County, the parents of only five Romani children received enrolment papers from school authorities on August 1, 2003, the official enrolment day (Background information on the controversial school is available on *ERRC's* Internet website at: [http://www.errc.org/rr\\_nr1-2\\_2003/snap23.shtml](http://www.errc.org/rr_nr1-2_2003/snap23.shtml).) At around 8:00 AM on August 1, 2003, 12 Romani parents lined up outside the private school in Jászladány in order to enrol their children for the coming school year. According to *ERRC* research, only the school's cleaning lady was present on the premises and she was not able to provide any information to the Romani parents pertaining to the enrolment procedure scheduled for that day.

The *ERRC*, which was present on the day in question, found out that a meeting of the school's board of directors was to take place at the Jászladány Mayor's Office that day. Upon arrival at the Mayor's Office, the *ERRC* representative was informed that the meeting was confidential and was sent away. The door to the Mayor's Office was then slammed shut in the face of Ms Viktória Mohácsi Bernáthné, the Ministerial Commissioner for Equal Opportunities for Children of Roma Origin and in Disadvantaged Positions. The private school in Jászladány has been the topic of much debate since Spring 2002 when local school authorities decided to lease a portion of its premises to a newly established private school allegedly to segregate non-Roma from Roma.

According to the Budapest-based *Roma Press Center (RSK)*,

Ms Ibolya Tóth, the principal of the private school, stated that a survey had been conducted in early spring to judge the level of interest in enrolling children in the private school within the community. Local Roma did not complete the surveys because they could not afford the enrolment fees. The survey took place despite the fact that the permit received by the school in September 2002 had been revoked after one day and that the school, at the time, had still not received any permit to operate from September 2003. On July 27, 2003, the school finally received its permit: At this time, 227 children had already expressed interest in attending the school, which reportedly has space for 250 pupils. On the same day, the Budapest-based *Open Society Institute (OSI)* offered financial support to the parents of 101 Romani children, so parents reportedly submitted written requests to the school, stating that they wished to enrol their children, but were told that there were no spaces available.

The *OSI* offer would have enabled them to pay the private school's monthly fee of 3,500 Hungarian forints (approximately 14 Euro).

On September 1, 2003, the Hungarian national daily newspaper *Magyar Hírlap* reported that on opening-day, 207 children started the school year, but none of them were Romani. Ms Tóth explained that the school administration had decided to limit class sizes to 22 students per class and the school did not have the financial means to increase the number of classes. According to *Magyar Hírlap*, Ms Tóth stated that, if the private school were to receive fi-

nancial support from the National Roma Minority Self-Government or the Ministry of Education, it would be able to start an additional first grade class.

The Parliamentary Commission for National and Ethnic Minorities' Ombudsman, Mr Jenő Kaltenbach, stated that the private school established in Jászladány was unconstitutional, according to an *RSK* report of September 16, 2003. Mr Kaltenbach stated that the school should not have received a licence because the basic premise of the school is to discriminate against and segregate the Romani school children in Jászladány, not to enable parents in the town to exercise the right to choose. Mr Kaltenbach's statement came after the Ministry of Education requested that he examine whether legal proce-

dures had been adhered to during the school's enrolment. An employee of the Ministry of Education informed the *ERRC* in November 2003 that a parliamentary sub-committee to assess segregation in education in Hungary had been established. (*ERRC, Magyar Hírlap, Roma Press Center*)

#### ◆ **Hungarian Roma Denied Justice in Attack by Police**

On September 16, 2003, the Budapest-based *Roma Press Center (RSK)* reported that the police officers involved in an attack against Romani mourners in a hospital in Gyöngyös on November 1, 2002 were acquitted on all charges. Hospital security staff called the police when the Romani group began to loudly

mourn the loss of their grandmother. The police arrived and began to beat the mourners, including women and children (background information on the case is available at: [http://www.errc.org/rr\\_nr1-2\\_2003/snap22.shtml](http://www.errc.org/rr_nr1-2_2003/snap22.shtml)). The court reportedly cited a lack of evidence against the officers as the reason for the acquittal. According to the *RSK*, the Roma appealed the decision to the Supreme Court, but their claim was dismissed. Five Romani men involved in the incident – Mr Sándor Kanalas, Mr Péter Kanalas, Mr Kálmán Kanalas, Mr László Lakatos and Mr Csaba Raffael – were charged with assaulting authorities and causing bodily harm. As of December 1, 2003, the Romani men were awaiting trial. (*RSK*)

## **ITALY**

#### ◆ **Roma Continue to Face Police Abuse and Housing Problems in Italy**

At around 5:00 PM on September 25, 2003, approximately 50 police officers forcefully destroyed illegal constructions at camp Via Masini in the central Italian city of Florence and beat the Ashkaeli residents after they began to throw stones at the officers in protest, according to the Italian non-governmental organisation *Associazione Per La Difesa Dei Diritti Delle Minoranze* (“*Association*”). The *Association* reported that, as a result of the police actions, one Ashkaeli teenager was hospitalised and several other children were beaten. The police reportedly entered the camp following several requests that had been sent

to the camp residents to destroy the illegally constructed buildings. The camp was reportedly home to 180 Kosovo Ashkaelia, including between 80 and 100 children. Ashkaelia are an Albanian-speaking minority group in Kosovo widely regarded as “Gypsies” by non-Romani/non-Ashkaeli Kosovars. The group had been re-housed at the camp after it was destroyed by fire on June 8, 2003, in which they lost all of their personal belongings and documents. It is believed that an unattended cooking stove caused the fire. Local authorities accommodated the group in a nearby former hospital until, in mid-August, they were temporarily moved back to the camp and housed in trailers with access to water, electricity and fire hydrants. The Ashkaelia ac-

cepted to move back to the camp with the understanding that the local government had development plans for the area, but that they would be built a new camp along with Roma from the nearby camp Poderaccio in autumn 2003. However, as construction on the new camp had not started, the Ashkaelia built additional rooms onto their trailers without permission, because the trailers did not provide enough space due to the size of the families.

The local prosecutor was reportedly investigating the case and the *Association* had informed the prosecutor of the version of events provided by the camp residents. As of December 1, local authorities had still not begun building the new camp.

Earlier, on September 17, 2003, the Italian anti-racism group *Cesar K* informed the *ERRC* of the precarious housing situation of a group of Roma living in the northern Italian city of Verona. According to *Cesar K*, in August 2003, 220 Roma, primarily from Romania, were moved from the 72 caravan camp in which they had been housed by local authorities eight months earlier, after their illegal settlement had been destroyed. Many of the Roma had not succeeded in regularising their stay in Italy, so they were forced to beg, as they could not access legal employment. The segregated housing schemes were reportedly an attempt by the local government to eradicate Romani begging. *Don Calabria*, a Catholic organisation working with the families, was reportedly attempting to procure legal documents for Romani parents of children attending school. At the behest of *Don Calabria*, the families which had sent their children to school the year earlier were moved to two separate areas on the southern periphery of the city following a 3-year agreement made between the local government and

*Don Calabria*. Twenty families were housed in caravans in a parking lot and approximately 20 more families were housed in caravans at an abandoned school. As of October 7, 2003, the first site had already been dismantled and the families dispersed between the second site, public houses and shelters.

Thirty families comprising approximately 90 people, including small children were reportedly not provided housing in the new locations. Some of the families remained at the site of the old camp while others left Verona. *Cesar K* reported that on August 28, 2003, women and children from the group were temporarily moved to the building of a former school where, for four days, they were harassed by approximately 30 skinheads, who threatened to “Burn the Gypsies” and local residents, who were reportedly angered that the school had been closed to their children but given to “Gypsies”. The men were left to their own devices and reportedly stayed on the grounds of a festival. The local government then moved the women and chil-

dren to an old military airport outside Verona. As of October 7, the women and children remained at the same place, and their male family members had been permitted to join them. *Cesar K* was reportedly assisting six women from the group, who were pregnant or had small children, and their common-law spouses, obtain “Health Residence Permits”, which gives them the right to stay in the country and access health care. On December 5, *Cesar K* informed the *ERRC* that the 10 Romani families remained at the old military airport and that none of the families had received legal permits to be in the country. A further 20 families that had left Verona in August when the camp was dismantled had returned and were living in tents under a highway overpass. *Cesar K* said it was negotiating with the municipality to obtain housing for the families. Additional information on the situation of Roma in Italy is available on the *ERRC*’s website at: <http://www.errc.org/publications/indices/italy.shtml>. (*Associazione Per La Difesa Dei Diritti Delle Minoranze, Cesar K, ERRC*)

## MACEDONIA

### ◆ Macedonian Police Forcibly Expel Egyptian Couple to Kosovo

At around 6:00 PM on September 16, 2003, Mr Džavit Beriša and his wife, Ms Bajlie Haljiti, Kosovo Egyptian applicants for asylum in Macedonia, were forcibly expelled from Macedonia to Kosovo via Serbia, according to Mr Beriša’s statement to the *ERRC*. According to Mr Beriša, he and Ms Haljiti had been detained in the

town of Bitola in central Macedonia and taken to the police station at around midnight on September 15, 2003. They were reportedly not allowed to call their lawyer and, after being found guilty of attempting to illegally cross the border into Greece, police drove them to the border near Kumanovo and forcibly expelled them to Serbia, though Serbian border officials did not want to accept them until they promised to go directly to Kosovo. According to Mr Beriša, they

hired a private car to drive them to the Kosovo border where they were met by family and brought to Kosovo.

Mr Beriša and Ms Haljiti, whose mother tongue is Albanian, were regarded by ethnic Albanians as having collaborated with the Yugoslav regime, a stigma which Roma, Egyptians, Ashkaelia, and other persons regarded as “Gypsies” in Kosovo, have had to bear. Mr Beriša was an activist for the Egypt-

tian community of Kosovo, and, since 1994, he was a member of the Egyptian Association of Kosovo. In April 1999, they left their hometown of Obilić for the nearby village of Magzit, due to threats received from their Albanian neighbours who promised to kill them if they did not leave the village within 24 hours. Shortly thereafter, they were forcibly evicted by Serbian troops together with all local ethnic Albanians. Following the end of the NATO action in Yugoslavia in June 1999, they fled to Macedonia, where they arrived on September 20, 1999, and they were granted humanitarian status.

In 2001, Mr Beriša and Ms Haljiti voluntarily returned to Kosovo. Mr Beriša worked with KFOR military units in Kosovo, where he reported he faced serious discrimination and was finally fired by his ethnic Albanian superior. Moreover, he continued to receive threats. Finally, on May 20, 2002, ethnic Albanians seriously and violently assaulted Mr Beriša on the road between Lipljan and Ferizaj. On June 1, 2002, after continuing threats from civilians, Mr Beriša and Ms Haljiti fled Kosovo for a second time and joined other members of their family, who were then living in Macedonia. On June 19, 2002, they applied for asylum with the Section for Aliens and Immigration Issues of the Macedonian Ministry of Interior. Their application was rejected repeatedly by Macedonian courts – and ultimately by the Macedonian Supreme Court – and on May 29, 2003, they were notified that they must leave Macedonia within 30 days or face forcible expulsion. At the end of July, the *Republican Organisation for Protection of Roma Rights (ROZPR)* submitted a new asylum application on be-

half of Mr Beriša and Ms Haljiti. A few days later, according to Mr Beriša, “Mr Blagaje Stojkovski, a representative of the Macedonian Section for Aliens and Immigration, called me and said that I am wasting my time and my application will be rejected the second time also.”

On September 19, 2003, the *ERRC* sent a letter of concern to Macedonia’s Prime Minister Branko Crvenkovski, expressing grave concern over the expulsion of Mr Beriša and Ms Haljiti from Macedonia to Kosovo. Macedonia recently amended legislation in order to provide for the clear possibility for asylum status, in accordance with Macedonia’s obligations under the 1951 Convention Relating to the Status of Refugees. In the run-up to the adoption of the Law on Asylum, Macedonian authorities repeatedly told the several thousands of Romani, Ashkaelia and Egyptian refugees in Macedonia that they should apply for asylum, so that their claims can be examined on an individual basis. The case of Mr Beriša and Ms Haljiti – and their expulsion to Kosovo – raises very serious doubts about the ability of the Macedonian legal system to hear and decide fairly in asylum cases where Roma, Ashkaelia and/or Egyptian persons are at issue, or in practice to protect Roma, Ashkaelia and Egyptians from the very serious violation of refoulement – expulsion to face persecution in one’s country of origin.

Upon arrival in Kosovo, Mr Beriša and Ms Haljiti stayed with her family for two weeks in Lipljan. Mr Beriša stated, “We were very afraid and we didn’t go out of the house. On Saturday, September 20, two unknown men came to the house and asked my father-in-law

if I was there. My father-in-law told them I was not there, but the men became very angry and started shouting, threatening that if he didn’t tell the truth he would have problems with them. My friend from Skopje, Frederika Sumelius, witnessed the incident and she told the UNCHR in Skopje. UNHCR in Priština and UNMIK were also informed about the incident. Representatives of the UNHCR and UNMIK in Priština visited me but said they could not do anything to help. My request to be moved in a safe place was rejected. The following week, stones were thrown at our house on two separate evenings in an attempt to get us out. The attacks lasted around 15 minutes but nobody went out because we were afraid. After these incidents, my father-in-law asked us to leave the house because we were endangering the whole family.” On September 30, 2003, Mr Beriša and Ms Haljiti fled Kosovo for a third time. They arrived in Hungary on October 1, 2003, where they applied for, and on December 17, 2003, were granted, asylum.

The expulsion of the Mr Beriša and Ms Haljiti from Macedonia is in contravention of Article 3 of the European Convention on Human Rights, as the effect of this expulsion would be exposing them to violence and the failure to protect them from violence, as well as a pervasive lack of adequate housing, medical care and employment opportunities, along with abject poverty and severe discrimination. On November 27, 2003, the *ERRC* brought legal action against the Macedonian government before the European Court of Human Rights for having illegally expelled Mr Beriša and Ms Haljiti. (*ERRC*)

## ROMANIA

### ◆ **European Court of Human Rights Will Review Cases of Romani Victims of Mob Violence**

On June 3, 2003, the European Court of Human Rights (ECHR) in Strasbourg agreed to review the complaints of Romani victims of 1993 mob violence in Hădăreni, north-central Romania (further information on this case is available at: [http://errc.org/publications/letters/2003/romania\\_jul\\_4\\_2003.shtml](http://errc.org/publications/letters/2003/romania_jul_4_2003.shtml) and <http://www.errc.org/publications/indices/romania.shtml>). Nearly 10 years after three Romani men were killed and the houses of 14 Romani families were destroyed, the court found that the claims of 24 of the victims raised serious legal issues under the European Convention on the Protection of Human Rights and Fundamental Freedoms. The *ERRC* is providing legal representation to the victims. The ECHR will review the applicants' claims under the Convention's Article 3 (freedom from torture or inhuman or degrading treatment) and Article 8 (respect for private and family life) arising from the inhuman conditions in which they were forced to live following the destruction of their homes, as well as Article 6 (right to a fair trial) based on the delayed civil proceedings against the civilian defendants and the inability to pursue civil claims against the police because of the refusal by Romanian authorities to prosecute them. Additionally, the ECHR will consider the applicants' complaint that they were subjected to discrimination by judicial bodies and officials in con-

nection with the above claims because of their Romani ethnicity. (*ERRC*)

### ◆ **Roma Killed in Romania**

According to a press release of the Petroșani-based Romani organisation *Asociatia "Tumende" Valea Jiului (Tumende)*, on November 14, 2003, Ms Olga David, a 42-year-old Romani woman, died in the Petroșani Emergency Hospital after a guard from the security company S.C. Protector International SRL savagely beat her on November 3, 2003, in the west central Romanian village Valea Jiului. At around 5:00 PM, Ms David and her 12-year-old niece, T.R., were gathering coal for heating at a local mine when they were caught by security personnel guarding the mine. On December 2, 2003, the Bucharest-based Romani organisation *Romani CRISS* published testimonial evidence it gathered on November 22 and 23. According to the testimony of T.R., as she and Ms David were leaving the mine, a security guard and two other men approached them and asked what they were doing there. The security guard proceeded to put a black mask over his head then hit T.R. hard in the face, causing her to fall down. T.R. reported that she got up to run away and the security guard approached Ms David. T.R. stopped when she heard Ms David scream and turned and saw her lying on the ground and the security guard hitting her on the head with a truncheon. At the point, T.R. yelled at the security guard to stop hitting Ms David, and he ordered her

to return so he could hit her again. T.R. ran to a mine employee and asked him to intervene, to which he replied he would not get involved. Then she left to inform Ms David's husband of the attack.

Ms David's husband, Mr C. David, went directly to the mine with T.R. to find his wife. A security guard led them to where Ms David was lying unconscious on the ground. According to Mr David's testimony, he saw his wife lying on the ground with one arm under her body with her clothing pulled up, revealing her stomach, and ran to her, screaming, "You killed my wife!" Mr David and T.R. brought Ms David into the guard's booth and saw that she had bruises on her back, a swollen eye and bruises on her chin. T.R. called an ambulance, which brought Ms David to the hospital. According to Mr David, that night, doctor's performed brain surgery on his wife after which she was in a coma until she died.

According to *Romani CRISS*, on November 25, 2003, the Petroșani local daily newspaper *Matinal* published statements issued by S.C. Protector International SRL. According to the daily, Mr N.G., Director of the Petroșani branch of S.C. Protector International SRL, stated, "Based on security plans approved by the County Police Inspectorate [...] no person has the right to be on the location without permission. Moreover, no person has the right to trespass on the grounds, under any circumstances. This is exactly what happened: A person trespassed on the grounds of the coal mine; the security guard, be-

ing lone in the presence of a number of ‘delinquents’, reacted out of fear and hit powerfully with a truncheon. [...] The firm has no fault, at least in my opinion.”

On November 28, 2003, a roundtable discussion organised by *Tumende* and the Roma Social Democratic Party was attended by representatives of *Romani CRISS*, Petroșani’s Mayor’s Office, local gendarmes, Hunedoara County Police Inspectorate, Petroșani local police and S.C. Protector International SRL. The topic of the roundtable was the death of Ms David, as well as regular abuses committed against the local Romani community by S.C. Protector International SRL. According to *Tumende*, S.C. Protector International SRL security guards often arbitrarily search the homes of local Roma late in the evening or early in the morning, behaving violently or threatening violence. *Tumende* maintains that local non-Roma also take coal from the mine for heating, but they are not subjected to such illegal and abusive treatment. Within one week of Ms David’s death, the case was with the General Prosecutor’s Office in Bucharest.

In an earlier case, according to the electronic news source *Roma News* of July 14, 2003, Mr Costica Talaban was accused of fatally shooting Mr Ion Condei, a 26-year-old Romani man, at around 1:00 AM on July 13, 2003, in the village of Bălăneasa in Bacău County. *Roma News* quoted Police Chief Florin Butucaru as stating that Mr Talaban had caught Mr Condei stealing hay from his property and shot him. According to Police Chief Butucaru, Mr Talaban allegedly warned Mr Condei to stop but, when he ran,

Mr Talaban fatally shot him in the head. The Bacău-based Romani organisation *RomStar Bacău* informed the *ERRC* that, according to witness testimonies it had gathered, Mr Condei had been in a local pub with a Romanian man named Mr Vasile Munteanu earlier that evening until they took a horse to graze in a field. Ms Nadia Dinu, Mr Condei’s 26-year-old Romani girlfriend, testified that she believed Mr Talaban had beaten Mr Condei before he shot him in the neck. According to Ms Dinu, Mr Condei’s medical certificate listed broken ribs, a fractured skull and a collapsed lung, in addition to the gunshot wound in the neck, amongst his injuries. Mr Busuioc Gheorghe, a 58-year-old Romani man, testified that Mr Talaban had been terrorising the local Romani community for years. (*Roma News*, *Romani CRISS*, *RomStar Bacău*, *Tumende*)

#### ◆ Abusive Behaviour against Roma by Romanian Officials

A number of cases of physical violence by Romanian police against Roma have occurred recently in Romania. The most recent case occurred on August 19, 2003, when police beat Mr Constantin Pandeale, Ms Elena Pandeale, Mr Cristinel Pandeale and Mr Ionel Pandeale in the town of Târgu Frumos in Iași County, northeastern Romania. According to their testimony, given to the *ERRC* on September 10, 2003, the Pandeale family had begun to build a store on an area they lease in the local market after their contract was renewed for 25 years on July 14, 2003. Following an auction in August 2003, municipal authorities reportedly leased the same area

to another person and ordered the Pandeale family to vacate the premises, which they refused to do. On the day in question, Mr Tătaru Gheorghe, the mayor of Târgu Frumos, asked the police to evict them.

Târgu Frumos Police Chief Josanu reportedly arrived at the scene and, when the Pandeale family refused to leave, called for back up. Members of the Police Department for Rapid Intervention (DPIR) and Pro Expert, a private security company, arrived shortly thereafter and began to beat the members of the Pandeale family. Mr Constantin Pandeale, Ms Elena Pandeale, Mr Cristinel Pandeale and Mr Ionel Pandeale were then taken to the Târgu Frumos Police Station where, after being physically abused and threatened again, they were released. On August 19, 2003, police fined all four family members for disturbing public order.

On September 10, 2003, the *ERRC* took over legal representation of Mr Constantin Pandeale, Ms Elena Pandeale, Mr Cristinel Pandeale and Mr Ionel Pandeale, in co-operation with Ms Roxana Prisăcariu, a local attorney. On September 15, 2003, a complaint was filed on behalf of the victims with the Iași Appeals Court Prosecutors Office and the Iași Police Inspectorate against the police officers and the security guards, charging abusive behavior and violence. On the same date, another complaint was filed with the National Council for Combating Discrimination. On October 9, 2003, the Iași Appeals Court Prosecutor’s Office issued a non-indictment decision. On October 19, 2003, the local court of Târgu Frumos dismissed the fines of



Constantin and Elena Pandele and issued a warning to Ionel, but Cristinel's fine remained valid in the amount of 5,000,000 Romanian lei (approximately 125 Euro). On November 25, 2003, the *ERRC* with Ms Prisacariu appealed the decision on behalf of the victims. The Iași Police Inspectorate fined Mr Costinel Avădăni and Mr Armand Marian Popescu of Pro Expert 1,000,000 Romanian lei (approximately 25 Euro) each for "a defective intervention to stop the illegal activities of some Roma persons." Finally, an administrative complaint has been filed against the mayor's decision to cancel the Pandele family's lease contract. This was to be heard on December 18, 2003.

Earlier, in another case, on June 13, 2003, in the locality of Agrij in Sălaj County, police physically abused four Romani family members, according to a report by *Romani CRISS* of June 25, 2003. According to Mr V.L.'s testimony to *Romani CRISS*, at around 2:00 PM, he was informed by a friend that approximately nine police officers and masked men had taken his children from his house to the police station. Mr V.L. went to the Agrij Police Station, where he met Officer Tap Nicolae. According to Mr V.L., when he asked Officer Nicolae what happened to his family, Officer Nicolae replied, "They are murderers". While talking with Officer Nicolae, Mr V.L. testified that he could hear his sons screaming from an office in the station, but Officer Nicolae stood in the doorway to the office to block his entrance. Mr V.L. claimed that when he attempted to push past Officer Nicolae, four masked persons jumped on him, handcuffed him and hit him until

he fell to the ground. The masked men then brought him into another office and continued to beat him until he lost consciousness, according to Mr V.L. Upon his departure from the police station, Mr V.L. sought medical treatment for his injuries. According to a medical certificate dated June 17, 2003, Mr V.L. sustained traumatic injuries that could be produced by hitting with a hard object and/or falling. Mr V.L. required approximately 10 days of medical treatment for his injuries. On December 4, 2003, *Romani CRISS* informed the *ERRC* that it had taken over legal representation in the case and had filed a complaint with the Military Prosecutor's Office.

In another incident, according to *Romani CRISS* newsletters dated August 14 and June 24, 2003, on the night of June 1, 2003, a Romani man was abused by a police officer at a police station in the city of Tulcea in eastern Romania. At around 2:00 AM, Mr M.D., a Romani man, awoke to a disturbance outside his apartment building. Mr M.D. reportedly saw a number of his neighbours standing outside, as Police Inspector Branza cursed at a Romani man while waving a baseball bat at him. According to Mr M.D.'s testimony given to *Romani CRISS*, he yelled at Police Inspector Branza, "What are you doing, Mister? Why do you disturb us at this hour?", then went into the bathroom. Meanwhile, Police Inspector Branza called for backup and three police cars arrived at the apartment building, according to *Romani CRISS*.

According to Mr M.D., a number of police officers forcefully entered his apartment and

found him in the bathroom. Mr M.D. was forced out of the building and into a police car, which took him to the police station. At the police station, Mr M.D. testified, Police Inspector Branza brought him into an office and hit him repeatedly on his face and head with his fist and also kneed him in his testicles. Mr M.D. stated that, as he was bleeding profusely from his nose and mouth, Police Inspector Branza instructed a gendarme clean his face, but reportedly stated that if Mr M.D. spit blood one more time, the gendarme should hit his face with a gun. At around 3:30 AM, Mr M.D. was hospitalised in the surgery section of Tulcea County Hospital for medical treatment. According to a medical certificate issued by the Coroner's Office of Tulcea, Mr M.D. was admitted to the hospital with "facial trauma with injuries at both eyelids, of both eyes with sub-conjunctive haemorrhage, not associated with skull bone injuries and/or neurology disturbances." The probable cause of the injuries, as stated in the medical certificate, was reportedly being hit with a hard object. Mr M.D. required three to four days of medical care as a result of his injuries.

In a meeting with *Romani CRISS*, Mr Antonache Ion, Tulcea Chief of Police, stated that the Tulcea Municipal Police received a letter from the Ministry of Administration and Internal Affairs asking for official information on the June 1 incident. As of August 14, 2003, a police investigation was underway. If found guilty, Police Inspector Branza will appear before a Disciplinary Commission. On July 24, 2003, *Romani CRISS* took over legal representation of Mr M.D. A complaint

was filed with the Military Prosecutor's Office. The Military Court decided not to pursue action against Police Inspector Branza, because the court found he was not on duty at the time of the crime. *Romani CRISS* maintains that Police Inspector Branza was on-duty at the time of the attack. The Military Court forwarded the case to the Tulcea County Court to investigate Police Inspector Branza in accordance with Article 180(2) of the Romanian Criminal Code for causing bodily harm. As of December 4, 2003, *Romani CRISS* informed the *ERRC* that the case was pending with the Tulcea County Court. (*Information of the Day, Inforrom, Newspaper of Roman, Romani CRISS*)

#### ◆ Roma Forcibly Evicted by Romanian Officials

Several Romani families were evicted, and their homes were destroyed, on May 21, 2003, from Lake Văcărești in Bucharest's Fourth District, according to a May 22, 2003 report by electronic news source *Inforrom*. The families had reportedly been living there illegally for several years. Two inspectors from the Fourth District Mayor's Office, Ms Marian Goleac and Mr Liviu Costică, accompanied by police, public guardians and journalists, led the demolition of the homes. Two of the houses were made of brick, and two others were improvised tents constructed with wire fencing. According to *Inforrom*, after the homes were demolished, the inspectors brought the evicted Roma to the city limits and told them to return to Bolintin, where the majority of the Roma are registered. According to *Inforrom*,

one of the families was living in the home with permission of the owner. Authorities reportedly stated they would clarify the status of the displaced people.

Forced evictions violate Article 11(1) of the International Covenant on Economic, Social and Cultural Rights, which guarantees all people the right to adequate housing. The Committee on Economic, Social and Cultural Rights (CESCR) found, in its General Comment 4, that "Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats" and that "instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances [...]." As a result of concerns related to the ability of Roma to effectively realise the right to adequate housing in a number of countries including Romania, on December 10, 2003, the *ERRC* presented comments concerning the housing rights of Roma in Bulgaria, Greece, Hungary, Italy, Romania and Turkey to the European Committee of Social Rights, timed for that body's comprehensive review of states, compliance with Article 16 of the European Social Charter and Revised European Social Charter, providing for the right to social protection, including housing. (*ERRC, Inforrom*)

#### ◆ Romani Children Denied Personal Identification Documents in Romania

On May 26, 2003, the electronic news source *Inforrom* reported

that the Mehedinț County Population Registry refused to issue passports to a number of Romani children. Mr Ion Stanomire, Chief of the service, was quoted as having stated that Romani children are taken to foreign countries to beg, so he will ask for proof that the families of Romani children have sufficient finances to support themselves before issuing passports. Mr Stanomire further stated, "When we see a mother wanting to leave the country with a 3-year-old, we don't think she is a tourist. From what they tell us, they can make up to 50 Euro per day begging. This is money earned without work, as *they* like." Mr Stanomire further said, "We want to create a favourable image for our country and we cannot avoid taking some measures", according to *Inforrom*.

The refusal to issue passports to Romani children imposes an arbitrary restriction on the freedom of movement protected under international law. The International Covenant on Civil and Political Rights, which Romania ratified in 1976, states unequivocally, in Article 12(2), "Everyone shall be free to leave any country, including his own." Article 12(3) goes further to say, "The above-mentioned rights shall not be subject to any restrictions except those which are provided by law [...]." In addition to the apparently baldly discriminatory targeting of Roma for denial of documents, the refusal to issue passports to Romani children was apparently in direct contravention of Romanian law. According to Government Ordinance 65/1997 regarding passport regulations in Romania, as approved by Law No. 216/1998 and amended by Government Ordinance 84/2003, Article 14(1)

states, “Romanian citizens can be temporarily denied passports on the basis of: a. persons under investigation for a criminal act with a punishment longer than two years imprisonment at the request of the police and for no longer than seven days; b. persons under investigation for a criminal act where the prosecutor has stipulated that said person cannot leave the country; c. persons sentenced to imprisonment; d. persons with debt larger than 25 million Romanian lei if the creditors so request; e. [...] persons found guilty of begging while abroad, or if the person committed crimes against national security, public order, protection of health or ethnicity, the fundamental rights and freedoms of another person, or crimes which were established by a court decision or are currently under criminal investigation. The same

measure can be taken against Romanian citizens returned from States with which Romania has readmission agreements and against Romanian citizens returned from States with whom there is no readmission agreement but where the person exceeded the time allowance in the country.” (*ERRC, Inforrom*)

#### ◆ **Roma Prohibited from Entering Public Accommodation in Romania**

According to the August 14, 2003 newsletter of the Bucharest-based Romani organisation *Romani CRISS*, at around 10:00 PM on June 7, 2003, two Romani youths were denied access to a discotheque in the town of Ștefănești in Botoșani County, northeastern Romania. As reported in the

newsletter, one of the victims testified that when he and his friend attempted to enter the discotheque, two men selling tickets stopped them at the entrance. The men reportedly told the Roma that they were only allowed to enter if a waitress named “Donita” agreed. Soon thereafter, according to the victims’ testimony, “Donita” appeared at the entrance and yelled at the men, “I told you not to let any Gypsy into the disco”, turned to the Roma and yelled, “Gypsy, get out! There will be no Gypsy in my disco. Can’t you read? It’s a private club!” On December 4, 2003, one of the victims, Mr B.F., informed the *ERRC* that he and his friend had not filed a complaint with the National Council for Combating Discrimination because they were afraid of repercussions. (*ERRC, Romani CRISS*)

## **RUSSIA**

#### ◆ **Skinheads Kill a Romani Child and Injure Others During Attacks in Russia**

On the afternoon of October 5, 2003, three racist hooligans attacked Mr Alexander Klein, a Romani activist from the northwestern Russian city of Pskov, near a market, according to the St Petersburg-based non-governmental organisation *Memorial*. As reported by *Memorial*, The attackers insulted Mr Klein, calling him “black ass”, then beat him, breaking on of his fingers and causing abrasions and bruising all over his body. The attack was reportedly stopped by a plainclothed police officer who refused to take the attackers into custody but offered to take Mr Klein home. Soon there-

after, Mr Klein went to a local hospital for medical treatment but was refused because the doctor was reportedly in a “bad mood” and did not want to assist him. After Mr Klein returned home, a group of men visited his home and threatened him with violence should he file a complaint with the police. Mr Klein therefore did not pursue the case with the police out of fear, according to *Memorial*.

Earlier, during a September 21, 2003, skinhead attack on a Romani camp in St Petersburg, a 6-year-old Romani/Gypsy girl from Tajikistan was killed and a 5-year-old and an 18-month-old were seriously injured, according to the St Petersburg daily newspaper *The St Petersburg Times* of September

30, 2003. Police spokesperson Mr Mark Nazarov was quoted in the daily as having stated that the skinheads, armed with an axe, a knife and a metal rod, ambushed two women and the children in front of a nearby store. The attack was reportedly part of ongoing terror by the skinheads of about 45 Roma/Gypsies from Tajikistan settled next to the Dachnoye railway station. The skinheads reportedly demanded money or departure from the Roma/Gypsies. On November 9, 2003, *Memorial* informed the *ERRC* that police were investigating several individuals on suspicion of murder and racial hatred, in accordance with Articles 105(1) and 282 of the Russian Criminal Code, respectively. Mr Nazarov also reported police had

detained the Roma/Gypsy camp residents after the attack.

Some were reportedly sent via train to Arkhangelsk on September 28, 2003, according to the daily. *Memorial* estimated the number of Roma expelled from the city during the action to be approximately 50. At the end of October 2003, a number of Russian human rights organisation, including *Memorial*, sent a letter to Mayor Valentina Matvienko of St Petersburg, expressing concern about the incident and racist attacks against foreigners generally, as well as the failure of police to investigate such crimes, and called on the Mayor Matvienko to take all actions possible. As of

November 9, there had been no response to the letter. On December 17, 2003, *Memorial* informed the *ERRC* that several skinheads had been charged in connection with the incident.

Earlier, on July 26, 2003, the *International Romani Union (IRU)* reported that on July 11, 2003, a cemetery in the city of Volgograd in southwestern Russia was desecrated, as reported by the Volgograd-based daily newspaper *Oblastnye Vesti*. A number of Romani graves were destroyed in the process. The daily reported that local police suspect a group of skinheads to have perpetrated the act. According to *IRU*, Mr Yakov

Yegorov, a Romani man from Volgograd, reported the incident to the local police. The police reportedly informed Mr Yegorov that, even if the perpetrators were to be arrested, they would likely be charged with only vandalism. This implies that the racial motivation behind the criminal act will not be taken into consideration in front of a possible future court hearing. Information on the situation of Roma/Gypsies in Russia is available on the *ERRC*'s Internet website at: <http://errc.org/publications/indices/russia.shtml>. (*ERRC, International Romani Union, Memorial, Oblastnye Vesti, The St Petersburg Times*)

## SERBIA AND MONTENEGRO

### ◆ Longstanding Romani Residents Threatened with Eviction in Serbia and Montenegro

According to *ERRC* field research, conducted in partnership with the *Minority Rights Center (MRC)*, Romani residents of the Grmeč settlement in the Municipality of Zemun were informed by municipal authorities that they would be evicted from their 34 homes on August 19, 2003, and that their homes would be demolished at a later date. The affected Roma, most of whom live in solid houses and pay for utilities, reported that they had not been offered alternative accommodation, though they had requested it. Mr Vladan Janicijević, president of the Municipality of Zemun, was quoted by Belgrade-based radio station *B92* on August 17, 2003, as having stated that some of the Roma whose homes are to be destroyed

have lived in the settlement for more than 20 years. *ERRC/MRC* research found that some residents have lived in the Grmeč settlement for as many as thirty years. Residents of the Grmeč settlement told the *ERRC/MRC* that, earlier, they had entered lease contracts for their homes with the lessor of the property. Municipal officials now claim that these contracts are invalid, as the person who leased the property to the group did not have the authority to sublet the property and, in any case, the land on which the settlement is located is now zoned only for industrial purposes.

On August 15, 2003, approximately 100 Roma protested against their ensuing forcible eviction in front of Belgrade's Federation Palace; on August 16 and 17, several dozen Roma continued to protest. According to *B92* of August 18, 2003, Belgrade Deputy Mayor

Ljubomir Andjelković stated that the Roma were protesting the demolition of houses built without legal permission. When asked to comment on the group's request for alternative accommodation, Deputy Mayor Andjelković was quoted as having said, "When people embark upon illegal building construction, they run a high risk of some consequences. One of the consequences is the removal of such buildings. They have no right to request compensation for something that legally does not exist. They have no right to put demands before the city and the republic [...]."

*B92* also reported that Minorities Minister Rasim Ljajić agreed to delay demolition of the Romani homes by at least a week on August 18, 2003. However, Romani residents informed the *ERRC/MRC*, on August 19, 2003, a man dressed in police uniform entered

the settlement and said, "I'm going to kill all you Gypsies directly."

*B92* reported on August 20, 2003, that, in 1995, the Roma from Grmeč applied to legalise their houses, but never received a reply. According to *ERRC/MRC* research, several other non-Romani communities also live in settlements on land zoned for industrial use, but they have not been threatened with eviction. *B92* quoted Mr Severdžan Alijević, a representative of the Roma Congress Party, who stated that a representative of the Directorate for City Land informed the Romani inhabitants that the local government had sold the land on which their settlement is located to foreign investors. On August 20, 2003, Minorities Minister Ljajić visited the settlement and confirmed that the settlement would not be demolished until the case had been investigated in detail, according to *B92* of August 21, 2003. During a visit on August 22, 2003, representatives of the municipal office in Zemun were unable to explicitly state to the *ERRC/MRC* who held legal title to the land on which the Grmeč settlement is located, and they did not give an exact date for the pending eviction. As of December 15, 2003, the eviction had not yet taken place and the future remained uncertain for the Romani residents.

Earlier, on July 29, 2003, the six-member Romani family of Mr Tahir Demirović was evicted from the apartment they had occupied since 1992, according to a press release of the Belgrade-based non-governmental organisation *Humanitarian Law Center (HLC)*, dated September 12, 2003. The eviction rendered the family, with children ranging in age from two-months to 13-years-old, homeless. The Demirović family had reportedly illegally occupied

rooms in an apartment building owned by Belgrade's Stari Grad municipality since 1992. According to the *HLC*, the municipality waived its property rights after finding the rooms inadequate and handed responsibility over to the building's Residents' Committee. At this time, the Committee sought the Demirović's eviction. On August 6, 2003, the Stari Grad Social Welfare Center informed the municipality of the family's situation, recommending that alternative accommodation be provided. On September 12, 2003, the *HLC* appealed to the Belgrade City and Stari Grad municipal authorities to secure housing for the family. On December 15, 2003, the *HLC* informed the *ERRC* that local authorities had provided the Demirović family with a 27-square-metre flat and some money to fix it up. A joint *ERRC/United Nations High Commissioner for Human Rights* memorandum on Roma rights in Serbia and Montenegro, focussing in particular on housing rights issues, is available on the Internet at: [http://www.errc.org/publications/indices/serbia\\_and\\_montenegro.shtml](http://www.errc.org/publications/indices/serbia_and_montenegro.shtml). (*B92, ERRC, MRC*)

#### ◆ Romani Inmate Ill-Treated in Serbia and Montenegro

According to a June 18, 2003 press release of the Belgrade-based non-governmental organisation *Humanitarian Law Center (HLC)*, a Romani inmate of the Novi Sad District Prison complained, in a written statement to the *HLC*, that he was frequently subjected to verbal abuse by prison guards because of his ethnicity. The inmate wrote, "Right after my arrival in prison, the commander told me: 'Now I'm going to fuck your Muslim Gypsy

mother', then slapped me," the *HLC* reported. In a letter dated April 11, 2003, the *HLC* requested approval from the Serbian Ministry of Justice to perform inspection visits to detainees and convicts in the Republic of Serbia. On December 15, 2003, the *HLC* informed the *ERRC* that, with the exception of verbal assurances immediately after it initially sent its request, it had not received a response. (*HLC*)

#### ◆ Legal Action in Roma Rights Cases in Serbia and Montenegro

At the end of October 2003, the District Court of Šabac in western Serbia upheld the decision of the Šabac Municipal Court, ordering the company *Jugen TTT*, owner of the Krsmanovac Sports and Recreation Centre, to publish a public apology in the daily newspaper *Politika*. On July 8, 2000, three young Roma – Merihana Rustenov, Jordan Vasić and Zoran Vasić – were denied access to the centre's swimming pool on the basis of their ethnicity (background information on the case is available at [http://errc.org/rr\\_nr3-4\\_2002/snap45.shtml](http://errc.org/rr_nr3-4_2002/snap45.shtml) and [http://www.errc.org/rr\\_nr3\\_2000/snap25.shtml](http://www.errc.org/rr_nr3_2000/snap25.shtml)). The Belgrade-based non-governmental organisation *Humanitarian Law Center (HLC)*, in co-operation with the *ERRC*, provided legal assistance in the case.

Earlier, on October 13, 2003, the *ERRC*, its local partner in monitoring Roma rights abuse, *Minority Rights Center (MRC)*, and the *HLC* filed a criminal complaint against Mr Kosta Brzak, Mr Slobodan Pantelić and an unknown person, following an assault on three Romani men at the Novi Sad flea market in north-

ern Serbia on August 31, 2003. According to the victims' testimony to the *ERRC/MRC*, Mr Brzak and Mr Pantelić attacked Messrs Seljatim, Ljumni and Besim Kolovati, knocking Seljatim unconscious and hitting Ljumni and Besim. At this point, other Romani vendors began to collect their goods and leave the market, and between 20 and 30 men picked up spades and chased the Romani vendors, trying to hit them as they ran. Mr Seljatim Kolovati was taken to the local hospital for treatment, and Besim and Ljumni also sustained injuries. Police filed only misdemeanour charges against Mr Brzak and Mr Pantelić.

On October 10, 2003, the *ERRC*, the *MRC* and the *HLC* filed a crimi-

nal complaint against unknown security guards of Belgrade's *Acapulco Club* after Mr Petar and Ms Ljutvija Antić and Ms Zorica Stojković were denied entrance to the club on the basis of their Romani ethnicity. A civil action, for monetary compensation, an apology and an end to the discriminatory practices of the restaurant, was also filed against the owner of the *Acapulco Club*. Mr and Ms Antić reported they had been denied, on several occasions, entrance to the restaurant. On July 25, 2003, the *HLC* and the *MRC* conducted a test, sending two teams of three persons, one Romani and one non-Romani, suitably dressed and behaved. The Romani team was asked for reservations, which they did not have,

and were denied access to the restaurant. The non-Romani team, which followed, was not asked for a reservation and was permitted to enter and seated.

Finally, on September 11, 2003, the *ERRC*, the *MRC* and the *HLC*, on behalf of Ms Mirsada Malićević, a 21-year-old Romani woman, filed a criminal complaint with the Leskovac District Prosecutor against unknown persons for incitement to ethnic, racial or religious hatred or intolerance and causing bodily harm. At around 9:00 PM on September 14, 2003, Ms Malićević was brutally beaten and offended on racial grounds by unknown perpetrators in front of a shop in Leskovac. (*ERRC, HLC, MRC*)

## **SLOVAKIA**

### **◆ Developments Related to the Coercive Sterilisation of Romani Women in Slovakia, Including Government Failure to Provide Redress to Victims**

On October 17, 2003, the Council of Europe's Commissioner for Human Rights published a "Recommendation of the Commissioner for Human Rights Concerning Certain Aspects of Law and Practice Relating to Sterilisation of Women in The Slovak Republic". In the Recommendations, the Commissioner concluded that: "on the basis of the information contained in the reports referred to above, and that obtained during the visit, it can reasonably be assumed that sterilisations have taken place, particularly in eastern Slovakia, without informed consent." The Commissioner also found that:

"The issue of sterilisations does not appear to concern exclusively one ethnic group of the Slovak population, nor does the question of their improper performance. It is likely that vulnerable individuals from various ethnic origins have, at some stage, been exposed to the risk of sterilisation without proper consent. However, for a number of factors, which are developed throughout this report, the Commissioner is convinced that the Roma population of eastern Slovakia has been at particular risk.

The initiative of the authorities to investigate into the sterilisation practices in the country is welcomed. The Slovak Government engaged in an open and constructive dialogue with the Commissioner concerning this difficult issue. It is also encouraging to note that the Government is con-

sidering ways of improving the country's health care system in general, including reproductive health care, and access to it for vulnerable persons, including Roma women in particular.

The Commissioner is concerned about what appears to be a widespread negative attitude towards the relatively high birth rate among the Roma as compared with other parts of the population. These concerns are often explained with worries of an increased proportion of the population living on social benefits. Such statements, particularly when pronounced by persons of authority, have the potential of further encouraging negative perceptions of the Roma among the non-Roma population. It cannot be excluded that these types of statements may have encouraged improper sterilisation practices of Roma women."

On the basis of a lengthy report, the Commissioner recommended the following:

- “1. The Commissioner recommends the rapid adoption of new legislation introducing and sufficiently specifying the requirement of free and informed consent for medical acts, including sterilisations, in line with the requirements of international law.
2. The Commissioner recommends the rapid adoption of specific regulations on the patient’s right to access his or her medical files, including rules on the delegation of that right.
3. The Commissioner recommends that adequate resources be allocated for measures aimed at improving the health care system, including gynaecological and obstetrical medical services and counselling, and that equal access to health care be ensured for everybody.
4. In the light of the specific circumstances set out in this report, the Commissioner recommends that the Government of the Slovak Republic accept clearly its objective responsibility for failing to ensure that no sterilisations were performed without free and informed consent, as required by international human rights instruments. The Government of the Slovak Republic ought, consequently, undertake to offer a speedy, fair, efficient and just redress.
5. To establish the modalities and criteria for the remedies to be offered to the victims, consideration should be given to the creation of an independent

commission. The redress should include compensation and an apology.

6. It should be up to each woman to decide whether she wishes to introduce, continue or, to the contrary, give up the individual claim she may have before the courts, in the light of any alternative resolution mechanism proposed by the Government.”

The full text of “Recommendation of the Commissioner for Human Rights Concerning Certain Aspects of Law and Practice Relating to Sterilisation of Women in the Slovak Republic” which was based on a visit to Slovakia and discussions with various stakeholders, including government officials and non-governmental organisations, is available at: [http://www.coe.int/T/E/Commissioner\\_H.R/Communication\\_Unit/Documents/CommDH\(2003\)12\\_E.asp#TopOfPage](http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/Documents/CommDH(2003)12_E.asp#TopOfPage). The Commissioner’s investigation was originally undertaken as a result of allegations throughout 2003 by the *ERRC* and other groups – most notably the *Center for Reproductive Rights* and the Kosice-based *Centre for Civil and Human Rights* – that coercive sterilisations of Romani women had been undertaken recently.

On October 29, the Slovak government issued a “Statement by the Government of the Slovak Republic to the Report on the Developments in Allegations of Forced Sterilisations of Roma Women in the Slovak Republic and on Steps and Measures Adopted”. This states, *inter alia*: “[...] a thorough investigation of some sterilisations of women, indeed, confirmed procedural short-

comings. (emphasis added). Therefore the Government has initiated a review of the relevant Slovak medical legislation with a view to its compliance with EU legislation and international obligations of the Slovak Republic. The Government is prepared to organise further training of health care, police, social sector and also public administration staff in order to deepen the humanisation of services provided by them.” The statement was issued appended to the “Resolution Of The Government Of The Slovak Republic No.1018 of 29 October 2003 Concerning The Report on Developments in Allegations of Forced Sterilizations of Roma Women in the Slovak Republic and on Steps And Measures Adopted”, which includes instructions to the Slovak Minister of the Interior, Minister of Health, Minister of Foreign Affairs, and the Plenipotentiary of the Government of the Slovak Republic for Roma Communities. Notably, the government has not, however, indicated that it is prepared to offer victims of coercive sterilisations redress. The Slovak Government has also failed to provide redress to Romani victims of coercive sterilisation in 2001 and 1992 – following previous official complaints about the practice.

On December 11, 2003, the *ERRC* sent a letter of the Slovak Government, noting *inter alia* that the recently concluded official criminal investigation into allegations of coercive sterilisations of Romani women in Slovakia was fundamentally flawed on grounds that: (i) it was conducted almost exclusively into the practices of one hospital; (ii) the investigators focused on the crime of genocide to the exclusion of other crimes related to violations

of the right to health care and bodily integrity/autonomy; (iii) the investigation failed to evaluate whether consent, when given, was indeed informed; (iv) human rights activists and possible victims were threatened with criminal charges for speaking out; (v) documented violations were ignored (e.g. even in situations where the Slovak Government expressly confirmed that sterilisations had indeed been performed without any consent, it regardless failed to proceed and provide the victims with redress); and, (vi) finally, the Slovak authorities did nothing in order to address the inherent conflict of interest that exists whenever a Government investigates the wrongdoing of its own agents. The *ERRC* letter (again) provided the Slovak Government with the relevant international standards on the issue and urged the Slovak Government to re-open the criminal investigation into all allegations of coerced sterilization of Romani women in Slovakia, to an internationally acceptable standard for a prompt, impartial and effective official investigation. The *ERRC* letter also urged the Slovak Government to instruct hospitals, by a government resolution or regulation, to allow patients, together with their authorised legal representatives, to have access to their medical files, in-line with international law, and encourages swift amendment of Slovakia's legal order, such that it is brought into line 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. (*ERRC, RFE/RL, SITA*)

#### ◆ Slovak Communications Provider Incites Hatred of Roma

During a meeting on August 29, 2003, in Košice, Slovakia, Mr Ivan Hriczko, a Romani activist and Executive Director of the non-governmental organisation *Slovak Roma Press Agency*, informed the *ERRC* that the mobile communications company *Orange Slovensko, a.s.* promotes anti-Romani sentiment among its mobile subscribers in Slovakia in the form of racist "jokes". Mr Hriczko had received two such "jokes" sent by electronic text message to his mobile telephone. The first such "joke" stated:

"What does a cow do? Moo. What does a dog do? Bark-bark. What does a Gypsy do? A Gypsy doesn't do anything."

The second such "joke" stated:

"Two ten-year-old Gypsy girls are talking to each other.

*Rozika*: Aranka, are you still a virgin?

*Aranka*: I still am Rozika.

*Rozika*: Why? Is your daddy impotent?

*ERRC* research subsequently revealed 90 similar forms of "humour" or hate speech were readily available on *Orange Slovensko, a.s.*'s Internet website to all people, not only *Orange* subscribers.

On September 2, 2003, the *ERRC* sent a letter to Mr Pavol Lančarič, Chief Executive Officer of *Orange Slovensko, a.s.*, carbon copied to Mr Daniel Lipšic, the Slovak Minister of Justice, and Mr Sol Trujillo, Chief Executive Officer of *Orange*. The *ERRC* expressed

its concern that a corporation with a publicly stated commitment to corporate social responsibility, such as *Orange Slovensko, a.s.*, would issue such blatantly racist statements both on its website and to its mobile subscribers in the form of text messages. The *ERRC* demanded that all anti-Romani statements immediately be removed from the website of *Orange Slovensko, a.s.* and forthwith not be circulated in any form, as well as that *Orange Slovensko, a.s.* issue a public apology to Slovak Roma. The *ERRC* also requested that the individual(s) within *Orange Slovensko, a.s.* responsible for the offensive messages be internally sanctioned and that *Orange Slovensko, a.s.* make a substantial donation to Slovak Romani organisations. On the same date, *Orange Slovensko, a.s.* removed racist "jokes" targeting Roma and homosexuals from its website. In a response dated September 11, 2003, *Orange Slovensko, a.s.* expressed its regret about the incident and welcomed Slovak Romani organisations to apply to its community support programme for financial donations.

In other news related to incitement to racial hatred and threats to human rights defenders in Slovakia, unknown perpetrators posted a list of "enemies of the white race" on a neo-Nazi website and encouraged skinheads to kill those named, according to the Slovak English-language newspaper *The Slovak Spectator (Spectator)* of August 18, 2003. Mr Ladislav Ďurkovič, head of the Bratislava-based non-governmental organisation *People Against Racism*, was quoted as having stated that the list includes the personal data of people who signed a petition to free Mr Mário Bango. Mr Bango, a 19-year-old Romani youth, is currently impris-



oned for the killing by stabbing of an ethnic Slovak named Mr Branislav Slamko on March 10, 2001. Mr Bango's defenders claim that Mr Slamko was a racist skinhead and that Mr Bango had acted in self-defence in the case (additional information on this case is available at: [http://www.errc.org/rr\\_nr1\\_2002/snap21.shtml](http://www.errc.org/rr_nr1_2002/snap21.shtml)). The website lists the names and addresses of nearly 30 people and advises, "On these [people on the list] you can practice [techniques of] pursuit, taking pictures, house surveillance, and, of course, attacks, e.g. one on one, two on one, five on one, night or day attacks, in town, on a bus, simply anywhere." The website also states, "All of these addresses and names have been checked. You can therefore be 100 percent sure that if you attack anyone listed here, you will kill a person who really deserves it. We are national socialists, and we have no reason to attack normal white people." The website, which was originally hosted on a Russian server, had been moved to [www.nsinfo.org](http://www.nsinfo.org) at the time of publication.

According to the *Spectator*, the Slovak Ministry of the Interior announced that Slovak police, along

with Interpol, were attempting to identify the individual or group behind the website, but refused to disclose more information for fear of endangering the investigation. (*ERRC, Slovak Spectator*)

#### ◆ Roma Forcibly Evicted in Slovakia

On July 20, 2003, private landlords used dogs when forcibly evicting approximately 40 Romani families and five non-Romani families residing in two buildings at 17 and 18 Mlynárska Street in the southern Slovak city of Košice, in the presence of the *ERRC*. Many of the evicted Roma moved in with family or acquaintances because they believed alternative accommodation provided by the landlord in the building known as "Kosmalt" was not fit for human habitation. One four-member family stayed at Kosmalt for approximately one month, then moved to the village Prakovce about 50 kilometres from Košice.

The Romani tenants had lived in the two buildings since 1986, under contract with various owners. In 1993, the Roma were forced to change their long-term rental con-

tracts to limited-term housing accommodation contracts. Since about April 2003, the co-owners of the building, *Cassovia Realitas Invest Ltd.* and *Temporia*, exerted pressure on the Romani tenants, in an apparent effort to force them to leave the buildings. *Cassovia Realitas Invest Ltd.* and *Temporia* reportedly threatened the tenants, and increased the fees payable for services such as water without a legitimate reason. The company also placed bars on the entrance to the buildings and informed the tenants that only those who signed new contracts were permitted to enter the building and their flats. In March 2003, the Romani tenants engaged the Bratislava-based *League of Human Rights Advocates (LHRA)* to deal with their case relating to their high fees and non-maintenance of the building. At the beginning of August 2003, the *ERRC* took over legal representation in the case, in co-operation with the *LHRA* and local lawyer Ms Adriana Krajníková. The local court in Košice has since ordered the landlords to allow the evicted tenants of 17 and 18 Mlynárska Street to return to their flats, pending the court's final decision. (*ERRC*)

## SLOVENIA

#### ◆ Slovene Authorities Threaten Mentally Disabled Romani Man with Eviction

On September 24, 2003, the Ljubljana-based non-governmental organisation *Slovene Helsinki Monitor (Helsinški Monitor Slovenije – HMS)* informed the *ERRC* that Mr Veselj Abazi, a 45-

year-old mentally disabled Romani man, was to be forcibly evicted from his flat on September 16, 2003. Mr Abazi was to be evicted due to reported rental debts to the Real Estate Fund of the Republic of Slovenia's Pension Institute. According to the *HMS*, Slovene authorities had made no offer of alternative accommodation to Mr Abazi, who

faced homelessness as a result of the eviction. The *HMS* reported that the threatened eviction was the second attempt this summer to evict Mr Abazi, but following an intervention of the *HMS* in July 2003, his eviction had been stayed. Since the first threat of eviction, Mr Abazi has reportedly paid his rental fees regularly in an attempt to settle

his debt. For additional information on the situation of Roma in Slovenia, visit the *ERRC* website at: <http://errc.org/publications/indices/slovenia.shtml>. (*HMS*)

#### ◆ European Commission on Racism and Intolerance Reviews Slovenia

On July 8, 2003, the Council of Europe's European Commission against Racism and Intolerance (ECRI) made public its second report on Slovenia under its country-by-country analysis of racism and intolerance in each of the member states of the Council of Europe. ECRI noted in its second report that Roma in Slovenia may be particularly vulnerable to problems of racism, intolerance and discrimination. ECRI further noted:

“35. In some areas, the living conditions of Roma give rise to

deep concern. Their settlements lack basic amenities such as running water, heating and sanitation. Unemployment is extremely widespread. This situation is due to several factors which include a general low level of education and a lack of awareness among Roma of their rights. Roma also suffer discrimination in many fields of life, such as housing, employment and health care. One reason for this is linked to the fact that many Roma come from other territories of the former Socialist Federal Republic of Yugoslavia (SFRY) and do not have Slovenian citizenship. They are therefore particularly affected by the problems faced by persons who did not manage to regularise their legal status in Slovenia. [...]

### SPAIN

#### ◆ European Commission on Racism and Intolerance Reviews Spain

On July 8, 2003, the European Commission against Racism and Intolerance (ECRI) made public its second report on Spain under its country-by-country analysis of racism and intolerance in each of the member states of the Council of Europe. ECRI noted in its second report that the situation of Roma/Gypsies in Spain is of particular concern. ECRI found that “a large segment of the Roma/Gypsy population in Spain is still in a situation of – in many cases serious – marginalisation and exclusion from mainstream society. Roma/Gypsies suffer from

societal prejudice and face disadvantage and discrimination in many areas of life, spanning from education to employment, housing and health. They are also sometimes victims of acts of violence.” ECRI further noted:

“44. The Spanish authorities have stated that education is one of the fields to which, over the last few decades, they have devoted priority attention and resources. Positive results have been achieved, particularly in increasing school enrolment. However, ECRI notes that, in spite of initiatives taken, school drop-out rates and absenteeism are still very high among Roma/Gypsy children and concern ap-

37. ECRI is concerned about stereotypes and prejudices towards Roma on the part of the general public, sometimes reflected in the media. It urges the Slovenian authorities to monitor the situation in this field and to encourage awareness-raising among the general public, so as to reduce prejudice against Roma.”

The full text of the ECRI report is available on the Internet at: [http://www.coe.int/T/E/human\\_rights/Ecri/1-ECRI/2-Country-by-country\\_approach/Slovenia/Slovenia\\_CBC\\_2en.asp#P191\\_32706](http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Slovenia/Slovenia_CBC_2en.asp#P191_32706). Further information on the situation of Roma in Slovenia can be found on the *ERRC*'s Internet website at: <http://www.errc.org/publications/indices/slovenia.shtml>. (*ERRC*)

proximately 70 percent of children over 14 and 90 percent of girls over 14. Difficulties have also been reported in Roma/Gypsy children's access to pre-school education. [...] The rate of adult illiteracy is still very high, and, although slowly increasing, the number of Roma/Gypsy university students is still extremely limited. ECRI considers that these areas should be addressed as a matter of priority by the Spanish authorities. [...] A further priority area to be tackled is the high concentration of Roma/Gypsy children in certain schools – this concerns State schools as very few Roma/Gypsy children attend State-funded (colegios

concertados) or privately-funded private schools.

“45. Lack of education and training impact negatively on employment opportunities for the members of the Roma/Gypsy communities. These opportunities are further reduced by widespread prejudice and by discrimination on the part of potential employers. There is research indicating that discrimination at point of recruitment and in the workplace is particularly severe vis-à-vis Roma/Gypsy women. ECRI notes that the National Action Plan for Social Inclusion (2001-2003) identifies Roma/Gypsies as a group deserving specific attention. [...] It [ECRI] emphasises, however, the urgent need to address the issue of labour discrimination, notably through research, awareness-raising initiatives and properly-implemented legislative measures.

“46. Although the housing situation of the members of the Roma/Gypsy population varies widely, a significant part of this population lives in substandard housing and the vast majority of the inhabitants of shanty-towns are in fact Roma/Gypsies. Many of these areas are located around or within big cities and are affected by problems related to extremely unhealthy conditions, drugs and violence. The Spanish authorities have taken initiatives to eliminate shanty towns – housing represents one of the most important areas of the Roma Development Programme. Such initiatives have included transitional housing schemes, whereby

tenants were offered temporary shelter until proper housing could be supplied. However, the effectiveness of many of these measures has been challenged, including in specific cases by the Ombudsman, and the concern has been expressed that, in some cases, these measures have perpetuated or even worsened situations of marginalisation. [...] ECRI furthermore notes that, although the number of complaints filed with the Ombudsman concerning Roma/Gypsies’ access to housing has decreased, the Ombudsman has, in the past, intervened in cases of forced evictions of Roma/Gypsy families from the places of their residence. ECRI strongly urges the Spanish authorities to devote attention to this problem. ECRI furthermore emphasises the role played by discrimination in excluding Roma/Gypsies in practice from the private housing sector and urges the Spanish authorities to address this problem, including through properly-implemented legislative measures.

“47. The health situation of the members of the Roma/Gypsy communities also reflects their generally disadvantaged situation. Such disadvantage is linked to several factors such as poverty and unhealthy living conditions, but also reflects the inability of the health system to cater for the specific needs of these communities and, in some cases, prejudice on the part of those providing the service. Although there are no statistics on the health situation of this segment of the Spanish population at the na-

tional level, information collected at the local level indicates that infant mortality rates are significantly higher within these communities and that health conditions and life expectancy are considerably lower than the average. ECRI strongly urges the Spanish authorities to evaluate the initiatives currently undertaken in the field of health and to increase their efforts to facilitate Roma/Gypsies’ access to health care.

“48. ECRI is also concerned at manifestations of racial violence, notably on the part of local communities, against the Roma/Gypsy population and urges the Spanish authorities to ensure a prompt and effective official response to any such actions.

“49. A matter of concern for the Roma/Gypsy communities in Spain is also the lack of a coherent legal and policy framework for the protection and the promotion of their culture, traditions and language, and the need for mechanisms to ensure meaningful participation of Roma/Gypsies in political and social structures. ECRI encourages the Spanish authorities to give serious consideration to these proposals.”

The full text of the report is available at: [http://www.coe.int/T/E/human\\_rights/Ecri/1-ECRI/2-Country-by-country\\_approach/Spain/Spain\\_CBC\\_2en.asp#TopOfPage](http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Spain/Spain_CBC_2en.asp#TopOfPage). Further information on the situation of Roma/Gypsies in Spain is available on the *ERRC*’s Internet website at: <http://www.errc.org/publications/indices/spain.shtml>. (*ERRC*)

## **UNITED KINGDOM**

### ◆ **UK Residents Burn Gypsy/Traveller Effigies in Fire**

A caravan with women and children painted on the side bearing the license plate "PIKEY" was burnt at a bonfire in the East Sussex village Firle, southern England, according to the *BBC* of October 28, 2003. "Pikey" is an extremely derogatory term for Travellers in Britain. Mr Richard Gravett, Chairman of the Firle Bonfire Society, which organised the event, was quoted by the *BBC* as having stated, "There was no racist slant towards anyone from the Travelling community. If anything, it's actually completely the other way." The image was reportedly chosen after the eviction of a group of Travellers from a nearby field. However, Mr Trevor Phillips, Chairman of the Commission for Racial Equality (CRE), stated, "This is clearly an example of incitement to racial hatred. You couldn't get more provocative than this [...] The idea that you can carry out an act like this, and then apologise and get away with it, is exactly what produces a culture that says racism and discrimination and victimisation of people, because of what they are, is OK," and called for the organisers of the bonfire to be prosecuted. Since then, the Firle Bonfire Society issued a public apology, stating, "Firle Bonfire Society wish to apologise unreservedly to anyone who has been caused any distress by what has happened", and cancelled its events for the rest of the year, according to the *BBC* of November 3 and 4, 2003. According to *The Guardian* of November 12, 2003, Sussex police had arrested six people on the charge of incitement to racial hatred. (*BBC*)

### ◆ **Travellers Forcibly Evicted in the UK**

According to the *BBC* of August 15, 2003, a group of Travellers were threatened with eviction from a car park in the town of Holywell, in North Wales. More than 30 caravans had reportedly been illegally parked on the site for several days in early August. The Flintshire County Council obtained a warrant for the repossession of the land and, on August 12, 2003, court bailiffs, accompanied by North Wales police, served an eviction order to the Travellers, according to the *BBC*, ordering the group to leave by August 15, 2003. The Travellers were given a stay of execution until August 16, 2003, following reassurances that they would leave, the *BBC* reported.

In other news, another group of Travellers were evicted from a sports ground in Northampton in central England, according to the *BBC* of August 13, 2003. The Northampton Borough Council told the *BBC* that it had given a "direction order" to the Travellers, requesting that they move from the land. Residents of the city of Southfields had reportedly planned a family event on the site on which the Travellers had set up the unauthorised camp. According to the *BBC*, the county recently received a government grant in the amount of 299,000 British pounds (approximately 431,000 Euro) to keep sites for Travellers open with good amenities in order to limit the number of illegal camps.

Related to the eviction of Travellers from the sites they occupy, on July 11, 2003, the *BBC* reported that the Kent County Council in southeastern England announced it

would set up a telephone hotline on which people can report unauthorised camps of Travellers. At the time of the *BBC* report, there were 218 pitches on the 17 Council-run sites in Kent County, although there are often no vacancies. Mr Peter Lake, a representative of the Kent County Council, was quoted as having stated, "The hotline is for people in Kent to report illegal encampments across the county and by reporting those encampments they can find out exactly what can be done and who is involved in the process." The hotline is also reportedly available to the Gypsy/Travellers in need of advice as to where they can set up a camp. The Brighton-based non-governmental organisation *Friends, Families and Travellers* reportedly wrote to the Council, asking for the withdrawal of the hotline plans, stating that it could amount to discrimination under the Race Relations Act. The *BBC* quoted Ms Emma Nuttal, a representative of *Friends, Families and Travellers*, who stated, "if people are encouraged to phone up, the moving of Travellers could be even more frequent." The lack of adequate halting sites for Travellers in the UK has been noted by a number of expert observers. (*BBC*)

### ◆ **Another Group of Czech Roma Expelled from the UK**

According to June 11, 2003 report by *Radio Free Europe/Radio Liberty (RFE/RL)*, on June 10, 2003, British authorities expelled 61 Czech citizens, the majority of whom were reportedly Romani, whose applications for asylum had been rejected. The unsuccessful

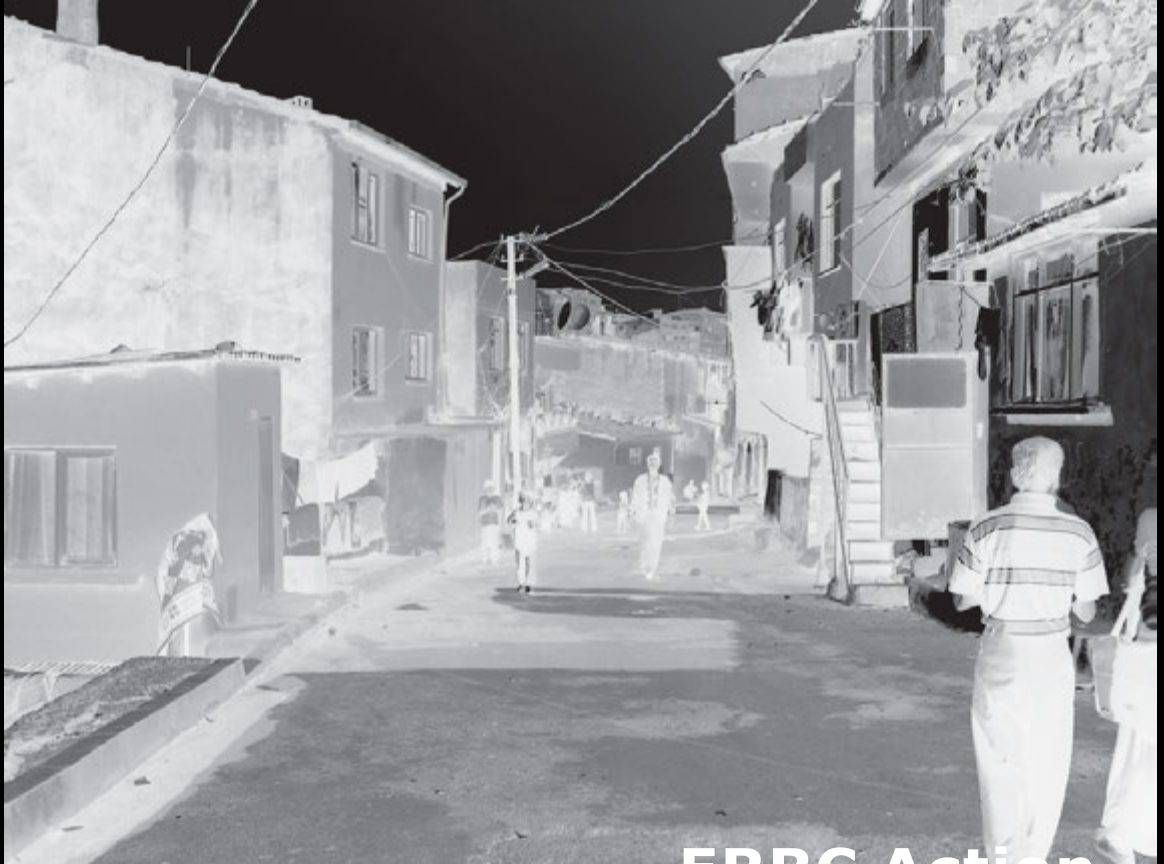
asylum seekers had reportedly based their claims on alleged human rights violations in the Czech Republic. According to *RFE/RL*, the British Embassy in Prague estimated that nearly 700 Czech citizens have been returned to the Czech Republic by the UK since September 2002.

#### ◆ **Traveller Boy Killed by Teenagers in UK**

According to a November 28, 2003 report by the *BBC*, on the same day the Chester Crown Court found two 16-year-old males guilty of manslaughter in connection with the May 28, 2003 killing of Johnny Delaney, a 15-year-old Traveller. Johnny was kicked in the head and beaten to death by a group of teenagers who shouted racist com-

ments at him and his friends in a playing field in Ellesmere Port, on the western coast of England, just north of Wales, according to *The Guardian* of June 10, 2003. The *BBC* reported that one of the boys who had kicked Johnny in the head with both feet claimed he deserved it because “he was only a ...Gypsy.” The judge, who cleared the two boys of murder, did not believe there was a racial motive for the attack. Following the verdict, Detective Chief Inspector of the Cheshire Police Department was quoted by the *BBC* as having stated that the incident “was recorded as a racially-motivated incident on the first day of the inquiry under the definition given by the Lawrence Inquiry because of certain comments made at the scene of the incident. I believe that the incident still falls within the

definition we would use for a racially-motivated incident [...]”. Mr Patrick Delaney, Johnny’s father, stated, “There is no justice here. They were kicking my son like a football. [...] As far as we’re concerned it was a racist attack.” According to *The Guardian*, three other youth were reportedly questioned but released without charge. At the time of the attack, one member of the Delaney family was quoted as having stated, “We can’t think why anybody would attack him, except because he was a Traveller. No matter how much we have, we are still dirty Gypsy bastards.” Further information on the situation of Travellers and Roma in the UK is available on the *ERRC*’s Internet website at: <http://www.errc.org/publications/indices/uk.shtml>. (*BBC, The Guardian*)



**ERRC Action**

# Court Action Against Segregated Education in Bulgaria: A Legal Effort to Win Roma Access to Equality

*Margarita Ilieva and Daniela Mihaylova*<sup>1</sup>

## Background on Segregated Education for Roma in Bulgaria

In Central and Eastern Europe today, segregated education is the largest obstacle for Roma in their access to fundamental rights. In itself, segregated education represents illegal discrimination. Inherently unjust, its impact on human dignity and identity is destructive. Its devastating effects on rights enjoyment and participation are overarching. The stamp of segregated education put on young individuals at the very threshold of their initiation as members of society engraves upon their tender identities inequality, marginality and isolation. With time, this corrosive imprint, etched ever deeper at each point of passage through social life, ever more painfully reiterated by each oppressive contact with the dominant mainstream society, becomes the powerful formant of a socially dysfunctional mentality of inferiority and isolation, tightly locking the potential of individuals to own and express themselves, and to participate. This crippling mentality operates to disadvantage entire communities, limiting their present and conditioning their future. In Bulgaria, as in much of the rest of Europe, it has long been grinding down the Roma.

Due to various factors, key among which are racist prejudice and discrimination, in Bulgaria, Romani children are educated in separate educational establishments. Previous governments have a history of directly isolationist policies targeting Roma, in both residential and educational terms, as well as policies that have indirectly resulted in the educational segregation of Roma. An example of the latter has been the policy of compulsory assignment, during the communist period, of children to schools based within their

respective residential areas. Assignment on a territorial basis has resulted in isolation of Romani students in separate schools, since Roma tend to live in isolated predominantly Romani settlements, or ghettos. Roma residential segregation is, again, due to a combination of factors, key among which are discriminatory official policies aimed at isolating Roma from the rest of society, as well as self-protective tendencies within vulnerable Romani communities themselves to wall off a hostile outer environment.

The perpetuation of segregation of Romani education today is the result of a lack of effective governmental policy to end it. In addition, discriminatory conduct by mainstream school managers persists, with direct refusals to enroll Romani children being regularly documented.

Separate educational establishments include schools based in segregated Romani ghettos, where Romani children are the only, or the predominant, ethnic group. Segregated Romani ghetto schools are the rule. Less often, segregated facilities also include exclusively or predominantly Romani classes within regular non-Romani schools. Today, while in theory following official national curricula and applying official national standards of academic achievement, those segregated schools and classes offer, in practice, education of an enormously inferior standard. There, the faculty is less qualified and less motivated. Teachers' expectations, based on racist perceptions of a lack of interest in education on the part of Roma, are lesser. Accordingly, what teachers offer their Romani students is much less compared to what non-Romani students are offered. Teachers are not trained to work with children whose mother tongue is not

<sup>1</sup> *The authors are practicing attorneys, specialising in anti-discrimination litigation. They represent the Romani students in the lawsuit against segregation of Roma in education, which is the subject of this article. Margarita Ilieva is legal consultant on strategic anti-discrimination litigation for the ERRC and the Bulgarian Helsinki Committee. Daniela Mihaylova is legal consultant for the Sofia-based Romani organisation Romani Baht.*



Bulgarian, nor are they sensitised to multiculturalism. Often, teachers and managers subject their Romani students to racist harassment. The material conditions are dramatically worse, heating, electricity and sanitation being deficient, classrooms being overcrowded and equipment and teaching materials lacking. Academic achievement is significantly lower in segregated schools as compared to mixed and non-Roma schools, illiterate fourth-graders being commonplace. As a result, Roma segregated school graduates are at a disproportionate, overwhelming competitive disadvantage in the labour market, and, for all practical purposes, the pursuit of higher education is virtually beyond their horizons. Drop out rates are dramatically higher, with only 5 percent standing a chance to graduate.<sup>2</sup>

The present plight of the segregated schools is the legacy of a history of official marginalisation of those schools during the communist period. Then, the official goal of education at the segregated schools in the Romani ghettos was the achievement of elementary literacy complemented by menial work skills. Training in such skills formed a significant part of the curricula in those schools, and production tasks involving the manufacture of set quantities of consumer items were assigned. In those schools, the share of teachers lacking the requisite qualifications was significantly higher than in regular schools. Oversight by authorities in charge of managing public education was minimal and inconsequential.<sup>3</sup>

In sum, not only are Roma-only schools de facto segregated, *per se* constituting egregious discrimination, those schools are further discriminatory on an additional basis of being unequal to regular schools concerning all aspects of the education process and material conditions.

### **The Lawsuit against Racial Segregation of Roma in Education**

In May of 2003, 28 Roma students took strategic court action sponsored by the *European Roma*

*Rights Center* and the Sofia-based Romani non-governmental organisation *Romani Baht Foundation* to challenge segregated Romani education in Bulgaria. The suits target the segregated establishment of 75<sup>th</sup> Municipal School in Sofia city, where Roma students are the only ethnic group educated. Their respondents are the Ministry of Education, the Sofia Municipality and the school. They allege racial segregation and additional racial discrimination as represented in an inferior standard of education provided. The law they invoke includes constitutional law, incorporated international law and domestic statutes and secondary legislation. The redress they seek is a finding of segregation and discrimination and compensation of non-pecuniary damages in symbolic amounts, as well as court-ordered termination of segregation and of racially discriminatory inferiority of the education provided in the respondent school.

Our clients allege that the segregation they were subjected to in the all-Romani school is a breach of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, which binds states parties to prevent and eradicate all practices of racial segregation within their jurisdiction. They invoke General Recommendation XIX (1995) of the Committee on the Elimination of Racial Discrimination, construing this duty as including an obligation on the state to eradicate the consequences of racial segregation practices undertaken or tolerated by previous governments or imposed by unofficial agents. Our clients further invoke Article 1(1.c) of the UNESCO Convention against Discrimination in Education, which specifically forbids the purpose or effect of establishing or maintaining separate educational systems or institutions for individuals or groups. They point out that, while the Convention allows separate establishments along gender or religious lines, it allows no racially separate education.

Our clients further claim that, in breach of anti-discrimination guarantees, they have been subjected to unequal education, in both academic and in material terms. They allege that the education provided for them at the respondent school is inferior due to a

<sup>2</sup> See, inter alia, *Denkov, Dimitar; Elitsa Stanoeva, Vassil Vidinski*. Roma schools – Bulgaria 2001. *Sofia, OSF, 2001, p. 10-11.*

<sup>3</sup> See *Bulgarian Helsinki Committee*. First steps: An evaluation of the NGO desegregation projects in six cities in Bulgaria. *Roma Participation Program, Open Society Institute, Budapest, 2003.*

number of factors. First, the quality of education is severely reduced due to the excessive number of classes in a grade, and the excessive number of students per class. They assert that these numbers are in breach of legal norms adopted by the Bulgarian Ministry of Education. While the legislation stipulates a maximum of 22 students per class in the first four grades, in the 75<sup>th</sup> School, the average for the first grade is 34 students per class, and those for the second, third and fourth grades are, respectively, 29, 32, and 36 students per class. With respect to higher grades, while the law stipulates a maximum of 26 students per class for grades 5 to 10, the average in the 75<sup>th</sup> School for these grades is, respectively, 36, 38, 29, 34, 41 and 39 students per class.

Our clients allege that, not only are these excessive student numbers in formal breach of legislation stipulating the maximum numbers for standard education, but, even more importantly, enrollment by the 75<sup>th</sup> School of such excessive numbers of students in breach of the law results in perpetuation of Romani educational segregation. If the school management had abided by the law concerning the maximum admissible numbers and, accordingly, refused to enroll applicants exceeding those numbers, those applicant Roma students would have, by necessity, been enrolled in other, non-Roma schools in the vicinity, and would have thus been integrated into mainstream education. Indeed, taking into account the fact that the formal breach of the legislation on the maximum numbers is so blunt; that other, non-Romani schools do not breach this legislation; that in no non-Romani school do student numbers exceed legal maximums; and that the effect of such breach is to contain Romani students within the segregated Roma-only school, it can be claimed that the 75<sup>th</sup> School's management intentionally enrolls Romani students in excessive numbers in order to preserve the segregated patterns of education. Further, there is a lack of oversight and enforcement of the law by the Ministry of Education and the local government. Those respondent bodies have not sanctioned the 75<sup>th</sup> Schools' management for blatantly and persistently disregarding legal standards on student numbers, in effect, condoning and implicitly authorising both such disregard and its segregationist and discriminatory effects.

Further, the claimants assert that the level of educational achievement in the 75<sup>th</sup> School is very in-

ferior to that of integrated schools. They substantiate this assertion by officially collected data. Upon request by the *ERRC* and the Bulgarian counterparts, the Sofia Regional Inspectorate of the Ministry of Education conducted comparative testing in mathematics and Bulgarian language in nine schools in Sofia – three Roma-only schools, including 75<sup>th</sup> School; three mixed schools; and three Bulgarian-only schools. Results by students in Roma-only schools were dramatically lower than results by students in mixed and Bulgarian-only schools. In mathematics, as few as three out of 18 students attending a Roma-only school made no mistake. By contrast, 18 out of 19 Romani students attending integrated schools made no mistake, as did 27 out of 28 Bulgarian students attending Bulgarian-only schools. In the 75<sup>th</sup> School, as few as 16 out of 121 Romani students made no mistake. Results in Bulgarian language tests were identical. Graduates of the 75<sup>th</sup> School were documented to be unable to write down a basic sentence in Bulgarian.

Our clients claim the inferior standard of education they receive at the 75<sup>th</sup> School is further due to lower teacher expectations and teachers lacking qualifications to work in a multicultural environment. They assert that the lack of assistance programmes for bilingual children whose first language is Romani rather than Bulgarian, as well as practices of racist harassment on the part of teachers, further compound the situation.

The claimants allege that the material conditions in the Roma-only schools are inferior, too. Because of the excessive number of students, the available classrooms are not sufficient to hold them. Therefore, as a matter of practice, students are educated in three shifts, while the official norm is two shifts. The heating and electricity is substandard, often breaking down. Classrooms are overcrowded, and the provision of schoolbooks and teaching materials is inadequate. Computer equipment is unavailable, while computer classes are an imperative component of the official national curriculum.

Our clients assert that, as a result of inefficient and discriminatory educational management, dropout rates in the respondent 75<sup>th</sup> School are disproportionately high. In grades 11 and 12, as few as 26 and 16 students, respectively, attend in the entire

grade, in stark contrast to the excessive number of students in lower grades mentioned above.

The claimants assert that the inferior education they receive deprives them of any chance to pursue higher education and renders them disproportionately uncompetitive in the labor market.

Our clients assert that the discrimination they suffer constitutes a breach of Article 6 of the Bulgarian Constitution banning racial discrimination, as well as of Articles 14 and 53 of the Constitution, safeguarding the rights of the child and the right to education, respectively. Further, the discrimination our clients are subjected to is alleged to constitute a breach of Article 29 of the Constitution banning degrading treatment.

Relying on incorporated international law, our clients assert a breach of the UNESCO Convention

against Discrimination in Education, which specifically bans the purpose or effect of limiting individuals or groups to inferior education (Article 1 (1.b)). They put forth that equal access to education as guaranteed by the Convention implicitly includes equal chances of graduation as defined by graduation rates, as well as grade-repeating and drop-out rates. Equal access to education is also argued to implicitly include equal academic achievement, both in terms of immediate results, as documented by examinations and tests, and in terms of long-term educational outcome, as defined by competitive labour market standing following graduation.<sup>4</sup>

The claimants further assert a breach of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, which bans racial discrimination in the exercise of the right to education and training; of Articles 2 and 13 of the

<sup>4</sup> See Paivi Gynther. "International Non-Discriminatory Guarantees in Education: Empty Vows or Effective Mechanisms". In Roma Rights, Nr 3-4 2002, at: [http://www.errc.org/rr\\_nr3-4\\_2002/index.shtml](http://www.errc.org/rr_nr3-4_2002/index.shtml).

*A bus taking Romani children from a Romani neighbourhood to mainstream schools in Stara Zagora, Bulgaria, in the framework of a school desegregation programme implemented by the non-governmental organisation Rainbow Foundation.*

PHOTO: RAINBOW FOUNDATION



International Covenant on Economic, Social and Cultural Rights and of Articles 2 and 24 of the International Covenant on Civil and Political Rights—guaranteeing non-discriminatory enjoyment of the right to education; of Article 2 in conjunction with Articles 28 and 29 of the Convention on the Rights of the Child, guaranteeing non-discrimination in the enjoyment of the right to education; of Article 2 of the Additional Protocol in conjunction with Article 14 of the European Convention on Human Rights, which ban discrimination in education. They also assert that the discrimination in education they suffer amounts to degrading treatment in breach of Article 3 of the European Convention on Human Rights.

Our clients further invoke domestic statutory guarantees of non-discrimination in education under Article 4 of the National Education Act. They contend that further provisions of this law are breached too, including:

- ◆ Article 3, binding the national educational system to ensure education according to state educational standards;
  - ◆ Article 14, requiring schools to ensure the normal physical and mental development of schoolchildren;
  - ◆ Article 22, requiring schools to ensure education in accordance with students' individual capabilities and expectations for future self-fulfillment—
- and binding schools to ensure the achievement by students of the general educational minimum;
- ◆ And Article 35, placing oversight responsibilities on Ministry of Education authorities.
- Further, breaches of secondary legislation are alleged, including Article 95 and 96 of the Regulations on the Implementation of the National Education Act stipulating, respectively, an exclusive possibility for two studying shifts, and the requisite minimal duration of one shift, and Article 159, binding schools to provide school books and teaching materials, as well as Addendum No.1 to Decree No.5 of 30.05.1994 stipulating maximum student numbers per class.
- The case was, as of November 19, 2003, pending its first hearing.
- As lawyers serving our clients, we act through the law to remove segregation as an illegal obstacle to rights enjoyment. We work to enforce the law and its rule. Through us, our clients act to win an opportunity to access the mainstream and its resources of status, opportunity and advancement. Pursuing the public interest, they seek to uphold the right to equality as a right to a mainstream identity and to participation. They mean to overcome isolation and emancipate their potential for inclusion and fulfilment. It is an honour and a privilege to serve them in this case, which we regard as fundamental in the struggle to secure a just society.

# Report on the Field Research into the Housing Situation of Roma in the Village of Svinia, Slovakia

Alexander Mušinka<sup>1</sup>

*In June 2003, the European Roma Rights Center, in partnership with the Bratislava-based Milan Šimečka Foundation and in co-operation with the Geneva-based Centre for Housing Rights and Evictions, began a one-year project entitled “Defending Roma Housing Rights in Slovakia”. The Foreign and Commonwealth Office of the British Embassy in Slovakia has been providing funding for the project. The project encompasses comprehensive field and legal research, strategic litigation, the production and dissemination of a housing rights training manual for activists and a training workshop for Romani activists in the area of housing rights. This report constitutes one of a series of field reports, produced by a team of independent researchers, that highlight the very serious housing situation of Roma in Slovakia.*

*Question: “What are the worst words a Roma can say to you?”*

*Answer: “Good morning, neighbour!”*

– Popular joke in Slovakia

## Background on the Housing Situation of Roma in the Village of Svinia

The village of Svinia is located 8 kilometres to the east of Prešov. According to the Slovak government, Roma constitute 27.1 percent of the total population in the municipality.<sup>2</sup> According to unofficial estimates, however, the Roma are 648 people or around 73 percent of the village population.

Roma inhabit a compact area at one end of the village in the direction of the neighbouring town of Lažany. This area is generally called “the hamlet” or “the Gypsy hamlet”. The area has an extension of about 2 hectares, upon which currently stand four

non-standard housing blocks, each with eight flats, more than 40 municipal “portacabins”, 24 “portacabins” from the Canadian-Slovak Project Svinia<sup>3</sup> – known as “Dutch cabins”, and about 20 mud dwellings, all inhabited by Roma. Houses in the hamlet do not have access to running water. A well serving this purpose is situated directly in the hamlet. *Project Svinia* repaired and cleaned up that well. Another well is located in a nearby field, the outflow from which is directed to the hamlet via a gravity-driven pipe and a local stream. Neither the drinking water and sewage systems nor the drainage for surface- and rainwater function close to adequately. The rest of the municipal infrastructure is minimal. Unlike the non-Romani part of the village, the hamlet has no

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<sup>2</sup> See “Zoznam obcí v zmysle sčítania ľudu z mája 2002, v ktorých občania Slovenskej republiky patriaci k rómskej národnostnej menšine tvoria od 10,0%-20% obyvateľstva”, available at: <http://www.vlada.gov.sk/romovia/>.

<sup>3</sup> Project Svinia was funded by the Canadian International Development Agency in partnership with US-based non-governmental organisation Habitat for Humanity International.

gas supply. In order to heat their homes, the Roma use exclusively solid fuel gathered illegally from the nearby woods.

At the end of the 1980s, four two-storey housing blocks were built in the lower part of the hamlet (eight low-standard flats to every block). Two hamlets were located in the village at this time – the so-called “upper” and “lower” hamlets. When the housing blocks were built, the upper hamlet was torn down. Even though these flats have only been used for a few years, they are completely devastated. There is no running water and sewage infrastructure, electricity, windows or doors. The housing blocks have been connected to the local water infrastructure and take water from two local wells, specially made in proximity to this housing. However, the ground is swampy and does not serve as the best of water sources. Apart from this, above the hamlet there is an agricultural field in which local farmers regularly dump dung and dung water from their cowsheds. All of these chemical and biological contaminants immediately end up in the surface water, and from there they enter the wells.

Large capacity cesspool sumps connected to the housing faced a number of problems also. These were built in such a way that their upper boundary was higher than the local terrain and were constructed extremely unprofessionally. Thus, following heavy rains, the ground water and surface water flood the capacity of the sumps, and they discharge their contents into a public area.

Despite the fact that the village is the official owner of the flats, it has done nothing to maintain them and never invests any money in their repair or renovation. The only work done was after devastating floods in 1998, when the doors were changed and the buildings were disinfected and painted. All these activities, however, were undertaken in the context of repairing the flood damage and were funded from external sources (i.e. with funds designated for repairing flood damage).

In the mid-1990s, the village changed the lease contracts for the four housing blocks and released Romani residents from the duty of paying rent. Although, in some respects, the new contract is more beneficial for the residents, in others it is not, because it no longer obliges the village to maintain the housing.

### Segregated from Birth to Grave

Roma from Svinia are forced to carry out every possible social activity separately from non-Roma in the village. For example, of the two bars in the village, Roma are accepted only in one (*Pohostinstvo u Filipa*).

A similar situation is also to be found in the local primary school, where Romani pupils are placed in separate classes, all of which are located in a separate building. The local kindergarten (located in the local authorities’ office building) has never been attended by any Romani children. Roma are also separated from non-Roma in the school canteen. In the canteen, Romani children are accepted on the condition that they occupy a separate area in the dining hall and use their own cutlery and crockery.

The classrooms for Romani children in grades one to four are located in the primary school building known as “By the Bus Stop”. The rest of the all-Romani classes are located in an old building known as “The Palace”. The non-Romani classrooms (known as “Classrooms for the Whites”) are located in a new building. With the exception of two classes, which are all-Romani and thus also separated from the rest, all students in the new building are non-Romani. Separation is justified with the argument that the Romani children have worse results than the other children, and should be sent to classes with a special teaching regime, which would allow the children to focus on one part of the syllabus rather than the whole of it. In reality, the special classes for the Romani children have no special programme, and teachers do not use any special educational materials for such a programme, or for pupils with special educational needs.<sup>4</sup>

<sup>4</sup> *Not a single teacher of the school has taken a course in special teaching. Out of 36 classes in this school, of which 26 classes are Romani and 10 are non-Romani, there are 24 so-called “Special classes” in which teaching is undertaken according to special-school methodologies and syllabuses intended to be taught by those trained in special education. Until recently, the teachers teaching these special classes had had no teacher training, and their qualifications were for pre-school education.*





*Roma from the ghetto of the village of Svinia, Slovakia.*

PHOTO: ALEXANDER MUŠINKA



Non-Romani and Romani children attend “their own” separate after-school clubs. The after-school clubs were introduced by *Project Svinia*, which was allowed to establish them by the village authorities only on condition that Roma would stay separate from non-Roma. According to the school management, if the Roma had not been placed separately, the parents of the non-Romani pupils would have withdrawn their children from the club and the canteen, and quite possibly from the school itself.

The Roma are not welcomed by the majority in the local church, nor even in the local graveyard; in the latter they have a separate area. The one common space in which Roma and non-Roma are found together is that of the local shops. Even here, however, there is an attempt to separate the two communities by building a shop in the hamlet itself. Planning permission for this shop has been recently approved by the village council.

### Housing Segregation of Roma

The Romani hamlet is completely segregated and, to date, no Roma in Svinia have obtained housing outside the hamlet. The local non-Roma have publicly declared on several occasions that they would not sell land to the Roma, even if the Roma were to pay them astronomical sums. Many Roma would buy houses outside the hamlet if they had financial opportunity. As far as non-Roma are concerned, however, the purchase of empty or old uninhabited houses in the village by local Roma is totally out of the question. This opinion is apparently shared by some local officials, too. For example, a local councillor, Mr Milan Kandra, in a meeting held on December 19, 2002 between councillors of the village of Svinia, the organisers of *Project Svinia* and the US foundation *Habitat for Humanity International*, stated: “We have never negotiated on this subject [Roma buying empty houses in the village]. We never even spoke about it, but I can say that this kind of solution in Svinia is 98 percent impossible.”<sup>5</sup>

Mr Kandra’s statement was confirmed in practice. In 2002, as part of *Project Svinia*, we, the partners implementing the project, initiated the purchase

of an abandoned house situated in the middle of the village. The non-Romani owners of the house agreed to sell it, only when they were assured that the property would not be owned by Roma but by the organisations implementing *Project Svinia*. The owners’ consent to sell the house was conditional on the inclusion of a clause in the sales contract stating that the property would not be resold to Roma. This clause was eventually dropped after the real estate agent mediating the deal cautioned the owners that such a clause would be in contravention of Slovak law.

A similar situation confronted us when we attempted to obtain planning permission for the building of a new house on a piece of land we purchased. In the process of applying for permission, we were required to obtain the opinions of the neighbours with whom our land borders. One neighbour initially hesitated but then agreed. The second neighbour, however, wrote that he had nothing against the building of the house as long as no Roma would live there. This caused some considerable measure of anxiety in the environmental department at the Prešov District Council, which at that time was responsible for the granting of planning permission, because they considered the opinion of the second neighbour to be disagreement with the construction. Only following our warning, that the ethnicity of the potential tenant cannot have anything to do with the character of the building, did they realise their “incorrect and stereotypical mistake”, and planning permission was granted.

The greatest stir was caused by the fact that, after the purchase and reconstruction of the house – the whole of which we managed almost exclusively with the help of the local Romani community – we moved in a young Romani family (Mr Jozef and Ms Veronika Kalej, a married couple with a daughter), who were supposed to look after the house and act as caretakers. This fact generated an aggressive reaction on the part of the local non-Romani community, manifested in verbal attacks on the Romani family. Among the less offensive of these verbal insults were as follows: “No one would ever have thought we’d see Gypsies living in white Svinia” and “No normal white person would ever pay a few thousand crowns so that they

<sup>5</sup> *Archive KcpRO, minutes from a meeting of project workers from Project Svinia, from Habitat for Humanity International and a representative of the village council, December 19, 2002.*

could buy this house and fill it with Gypsies". In addition, the Romani family were targeted by vandals who smashed the windowpanes with stones on several occasions, kicked in the doors or smashed up the garden. After a few months, however, the attacks stopped, and the local non-Romani community reconciled itself with the presence of the Romani family.

Buying land and subsequently building a new house on it is – apart from the resistance on the part of the non-Roma – made even more complicated, by the fact that almost no member of the Romani population is capable of dealing with all the administrative procedures required for the legal construction of a new house, i.e. obtaining planning permission, architectural plans, neighbours' opinions, local council opinions, etc.

### **Refusal to Register Roma as Locally Resident**

Obtaining permission for long-term or temporary accommodation for Roma from other villages is practically impossible. Many Roma from outside Svinia, who have married Roma from Svinia or who are in common-law marriages with Roma from Svinia and who wish to register in the village, have been unable to do so. In several cases in the past, the village council granted permanent residence to some Roma just before local elections, in an apparent effort to win the support of Romani voters. Other Roma were allegedly "rewarded" with permanent residence in exchange for their support in the elections. However, many are simply unable to obtain local residence permits, despite long-term factual permanent residence.

#### *The Case of Mr P.K. and His Family*

Mr P.K. was born in 1976 in the village of Svinia, where he is registered as a permanent resident. His

wife, Ms J.K., was born in 1977 in Jarovnice, where she is still registered as a permanent resident, in spite of the fact that she has made several attempts to change her registration to Svinia, where she has been living since 1993. They have six children, all of whom are registered in the village of Jarovnice. Mr P.K. has reportedly tried several times to register his children in the village of Svinia, but has been refused by the Svinia village council. According to Mr P.K., the council refused their registration on the basis that they are registered in the village of their mother and nothing can change that fact. The situation did not change even after all the school-age children were enrolled at the Svinia primary school.

Lack of permanent residence in Svinia of Ms J.K. and her children causes serious inconvenience for the family, because the village of Svinia is located in the district of Prešov, whereas the village of Jarovnice is located in the district of Sabinov. This means that all official administration connected to the system of state social benefits, records of unemployment, benefits for the children, etc., is dealt with in the jurisdictions of two districts. Moreover, Ms J.K. cannot take part in village affairs (e.g. she does not have the right to vote), despite living in Svinia, because she still has permanent residence in another village.<sup>6</sup>

#### *The Case of the Family of Mr I.Č. and Ms Ž.P.*

Mr I.Č. was born in Svinia in 1936. At present he is one of the oldest members of the Romani community in the village. He has 11 children with his first wife and another four with his second one. Ms M.P., Mr Č.'s second common-law wife, has lived in Svinia for more than 20 years, but has not managed to obtain permanent residence.

Like her mother, Ms M.P.'s daughter, 20-year-old Ms Ž.Č., hasn't been able to obtain permanent residence in the village, even though she already has two children born in Svinia, in 2000 and 2001.

<sup>6</sup> I obtained all this information from personal conversations with Mr P.K and Ms J.K. At the time of writing, the situation in this family had changed, and after long disagreements, the couple finally separated. J.K. moved back to her family in Jarovnice and P.K. stayed in Svinia. Some of the children stayed with their father, and some went with their mother. It is hard to say how long this separation will stand.

The applications for temporary accommodation in the village of Svinia, filed in 2003 by Ms M.P. and Ms Ž.Č., were rejected on July 25, 2003 by the local council. The local council did not provide any reasons for the rejection.<sup>7</sup>

#### *The Case of Sisters Ms Z.Č. and Ms B.Č.*

Sisters Ms Z.Č. (born in 1981) and Ms B.Č. (born in 1980) come from Hermanovce, also in the Prešov region, where they still hold their permanent residence. Both sisters married their current husbands in Svinia and were officially wedded there. Ms B.Č. and her husband Mr K.Č. married in 2001 and have two children – A., born in 2001, and S., born in 2003; Ms Z.Č. and Mr K.Č. were married in 2000 and also have two children – Z., born in 1997, and K., born in 2000.

The application of Ms Z.Č., was rejected by the local council on July 25, 2003, without any reasons for the rejection stated in the council's decision (see footnote 7).

Ms B.Č. applied for permanent residence on September 29, 2003. Her application was rejected by the local council on October 6, 2003. No reasons for the rejection were listed in the local council's decision.<sup>8</sup>

#### *The Cases of Mr Š.M. and Mr R.T.*

Mr Š.M., born in 1965 in Stará Lesná, in the district of Kežmarok, has been living for several decades in the village of Svinia together with his wife, Ms A.M. (born in 1966). They brought up all of their seven children in the village. In spite of this, Mr Š.M. has not been able to become a permanent resident in the village of Svinia. Mr R.T., born in 1974, has faced a similar situation. He is permanently registered in the village of Richnava, in the Košice region, and although he has been living in Svinia since 1993 with

his partner Ms A.K., with whom he has four children, he is still not granted permanent residence. Mr Š.M. reportedly last applied for permanent residence in 1998 and was rejected. Mr R.T. has made only oral requests for permanent residence. In 1998, the municipality provided both families with temporary portacabins, due to the fact that their housing was destroyed by floods of the summer of 1998. Despite the fact that the local government actually provided the housing in which they live, it insists on refusing Mr Š.M and Mr R.T. permanent residence.

Due to the fact that Mr Š.M. doesn't have permanent residence in Svinia, he is not registered as unemployed at the employment office and does not receive unemployment benefits. It is not realistic for him to travel at least two times a month from Svinia to Kežmarok in order to sign in the Employment Office. Identical is the case of Mr R.T., who has permanent residence in the Košice region.

The refusal of the village council to grant permanent residence to Roma is attributed by local Roma to the current mayor's desire to please non-Romani voters, to whom she promised, during her election campaign in 2001, to check the influx of "foreign Roma" while in office.

#### **Project Svinia: A Blocked Attempt to Ensure Adequate Housing**

Probably the most compelling example of Svinia local authorities' ill will where housing for Roma is concerned, are the events surrounding the initiative to build housing for the Roma in the Borový kút area of the village. In 1998, Canadian Professor David Z. Scheffel from the University College of the Caribou (British Columbia, Canada) initiated the community development project entitled *Project Svinia*. The US-based non-governmental organisation *Habitat for Humanity International (HFHI)* was among the partners working on the project from the beginning. This organisation offered the village of Svinia the

<sup>7</sup> See *Village of Svinia, Village Council, 082 32, No.: 35/2003, Eighth session of the Village Council of Svinia, July 25, 2003, 19:00. (Document is on file with the author.)*

<sup>8</sup> See *Village of Svinia, Village Council, 082 32, No.: 41/2003, Ninth session of the Svinia Village Council, held on the September 26, 2003, at 19.00 in the Kultúrny Dom in Svinia, Svinia October 6, 2003. (Document is on file with the author.)*

possibility of building 20 to 30 family houses for local Roma. The one condition that *HFHI* imposed was that the village provide land for the project. The village first proposed that the land would be provided within the municipal boundaries of Svinia, but geographically much nearer to the neighbouring village of Chminianská Nová Ves. The land was also half-owned by the neighbouring village. After initial bargaining, the village of Svinia decided to buy the land from Chminianská Nová Ves. An agreement was reached immediately and a price was agreed. However, when the neighbouring village council became aware of what the land would be used for, it refused to sell the land to the Svinia village council.

In July 1998, heavy floods in the village of Svinia almost completely destroyed the original Romani hamlet, which was located in close proximity to the stream. The village was thus obliged to resolve the acute condition of housing for the Roma. Paradoxically, it was exactly this flood that forced the competent organs to engage themselves in attempting to resolve the disastrous situation in the local Romani hamlet. Immediately after the flooding, the competent organs finally cleaned up the hamlet of the communal waste that had been accumulating there for several years, owing to the fact that there had been no refuse collection service. Forty “portacabins” were built following the flood, in which village authorities “temporarily” housed disabled Roma. These Roma live in the temporary housing as of the date of this publication. In addition, with funds from the Dutch government, *Project Svinia* provided a further 24 “portacabins”, now home to 11 families.

After the floods of 1998, the village received considerable financial means for the solution of the housing situation of the Roma. In addition to other funds, the Czech Republic provided approximately 2,000,000 Slovak crowns (roughly equal to euro 45,000). The then-village council planned to use these finances (and did use them in considerable measure), among other things, for buying land in order to build housing for the local Romani community. On October 23, 1998, the village council carried out a survey among the village population regarding the location of the land to be bought for houses for the Roma. For the purpose of the survey, 207 questionnaires were prepared – one for every household, that is, one for each house with an official house number. By these means, local

Roma were effectively excluded from the survey, because the houses in the Romani hamlet, where the prevailing part of the Roma in the village live, are not officially registered. The only Romani housing registered were four housing blocks, comprising 32 flats. Therefore, only 32 Romani households were counted for the purposes of the survey. The number of the non-Romani households was 175. About 80 percent (159 votes) of the respondents approved the construction of Romani housing in the Borový Kút area.

In the course of the negotiations for the purchase of the land, it became obvious that the building of 20-30 houses would not be enough to solve the housing problems of the Roma in the village. The village council then turned to the state for assistance to build more housing; it planned, with the help of state funds, to build a further 70 family homes. At this point the Ministry of Construction and Public Works made public an offer to the village to request special funding with which to build the so-called “social housing”. Such a grant may make up to 80 percent of the required capital in such a project, the remaining 20 percent being co-financed by the village or, alternatively, by a third party. The Ministry of Construction and Public Works requested from the Department of Environment of the county office both planning permission and construction permission.

A parallel development – the inclusion of *Project Svinia* in the 2001 Phare Project of the Slovak government on building infrastructure for Romani hamlets – ensured 1.5 million euro, with which the Slovak government planned to not only build infrastructure for the new Roma housing area, but also plumbing and sewers for the whole village. The village also managed to obtain ownership of the land. Since the land was registered for agricultural purposes, however, it was necessary to include it in the urban plan. A spatial plan for the new hamlet was both drafted and open for public discussion.

On August 4, 2001 dissatisfied councillors of the then village council initiated a local referendum as to whether the village should continue at all with the preparation of the construction. The results of the referendum showed that 71.5 percent voted for the continuation of the project and around 28 percent voted against it. The preparation work of the construction was continued in spite of a very tumult-

# Vážení občania

POLITICAL RIGHTS

Za posledných 30.rokov s výnimkou 3 rokov rozhodoval o našej obci človek, ktorý tu s nami nežil a nepoznal naše každodenné problémy.

**VO VOLBÁCH 6. - 7.decembra 2002 máte šancu zmeniť túto situáciu.**

Ponúkam Vám tieto hlavné body programu na nasledujúce 4 roky:

- spracovať a schváliť územný plán rozvoja obce
- kanalizáciu – po 10 rokoch sľubov začať s jej výstavbou
- doriešiť vlastnícke vzťahy na smetisku a jeho prevádzkovanie
- spracovať a začať realizovať projekt proti zatopovaniu obce
- futbalové ihrisko – rozbehnúť futbalovú súťaž
- tenisové kurty pri bytovkách
- stále pôsobenie polície v obci
- zlepšiť spoluprácu s poľnohospodárskym družstvom
- oplotenie cintorína
- vysporiadať vlastnícke vzťahy k pozemkom v súčasnej rómskej osade
- riešiť bytový problém Rómov v súčasnej osade
- zabezpečiť pitnú vodu pre Rómov
- zabezpečiť rómske hliadky
- zabezpečiť celkový poriadok v rómskej osade
- **kontrolovať prítahovalecťvo cudzích Rómov**
- školenia a kultúrne podujatia na zlepšenie kvality života Rómov
- pripraviť projektovú dokumentáciu a začať s výstavbou školy pre Rómov

**Agnesa Uličná**

kandidát na starostu č. 2

Teším sa na predvolebné stretnutie s Vami dňa 29.11.2002  
/piatok/ o 18,00 hod v sále KD vo Svinnej.

*A poster from the election campaign of Svinia's current mayor, Ms Agnesa Uličná. The encircled bulletpoint in the text reads: "to check the immigration/influx of foreign Roma".*

tuous public meeting, dominated by anti-Romani sentiments expressed by most of the non-Roma present.

In December 2001, a new local council and mayor were elected in the village of Svinia. The new council was apparently against continuing the construction projects. This attitude was demonstrated by the decision No. 11/2003 of the new council, which canceled the previous council decisions approving the construction of a Romani settlement in the area of Borový Kút (No. 145/98) and the provision of infrastructure in the new settlement. Shortly before the approval of the Phare 2001 project, the village council changed the placement of the construction, thus violating the conditions of the Phare project. This resulted in the exclusion of the Svinia project from the Phare project.<sup>9</sup> Since the Svinia project was excluded from the Phare project, it was not possible to apply for the government money either. When the local council took the decision to change the locality of the construction of Romani housing, it had reportedly been aware that it would lose the funds both from the Phare project and from the government. In this way, the village of Svinia terminated the building of the new locality for local Roma and made it impossible for them to obtain adequate housing. Apart from this, the village – which has an annual budget of around 4 million Slovak crowns (approximately 95,240 euro) – lost 150 million Slovak crowns (approximately 3,571,430 euro) of potential grant money,<sup>10</sup> with which it could have resolved the most burning is-

suces facing the village – including sewage removal, public water supply, a new urban plan of the village, solution of the Romani housing question, etc.

Moreover, on March 28, 2003 the local council adopted a resolution to terminate the activities carried out in the village by HFHI and by the *Canadian International Development Agency (CIDA)*, effective from April 1, 2003.

The village council has also refused to work with other NGOs that have offered help to the village in solving the problems facing the Roma. For example, the council has repeatedly refused an offer from HFHI to continue with those activities already started in the village directed towards the possibility of constructing some family houses for local Romani families.

A similar situation confronted the Slovak non-governmental organisation *Environmental Training Project (ETP)*, which wanted to include the village of Svinia in its project *Your Spiš*. This project had already been set up in various other parts of the Spiš region.<sup>11</sup>

It is difficult to capture in words the senseless waste of time, energy and hope resulting from the cancellation of *Project Svinia* by the local council in Svinia, after five years of efforts by locals, with international assistance, to improve the situation of Roma in Svinia.

<sup>9</sup> *Choosing a new locality for the housing project, meant that there would have to be a new technical evaluation of the site, new property would have to be bought, and possibilities for funding would have to be recalculated.*

<sup>10</sup> *This calculation has been made by the architects who were employed by the village to amend the urban plan. The sum comprised the 63 mln SKK (approximately 1.5 million euro) from the Phare project; funding from the Ministry of Construction and Regional Development for about 100-110 new social houses at the amount of about 460 million SKK (approximately 1,095,238 euro), 132 million SKK (approximately 3,142,857 euro) from the HFHI and additional 18 million SKK (428,571 euro) for a new school, kindergarten and a church.*

<sup>11</sup> *More information on this project is available at: [www.etp.sk](http://www.etp.sk).*



# Out and Away: The Housing Rights Situation of Roma in Hungary

Margaret Hagan and Tara Bedard<sup>1</sup>

**R**OMA IN HUNGARY largely live in segregation and poverty. Roma experience immense difficulty securing legal adequate housing in mixed neighbourhoods through either government or private housing offers. Widespread racial discrimination, unemployment and poverty reinforce the denial of Roma access to adequate housing. Government offices in Hungary offer little assistance to Roma in solving their housing dilemma. Forced evictions are increasingly carried out against Roma, often illegally and without any provision of alternative housing. Social housing and monetary assistance are often inaccessible to Roma because of severe restrictions on eligibility and discriminatory attitudes of local officials. Generally, Hungarian housing laws and policies exacerbate the situation of Roma rather than rectify it. In particular, it is of deep concern that, in recent years, many Hungarian municipalities have been selling off large parts of Hungary's already small social housing stock. Roma, excluded from social programmes, are found to be living in substandard housing conditions, which result in a range of other social and economic problems, including, but not limited to, the denial of access to quality education.

In an attempt to document the extent of spatial segregation of Roma in Hungary, and also to determine whether or not forced evictions disproportionately affect Roma, with the assistance of funding provided by the British Embassy in Budapest and the Norwegian Foreign Ministry, the *European Roma*

*Rights Center (ERRC)* conducted research in several Hungarian localities with large Romani populations, in co-operation with a team of independent researchers.<sup>2</sup> Research was conducted in Budapest's Eighth District, Debrecen, Hajdúhadház, Keszthely, Ózd and Veszprém. While each locality was found to possess its own particular problems, there existed a common trend of Roma living in substandard conditions in segregated neighbourhoods.

## Widespread Segregation

In Hungary, according to a sociological survey, 29 percent of the Romani population live in completely segregated circumstances and another 23 percent live in settlements in which the proportion of Roma is very high. Only a relatively small percentage (14 percent) of Roma have succeeded in breaking out of the segregated settlements.<sup>3</sup> In its most extreme form, the segregation of Roma in Hungary was manifested in the construction of a wall physically separating one Romani community from the rest of Hungary. The central Hungarian town of Keszthely constructed a segregative wall around a local Romani community, according to *ERRC* field research from October 8, 2003. The Romani community concerned comprised six homes, occupied by six families, just outside Keszthely along the highway to Hévíz. A wall constructed of wooden planks, approximately eight to 10 feet tall and around 100 feet in length, with two entrances only large enough for a car, ran the full

<sup>1</sup> Margaret Hagan authored drafts of this report. Ms Hagan is a volunteer at the ERRC and a student of the Nationalism Studies Master's Programme at Central European University. Tara Bedard rewrote and expanded drafts of the report. Ms Bedard is Researcher/News Editor at the ERRC.

<sup>2</sup> Mr Béla Berkes and Mr Ernő Kadét undertook research in Ózd and Veszprém. Mr Adam Abon-Horváth, Ms Éva Csiki and Ms Andrea Mohácsi undertook research in Debrecen and Hajdúhadház. Ms Laura Baranyi, Ms Flora László and Mr Márton Oblath undertook research in Budapest's Eighth District. ERRC staff members and volunteers engaged in additional research on an as-needed basis.

<sup>3</sup> See Havas, Gábor, István Kemény, and Ilona Liskó. *Cigány gyerekek az általános iskolában. Oktatókutató Intézet, 2001, Budapest.*

length of the settlement in front of the homes, parallel to the highway. Ms Erika Sallai, a Romani woman from the settlement, testified to the *ERRC* that no one in the community had been either consulted or informed about the wall prior to its construction: “That wall was built about two months ago. [...] Construction workers just appeared one morning and began to make a lot of noise. We went outside and saw that they were building a wall. They wanted to block the whole settlement, but we fought, so they left two entrances in the wall. Animals don’t even get this treatment.” Mr Aladár Szigligeti, head of the Building Authority, told *ERRC* staff, “The local government is responsible for building the wall. It was needed because of the animals owned by the inhabitants and because of the spectacle the area creates for tourists.” Mr Szigligeti claimed that the wall was a temporary solution. The wall was destroyed several days after the *ERRC* visit. On October 15, 2003, Keszthely Deputy Mayor, Mr Ferenc Zámankovics, refused to send any public decision or other document related to the construction or destruction of the wall to the *ERRC*, after being formally requested to do so on October 10, 2003.<sup>4</sup>

*ERRC* research in the eastern Hungarian city Debrecen revealed that approximately 60 percent of the city’s Romani population, or around 5,000 people, live at the periphery of the city in so-called “Gypsy colonies”, named Nagy Sándor, Biczó István, Domokos Márton and Bayk András. One lawyer with whom the *ERRC* spoke stated that such settlements only came into existence after 1992. At this time, the local government conducted large-scale evictions of Roma from the city centre under the guise of a “cleaning programme”.<sup>5</sup> Similarly segregated settlements or streets exist in the centre of Debrecen; the Kishegyesi Street and Hadházi Street settlements are almost exclusively Romani. In the eastern Hungarian city of Hajdúhadház, 95 percent of the Romani population, or 3,000 people, live at the edge of the city in five separate settlements – Irinyi, Vasúti,

Szólós, Oncsa and Márvány, the last three inhabited exclusively by Roma. According to *ERRC* research, the settlements were formed after 1990. At that time, many Romani families moved to the town in an attempt to solve their housing problems. The local government reportedly purchased plots of land on the periphery of the city that they sold for as little as 80,000 Hungarian forints (the equivalent of approximately 305 euro today) to Roma. Reportedly around 90 percent of the persons who received land here were Romani.<sup>6</sup>

In the northern Hungarian city of Ózd, almost 40 percent of the Romani population live in Kiserdőalja and Hétes, segregated Romani settlements, or in primarily Romani streets. In recent years, the Ózd Property Management Office has advanced the segregation of Roma in the city by demolishing the two main social tenement blocks in which Roma lived. The tenements that were destroyed contained 350 flats which housed approximately 1,260 people, most of whom were Roma, according to *ERRC* research. Eighty percent of these tenants were in arrears, and almost 380 of them had already received eviction orders when their homes were destroyed. Ms Anna Papp, head of the Ózd Property Management Office attributed the miserable state of the buildings to the “systemic destruction” carried out by tenants. However, the Ózd Property Management Office allocated a decreasing amount of money to property maintenance, reportedly as a result of non-payment of rent by tenants. The Property Management Office then destroyed the buildings, because of the poor condition they were in.<sup>7</sup> Many Roma were displaced within the city to segregated settlements, because following the destruction of their flats, they were unable to secure legal housing elsewhere within the city of Ózd.

*ERRC* research in the central Hungarian city Veszprém revealed that a targeted campaign of the local authorities has virtually cleansed the city of Roma during the last four years. In 1998, approxi-

<sup>4</sup> *ERRC telephone interview with Mr Ferenc Zámankovics, Deputy Mayor of Keszthely. October 15, 2003.*

<sup>5</sup> *ERRC interview with Ms Ildikó Batizi, head of the state-run Provisional Home of Families. April 2003. Debrecen.*

<sup>6</sup> *ERRC interviews with Mr József Hortó, president of the Hajdúhadház Roma Minority Self-Government, and Mr Levente Kis of the Association of Hajdúhadház. April 2003. Hajdúhadház.*

<sup>7</sup> *ERRC interview with Ms Anna Papp, head of the Ózd Property Management Office. July 2003. Ózd.*



mately 200 Romani families lived in Veszprém; at the time of *ERRC* research in early 2003, only around 50 families remained, 20 of whom lived in the social tenement referred to by locals as the “infernal tower”, with the rest residing in segregated neighbourhoods, away from the centre of town. Under the pretence of a town rehabilitation programme, city officials have effectively removed almost all Roma from Veszprém. Mr István Schmidt of the Veszprém Property Management Office informed the *ERRC* that the aim of the programme was to abolish the deteriorated conditions in the Old Town and the Castle District and to increase the comfort level of city residents, particularly those living in the Castle District.<sup>8</sup> Beginning in 1998, Romani families living in poor conditions were made lucrative offers by the local government to leave their homes, particularly those located near the city’s Castle District and Old Town. All but five to eight of the families legally occupied their homes, but had reportedly incurred large debts to the public utilities company.<sup>9</sup> Nearly every family accepted the local government’s offer and left the city. Others resisted the local government’s offer but were pressured to accept it: According to Mr Béla Erdélyi, President of the Veszprém Roma Minority Self-Government, his brother’s family initially refused the local government’s offer for their flat, but were told by local authorities, “If you don’t take the money we’ll put you into another place that’s much worse.”<sup>10</sup> The family reportedly accepted the local government’s offer out of fear. In exchange for leaving their homes, their debts were forgiven and the families each received between 2 and 5 million Hungarian forints (approximately 8,000-20,000 Euro). According to Mr Erdélyi, most Roma who wished to remain in the city were unable to do so because the sum received from the government was not enough to cover the high prop-

erty prices in the city. Most were, therefore, forced to move to villages. One family reportedly bought a home in the village of Ósi, but neighbours reportedly forced the family to move, according to an interview with Mr János Babai, representative of the Berhida Roma Minority Self-Government.<sup>11</sup> The family moved on to the village of Pétfürdő where, at the time of the *ERRC* interview, they lived in makeshift huts on a garbage dump. Many could not get used to rural life, so they sold their homes for considerably less than they had bought them for and moved back to Veszprém to the “infernal tower”. Others moved to Canada, but have since been deported back to Hungary, and now live either with relatives or in social tenements in poor condition.<sup>12</sup>

### Substandard Living Conditions

Romani settlements in Hungary are largely unfit for living. *ERRC* research in Debrecen, Hajdúhadház, and Ózd revealed a lack of basic infrastructure and services, including street lighting, solid road surfaces, garbage collection, drainage and sewage systems, telephone lines, medical care, access to public transportation and access to emergency services. Often, electricity and gas are not available in all homes and potable water is available only at a public pump located hundreds of meters from the homes. Roma from the Nagy Sándor settlement in Debrecen, for example, gather water from a pump located more than half a kilometre from the settlement. A Romani resident of state-owned housing in Debrecen’s Domokos Márton Garden reported that she did not have access to water, though she was forced to pay for it.<sup>13</sup> The approximately one hundred Romani residents of the

<sup>8</sup> *ERRC interview with Mr István Schmidt, representative of the Veszprém Property Management Office. April 2003. Veszprém.*

<sup>9</sup> *ERRC interview with Mr János Babai, representative of the Berhida Gypsy Minority Self-Government. April 2003. Berhida.*

<sup>10</sup> *ERRC interview with Mr Béla Erdélyi, president of the Veszprém Gypsy Minority Self-Government. April 2003. Berhida.*

<sup>11</sup> *ERRC interview with Mr János Babai, representative of the Berhida Gypsy Minority Self-Government. April 2003. Berhida.*

<sup>12</sup> *ERRC interview with Béla Erdélyi, president of the Veszprém Gypsy Minority Self-Government. April 2003. Berhida.*

<sup>13</sup> *ERRC interview with Ms Lászlóné Varga, October 2003, Debrecen.*

area were forced to share one toilet located in a yard. In Hajdúhadház, public water pumps do not exist in the Irinyi, Oncsa and Márvány settlements, so the Romani residents have to walk 300-to-700 metres from the settlements for potable water. In Ózd, according to *ERRC* research, approximately 30 percent of the Romani homes in the segregated areas of Kiserdőalja and Hétes do not have running water and lack access to gas. Roma in these areas mainly heat their homes by burning wood. The streets are also pocked with large holes.

Many of the homes in which Roma live are makeshift constructs. In Debrecen, most of the Romani homes are one-story buildings made of brick or mud, and they lack interior sanitary facilities. However, some of the Roma with whom the *ERRC* met during research, such as those living in the Nagy Sándor settlement, live in homes made of cardboard or other scrap materials and do not have solid walls. The homes in which Roma live in Hajdúhadház are made of cardboard, wooden planks, scrap metal and other miscellaneous materials. In Ózd, the home of one Romani man with whom the *ERRC* met was, in the early spring, declared life-threatening by the local government, although he had only purchased the home in March 2003.<sup>14</sup> In Budapest's Eighth District, the flats of the Roma with whom the *ERRC* met had running water, though no hot water. Those Romani families who were living in flats without legal permission or were indebted either did not have electricity, gas or hot water, or stole it from common lines running through the buildings.

The homes in which Roma were found to be living during *ERRC* research were disproportionately small, given the number of people per household. Most of the Romani homes in Debrecen's Nagy Sándor settlement were only one room of between 5 to 10 square metres. Roma in the segregated areas of Ózd live, on average, with 3.5 tenants per room. Out of 28 families surveyed, 26 lived in a one-room flat. Roma with whom the *ERRC* met in

Budapest's Eighth District were mostly found to be living in flats measuring around 20 square metres. In the majority of cases, four people were found to be living in such flats, meaning that each person had on average 4-to-5 square metres of living space. In extreme situations, families of more than six people were living in such flats, while other flats were less than 10 square metres. For example, Ms P. lived in a 9-square-metre flat with her four children,<sup>15</sup> while Ms S. lived with her six children in a 26-square-metre flat.<sup>16</sup>

The hygienic conditions of the Romani settlements visited by the *ERRC* were poor. Garbage littered the streets of Romani neighbourhoods and rancid odours emanated throughout the open areas. In Romani settlements in Debrecen, inhabitants are forced to burn their garbage because local authorities do not collect it. In the Hétes Romani settlement in Ózd, for example, at the time of the *ERRC* visit in early 2003, mud reached ankle-height in the streets, due to poor drainage, and garbage, partially brought into the settlement from other areas of the city, covered the streets. The unhygienic conditions of the settlement lead to an outbreak of Hepatitis-A in September 2003. According to a report by the Budapest-based *Roma Press Center (RSK)*, the chief medical officer of Borsod-Abaúj-Zemplén County, to which Ózd administratively belongs, attributed the outbreak to the lack of very basic hygienic and living requirements in the local Romani settlements.<sup>17</sup> According to the report, 75 percent of the Hepatitis-A cases registered in Hungary in 2002 were in Borsod-Abaúj-Zemplén County.

### Forced Evictions

Over the past decade, Roma have been evicted from their residences in Hungary by local authorities with increasing and alarming regularity. According to monitoring of the Hungarian national daily newspaper *Népszabadság* during the period between

<sup>14</sup> *ERRC interview with Mr D. April 2003. Ózd.*

<sup>15</sup> *ERRC interview with Ms P., a Romani woman. May 2003. Budapest.*

<sup>16</sup> *ERRC interview with Ms S., a 36-year-old Romani woman. April 2003. Budapest.*

<sup>17</sup> *Roma Press Center (RSK). "Hepatitis-A Diagnosed in Ózd". September 16, 2003.*



January 1, 2003 and November 1, 2003, in 55 percent of eviction or threatened eviction cases reported, the victims were identified as Romani, while Roma officially comprise only 1.4 percent of the total population in Hungary.<sup>18</sup> Non-governmental organisations in Hungary have estimated that the number of forced evictions of Roma rose from two to three per month in 1999 to three to four per week in 2000.<sup>19</sup> In his 2000 Report, the Hungarian Parliamentary Commissioner for Ethnic and Minority Rights stated the majority of complaints received by his office concerning

*Mr József Lakatos (on the left) and his family, Hajdúhadház, eastern Hungary, March 2003. At the time of the ERRC visit, the Lakatos family were living in a house that was falling apart. The family had sought help from the municipality, but never received it.*

PHOTO: ERRC

abusive actions by the local authorities in the area of housing had been filed by Roma.<sup>20</sup>

Evictions have often been conducted in an illegal manner, with results banned under international law.

<sup>18</sup> Data from the European Parliament's Country Profile on Hungary. Available on the Internet at: [http://www.europarl.eu.int/enlargement\\_new/applicants/pdf/hungary\\_profile\\_en.pdf](http://www.europarl.eu.int/enlargement_new/applicants/pdf/hungary_profile_en.pdf).

<sup>19</sup> Open Society Institute, *EU Accession Monitoring Program 2001*. "Minority Protection", pp. 234-235.

<sup>20</sup> Parliamentary Commissioner for Ethnic and Minority Rights. Report 2000. Available at: <http://www.obh.hu/nek/en/reports/reports.htm>.

A recent change in Hungarian law has resulted in the increased frequency of forced evictions of Roma. Previously, an eviction could only be implemented by an employee of the municipality. However, since 2000, local notaries have been empowered to order evictions. When a notary orders an eviction, police must implement it within eight days.<sup>21</sup> Moreover, according to the amended law, judicial appeals against such notary-ordered evictions do not have suspensive effect. The provisions of the amendment are unclear, and have left open the possibility of infection by racial bias. Notary evictions are frequently employed against Roma.

The amended law gives property-owners the right to request an eviction of arbitrary occupants<sup>22</sup> from the local notary within 60 days of taking possession of the property, provided there is no court procedure already in progress.<sup>23</sup> According to the notary in Miskolc, in a number of cases, evictions have been temporarily suspended because information supplied by a local government's Property Management Office had been called into question. However, the notary stated, the evictions were generally subsequently implemented as the eviction orders were not cancelled.<sup>24</sup>

All evictions, regardless of whether ordered by a notary or a court, must be carried out according to certain procedures. In accordance with Hungarian law, officials must deliver notice to the occupant of the upcoming eviction two days before the eviction is scheduled to take place.<sup>25</sup> In accordance with international standards, the state must take steps to ensure the provision of alternative accommodation to evicted persons unable to provide such for them-

selves.<sup>26</sup> However, regulations on notary-ordered evictions provide only for storage of possessions of the expelled resident, not for alternate accommodation. Rarely is alternative accommodation offered to Roma who have been forcibly evicted, according to the *ERRC*'s research.

In Keszthely, Ms Erika Sallai informed the *ERRC* that on October 7, 2003, an unknown man served five Romani heads of families from the settlement with eviction orders. Ms Sallai reported that the homes in which the Roma lived, without legal permission, were the property of the local government. According to the eviction orders of Ms Sallai, her husband Mr György Bodgán and Mr József Titi, the eviction was to be conducted at 10:00, on October 29, 2003, in the presence of police officers. Ms Sallai and Mr Titi stated that they had not received any offer for alternative accommodation from the local government and that, as they are unemployed, they cannot afford other housing. In total, Romani residents, including Romani children, faced homelessness as a result of the impending eviction. Some of the Roma concerned had lived in their homes for as long as 11 years. On October 21, 2003, the *ERRC* sent a letter of concern to Mr József Mohácsi, Keszthely's Mayor, informing him that forced evictions violate Hungary's obligations under domestic and international law and requesting that the evictions be postponed or cancelled, particularly with the coming of cold weather. On November 5, 2003, the Roma informed the *ERRC* that none of the families had been evicted. Local authorities reportedly postponed the eviction due to the onset of cold weather.

<sup>21</sup> *The Housing Act 1993/LXXVII, as amended by Act 2000/XLI.*

<sup>22</sup> *The Housing Act 1993/LXXVII defines an arbitrary occupant as "one who breaks into an empty space or flat". Unofficial translation by the ERRC.*

<sup>23</sup> *The Housing Act 1993/LXXVII, as amended by Act 2000/XLI.*

<sup>24</sup> *ERRC interview with Dr László Szádeczki. July 2003. Miskolc.*

<sup>25</sup> *The Housing Act 1993/LXXVII, as amended by Act 2000/XLI.*

<sup>26</sup> *In its General Comment 7, the United Nations Committee on Economic, Social and Cultural Rights (CESCR) stated, "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." The CESCR monitors states' compliance with the International Covenant on Economic, Social and Cultural Rights, to which Hungary is a party. CESCR: "General Comment 7. The right to adequate housing (art. 11.1 of the Covenant): forced evictions." May 20, 1997, para. 16.*

Earlier, on October 2, 2003, eight Romani adults were evicted from their homes in the southern Hungarian city of Dunaújváros, following a decision by the local government. The evicted Roma reportedly moved to a homeless shelter following the eviction. The eviction of six Romani families with children from the same building was reportedly postponed for two weeks.

On June 18, 2003, 20 Romani families were evicted from the homes they occupied on Szállás Street in Budapest's Tenth District, according to the *Foundation for Romani Civil Rights*. According to the June 25, 2003 newsletter of the Budapest-based *Roma Press Center (RSK)*, two small children, aged 1 and 5, were taken into state custody on grounds that they had been raised in surroundings immediately jeopardising their physical health. On November 28, 2003, the *Foundation for Romani Civil Rights* informed the *ERRC* that the local government had provided alternative accommodation for only two of the families. The *Foundation for Romani Civil Rights* reportedly found flats for three additional families in Budapest and four people moved into homeless shelters. The remaining families moved in with relatives in the countryside.

In May 2003, representatives of the Debrecen local government and local police evicted the family of Ms Erika Balogh from the home they occupied in the Nagy Sándor settlement. The family's home and possessions were destroyed. Ms Balogh stated that the family had had standing applications for social housing in Debrecen for 14 years to no avail.<sup>27</sup>

In March 2003, the family of Ms Barnáné Balogh, which includes a number of children below the age of 18, was evicted from the home they occupied in Debrecen's Nagy Sándor settlement, but moved back into the house shortly thereafter because they were not provided with alternative accommodation and had nowhere else to go. The family had report-

edly applied for social housing in Debrecen for more than 10 years, unsuccessfully.<sup>28</sup>

In March 2003, the five-member family of Mr A., a 37-year-old Romani man, raising three young children, was evicted, reportedly without prior notice, for the second time from the flat in which they lived after they moved back into it following their initial court-ordered eviction in late October 2002. Mr A.'s father, with whom the family had lived, had had a legal contract with the city for the flat. When Mr A.'s father passed away, the family remained in the flat but did not change the contract. At the time of the eviction, in March 2003, the children were taken into state care until Mr A.'s wife moved in with her mother and she was able to regain custody of them. Mr A. was forced to live in a 4-square-metre shack in the yard outside his mother-in-law's flat.<sup>29</sup>

In the summer of 2002, Mr I., a Romani man, and his six-member family, which includes four young children, was evicted from the flat they illegally occupied in Budapest's Ninth District. As the family was not provided with alternative accommodation, they were arbitrarily occupying a 24 square metre flat with no electricity or running water in Budapest's Eighth District at the time of the *ERRC* interview in April 2003.<sup>30</sup>

In the spring of 2002, Ms P., a Romani woman, and her four children, were evicted without any notice from the flat she had occupied in Budapest's Ninth District for a year and a half. Because Ms P. and her children were not provided with alternative accommodation, at the time of the *ERRC* interview, they illegally occupied a 9-square-metre flat in Budapest's Eighth District.<sup>31</sup>

In early 2002, Mr V., a Romani man, was evicted from a flat he illegally occupied in Budapest's Eighth District the same day he entered it. Mr V. and his mother lived in a 26-square-metre flat with-

<sup>27</sup> *ERRC interview with Ms Erika Balogh. October 2003. Debrecen.*

<sup>28</sup> *ERRC interview with Ms Barnáné Balogh. October 2003. Debrecen.*

<sup>29</sup> *ERRC interview with Mr A. May 2003. Budapest.*

<sup>30</sup> *ERRC interview with Mr I. April 2003. Budapest.*

<sup>31</sup> *ERRC interview with Ms P. May 2003. Budapest.*

out electricity or running water at the time of the *ERRC* interview.<sup>32</sup>

Forced evictions reinforce the spatial segregation of Roma in Hungary. Roma living as illegal occupants, as typified by the Roma with whom the *ERRC* met in Budapest's Eighth District, are more likely to occupy flats in areas mainly inhabited by Roma, at least in part because non-Romani neighbours apparently report them to the local authorities more frequently than Romani neighbours. Roma living in already tenuous circumstances, therefore, appear in some cases to choose to live in segregated neighbourhoods for reasons related to possible security.

### **Government Actions Exacerbate the Problem**

The post-communist transition in Hungary has given rise to a complex of issues, which have, in recent years, combined to render the housing situation of many Roma in Hungary at crisis proportions. In the first place, as income disparities widen, Roma frequently find themselves among the poor or extremely poor. Secondly, local authorities have in a number of years sold off public (including social) housing stocks in order to compensate for declining revenues, creating a situation in which Hungary may not be able in practice to meet the housing needs of the poor and/or extremely poor. In addition, as detailed below, a number of local authorities have adopted very arbitrary rules as to eligibility

for public (including social) housing, rules which, in practice, may preclude many Roma from eligibility. Finally, widespread anti-Romani sentiment in Hungary means that, unfortunately, allegations of racial discrimination in allocation of public housing are often plausible.

Certain legal provisions and government programmes in Hungary make already vulnerable persons less likely to be able to access to state-provided housing. While such provisions appear to be neutral on their face, the extent of poverty among Roma compared to non-Roma in Hungary means that such provisions disproportionately impact the Romani population. According to the World Bank, 40.3 percent of Roma in Hungary fall below the absolute poverty line of 4.30 USD purchasing power parity per capita, compared to only 6.9 percent of non-Roma.<sup>33</sup>

During the course of its research, the *ERRC* found that many local governments have enacted decisions that prohibit persons caught illegally occupying property from accessing social housing, generally for a period of between three and five years.<sup>34</sup> In an extreme instance, a representative of the Debrecen local government stated that illegal occupants are denied access to social housing for a period of 10 years.<sup>35</sup> Out of 28 Romani families surveyed in segregated settlements in Ózd, 17, or approximately 60 percent, reported that they could not apply for social housing because they had previously been caught illegally occupying property in the city. In Budapest, Ms N.T., a 50-year-old Romani woman, told the

<sup>32</sup> *ERRC interview with Mr V. May 2003. Budapest.*

<sup>33</sup> Ringold, Dena, Orenstein, Mitchell A. and Wilkens, Erika. "Roma in an Expanding Europe: Breaking the Poverty Cycle". Washington, D.C.: The World Bank. 2003, p. 28.

<sup>34</sup> *Decision 41/2003 of Budapest's Eighth District Government on social housing states, in Article 6(1), "A new contract cannot be made with those person, who: [...] (b) occupied any flat arbitrarily or by trespass in the last three years [...]." Decision 43/2003 entered into force on September 1, 2003. Unofficial translation by the ERRC. Among the other districts in Budapest that responded to the ERRC, the term is three years in the 21<sup>st</sup> District and five years in Budapest's First, Third and Tenth Districts.*

<sup>35</sup> *According to Ms Zsuzsa Feczák, head of the Civis Ház Housing Department "[...] squatters have no chance at all to get a legal rental contract. Obviously, the local council would like to know that the flats it owns are in the hands of the rightful tenants. Squatters, as we all know, do not look after their surroundings or houses." (ERRC interview with Ms Zsuzsa Feczák. October 2003. Debrecen.) At the same time, the local government in Debrecen refuses to enter legal rental contracts with Roma arbitrarily occupying social housing, it forces them to pay a "user's fee", which, according to ERRC research, can be as much or more than the cost of regular rental fees. (ERRC interview with Mr Attila Szilágyi, head of the Civis Ház Legal Department. October 2003. Debrecen.) Civis Ház is a corporation commissioned by the Debrecen local government to manage city property.*



*ERRC* that she had applied several times for social housing from Budapest's Eighth District authorities, but was rejected because the family had occupied several places without permission. Ms N.T.'s 10-member family, including 6 children below the age 18, illegally occupied a 24-square-metre flat in Budapest's Eighth District at the time of *ERRC* research.<sup>36</sup> The family had also reportedly been rejected for financial aid by the local government. Ms S., a 36-year-old Romani woman, applied for social housing with authorities at both city level and in Budapest's Eighth District in July 2002, when she and her six children received a court order to leave her flat, but she was rejected by both offices. Ms S. had been caught renting a social flat from the legal tenant, though such an arrangement is not legal. Ms P., a Romani woman with four young children living in Budapest's Eighth District, informed the *ERRC* that she had applied for social housing a number of times, but had been rejected because she had been evicted several times before from flats she had occupied without legal permission. Ms P. and her children lived in a 9-square-metre flat that they illegally occupied at the time of the *ERRC* interview in May 2003.

Local governments further block needy Roma from access to social housing by distributing social housing via public auction. According to *ERRC* research in Debrecen, available social tenements are advertised for rent in the local media by Civis Ház Ltd., with bids ranging between 18,000 and 40,000 Hungarian forints (approximately 70 to 155 Euro). Such prices are often too high for Roma. Ms Ildiko Batizi, head of the non-governmental organisation *Provisional Homes for Families* explained, "It is very hard to get a social flat in Debrecen because of the bidding. Only a person who offers the highest price gets the flat. Nowadays, social flats can cost up to 40,000 forints per month. Most Gypsies have no possibility to pay this amount."<sup>37</sup> In Hajdúhadház,

social flats available for rent are also distributed through public auction, though such auctions are not generally advertised. Reportedly, auctions are sometimes announced to only a few people, generally those with ties to the local government. Romani residents in Hajdúhadház report that they do not receive notification that social flats will be auctioned off. Only houses in poor condition and located near existing Romani settlements were advertised. There are currently around a hundred social flats in Hajdúhadház, according to Mr Levente Kis of the *Association for Hajdúhadház*, but not a single Romani family occupies a social flat in the town.<sup>38</sup> Roma frequently cannot afford to bid high enough to secure a publicly owned flat in such an auction, or they are not even notified that the auctions occur. The public auction schemes in Debrecen and Hajdúhadház effectively block Roma from accessing social housing.

A number of Roma with whom the *ERRC* met reported that non-Roma received preferential treatment in the allocation of social housing. Mr László Botos, a Romani man from Debrecen, stated, "The authorities always say the waiting list is long, but non-Roma always receive flats first."<sup>39</sup> Mr Gábor Balogh, another Romani man from Debrecen, stated, "Local authorities won't do anything for us. Even in the Mayor's Office they won't see us. They always find an excuse. [...] So, how can I solve my flat problems?"<sup>40</sup> Mr I., a Romani man living in Budapest's Eighth District with his wife and four small children, stated that he often visits the local government to apply for social housing but is told that there are no available flats. However, Mr I. stated that he knows the location of available flats. In the meanwhile, he and his family occupy a 24-square-metre-flat.<sup>41</sup>

In other cases, Roma reported to the *ERRC* that local governments place stipulations on eligibility for housing assistance that effectively deny them access to such and prevent them from improving their hous-

<sup>36</sup> *ERRC interview with Ms N.T. April 2003. Budapest.*

<sup>37</sup> *ERRC interview with Ms Ildiko Batizi head of state-run Provisional Homes for Families. April 2003. Debrecen.*

<sup>38</sup> *ERRC interview with Mr Levente Kis. April 2003. Hajdúhadház.*

<sup>39</sup> *ERRC interview with Mr László Botos. April 2003. Debrecen.*

<sup>40</sup> *ERRC interview with Mr Gábor Balogh. April 2003. Hajdúhadház.*

<sup>41</sup> *ERRC interview with Mr I. April 2003. Budapest.*



ing situations. Mr László Botos, a Romani man from Debrecen, stated “Lots of Gypsy families suffer in expensive and small rented flats, [because] they can’t claim housing assistance, they don’t have the money”.<sup>42</sup> For example, some local governments, such as Budapest’s Eighth District and Ózd, reportedly require social housing applicants to possess large amounts of money before considering their applications. During interviews with the local government in Ózd, it was revealed that authorities distinguish between applicants of similar background by comparing their financial situation, due to the high number of applications for each tenement available in the city. The town council reportedly gives preference to families who can prove savings in advance and who will be able to fund their own housing in a few years, with the help of a state-subsidised loan. This all but completely excludes persons who are unemployed and/or relying on social welfare – as is the situation of many Roma in Ózd – from accessing social housing.

In many of the Romani communities that the *ERRC* visited during the course of research, it was reported that local government officials were simply unwilling to assist Roma. For example, in early 2003, the *ERRC* accompanied three Romani women, including one pregnant woman, to the Ózd Property Management Office so they could check their records to determine the amount of money they owed. The women were reportedly forced to wait for seven hours before Ms Andrea Papp, head of the Office, finally provided the women access to their records, thought they were not allowed to take notes or make any copies.

The local government in Ózd generally appears to lack the will to realise programmes aimed at assisting the local Romani community. Several years ago, Mr D., a Romani man from Ózd, applied for a local-government home-building subsidy,<sup>43</sup> offered to persons who already own land supplied with infrastructure (electricity, sewage, etc.). Many Roma were excluded to from the programme because they could not afford to purchase such land. Therefore, in 1996, the local

and national Roma Minority Self-Government negotiated with the local authorities to provide land with infrastructure free of charge to Roma from Ózd, near the segregated Hétes Romani settlement. However, at the time of *ERRC* research in early 2003, land had been made available to local Roma and Mr D. had still not received the subsidy. Mr István Mátyás, a Romani man from Ózd, stated that when he applied for a plot of land, the former Mayor told him that state support does not exist in Ózd.<sup>44</sup>

Similarly, local authorities in Debrecen refused to help Ms Melinda Kiss, a 22-year-old Romani woman attending university in the city, when her assigned non-Romani roommate in her state-provided flat abused and threatened her. Beginning in 2000, when her roommate moved in, Ms Kiss testified, her roommate constantly insulted and abused her, reportedly calling her a “smelly Gypsy” and saying such things as “If I knew that I’d have to share the flat with a Gypsy, I’d have rather been homeless.” Ms Kiss stated that her roommate threatened physical violence if she did not pay the full amount of the bills they were supposed to share. Ms Kiss complained to the local council but was reportedly offered no assistance; the police offered no assistance either, reportedly stating, “If we went to investigate every case of this kind, we would just run around all day.” Ms Kiss was forced to move out of the state-supported flat and in with her family in Bagamér, so she must commute to Debrecen every day.<sup>45</sup>

The *ERRC* also received numerous reports that law enforcement officials interfere in the ability of Roma to legally access social housing. In Budapest’s Eighth District, for example, it was reported that police officers have blackmailed Roma into renouncing their rental contracts, forcing them to become illegal occupants. For example, Ms K., a 46-year-old Romani woman, was arrested in 2001 for rooming prostitutes in her flat. Ms K. testified to the *ERRC* that she was only released from police custody after she signed a declaration nullifying her rental contract. At the time of *ERRC*

<sup>42</sup> *ERRC interview with Mr László Botos. April 2003. Debrecen.*

<sup>43</sup> *ERRC interview with Mr D. July 2003. Ózd.*

<sup>44</sup> *ERRC interview with Mr István Mátyás. July 2003. Ózd.*

<sup>45</sup> *ERRC interview with Ms Melinda Kiss. April 2003. Debrecen.*

research, she, her 19-year-old daughter and infant grandchild were considered illegal occupants.<sup>46</sup>

### Difficulty Renting Private Property

Roma also experience tremendous difficulty renting or purchasing private property in Hungary. Many Roma with financial resources sufficient to rent housing are often rejected by potential non-Romani landlords due to their ethnicity. Many private property owners are deeply prejudiced against Roma and refuse to rent to them. In Debrecen, for instance, five out of 10 property owners contacted by the *ERRC* via telephone with property advertised for rent refused to even meet with the Romani researcher after being informed of his ethnicity. During similar testing<sup>47</sup> conducted in the course of *ERRC* research, a Romani researcher, his wife and three children attempted to rent 10 available flats. Seven property owners refused rental; five because the test family was “Gypsy” and two because of the number of children. The flats were located in integrated neighbourhoods in central Debrecen. Even in cases in which the property owner claims to not be prejudiced against Roma, he or she still, in many cases, will not rent to Roma. The reasons reported for this ranged from fear of what their neighbours may think or do to fear that his or her property will decrease in value if Roma move into the neighbourhood. Ms D., a Romani woman living in Budapest’s Eighth District, informed the *ERRC* that she had unsuccessfully searched for rental accommodation for a very long time. “It is no use to put on your nice clothes. When they (property owners) see I am Romani, they won’t give me the apartment.”<sup>48</sup> The inability to access private accommodation contributes to the great numbers of Romani families forced to settle for substandard housing in segregated neighbourhoods on the periphery of cities.

### Nexus: Housing Rights and Other Fundamental Rights

The housing situation of Roma in Hungary directly affects the ability of Roma to access other fundamental rights and freedoms. Most significantly, the problems of segregation and forced eviction experienced by many Roma in Hungary affect the education of Romani children. The large-scale eviction of Roma from city centres has forced Roma into segregated settlements on the outskirts of various cities. Romani children living in these settlements frequently attend segregated schools that offer substandard education, thereby decreasing their opportunities later in life.

Forced evictions also affect the education of Romani children in that, once forcibly evicted, it is likely that a person or family will be evicted in the future. Indeed, many of the forcibly evicted Roma with whom the *ERRC* spoke had been evicted on many occasions in the past. Many Roma in Hungary who are subjected to forced evictions or live in segregated settlements on the outskirts of cities are not legally registered. Persons must have a residence legally registered with the local government before their children may be enrolled in a local school in Hungary. Therefore, many Romani children are precluded from enrolling in and attending school. For example, Ms S., a Romani woman from Budapest’s Eighth District, reported that local schools refused to enroll her six children as they are not legally registered in the District. Accordingly, the Centre for Family Aid arranged the enrolment of her children at a school for the mentally handicapped, far from their residence.<sup>49</sup>

Many Roma also reported that the substandard conditions in which they live prohibit them from sending their children to school. For instance, Romani children from the Nagy Sándor settlement in

<sup>46</sup> *ERRC interview with Ms K. March, April and May 2003. Budapest.*

<sup>47</sup> *Testing is a technique that is used to collect evidence when there is an allegation of discrimination to gauge the existence or extent of discrimination in employment, housing, public accommodation or, indeed, any other area of social life. The goal of repeated tests is to assess the nature and extent of discrimination, principally to determine whether the observed differences in treatment were isolated or reflect a pattern or practice of discriminatory behaviour.*

<sup>48</sup> *ERRC interview with Ms D. March, April and May 2003. Budapest.*

<sup>49</sup> *ERRC interview with Ms S. April 2003. Budapest. Numerous other Roma with whom the *ERRC* spoke reported similar experiences.*

Debrecen, in which there is no source of water, do not attend school because non-Romani children harass them, because they are unable to bathe or wash their clothes regularly.

A significant portion of the Romani population in Hungary lives in a state of marginalisation from the majority society. Widespread racial discrimination reinforces the denial of Roma access to adequate housing. Government offices in Hungary have enacted policies that indirectly discriminate against Roma and, at times, fail to provide effective remedies to Romani victims of housing rights violations, which strengthens their level of segregation.<sup>50</sup> Romani residents of segregated neighbourhoods in Hungary frequently

lack legal security of tenure, which greatly increases the likelihood of forced eviction. Roma are increasingly subjected to forced evictions, often without the provision of alternative housing. Many Roma, particularly those who lack legal security of tenure or who have been identified as illegal occupants, are in some municipalities ineligible for social housing. Adequate housing is similarly unavailable to a number of Roma who do not possess the large sums of money required by many local governments in Hungary in order to secure social housing. Roma living in sub-standard housing conditions are further unable to access a range of other fundamental rights, most notably the right to education, as well as the right to the highest attainable standards of physical and mental health.

<sup>50</sup> *The Committee on the Elimination of Racial Discrimination (CERD), which monitors states' compliance with the ICERD stated, in its General Comment 19 on racial segregation and apartheid, that racial segregation can "arise without any initiative or direct involvement by the public authorities. It invites States parties to monitor all trends which can give rise to racial segregation, to work for the eradication of any negative consequences that ensue, and to describe any such action in their periodic reports."* CERD. *General Comment 19: Racial segregation and apartheid (Art. 3)*. August 18, 1995, paragraph 4.

## ERRC/COHRE Housing Rights Action Before European Committee of Social Rights

**I**N DECEMBER 2003, the *European Roma Rights Center (ERRC)* and the *Centre on Housing Rights and Evictions (COHRE)*, two premier human rights organisations in Europe, teamed up to undertake joint action before the European Committee of Social Rights.

The housing situation of Roma has, in some countries, reached crisis proportions in recent years. A number of countries in Europe have weakened provisions protecting the rights of tenants, while simultaneously failing to adopt laws to combat discrimination in the field of housing. In many countries, progress on the integration of Roma in housing has in recent years been reversed, with renewed or exacerbated racial segregation in the field of housing reported. Some countries have never acted or have only acted extremely inadequately to recognize the right to housing for all, and to combat abuses of the right to adequate housing. Due to an outbreak of anti-Romani sentiment in Europe, such abuses are more and more common where Roma are concerned. Forced evictions of Roma, absent the provision of even rudimentary alternate accommodation, are reported with very disturbing frequency.

As a result of the foregoing, in 2001, the *ERRC* and *COHRE* joined forces to document the housing rights situation of Roma in Europe, and to begin acting to combat ongoing housing rights abuses. The submissions presented this week to the European Committee of Social Rights are the first major joint action in this area by the two organisations.

Signator parties to the European Social Charter and the Revised European Social Charter are currently under review for compliance with Article 16 of both Charters on the right of the family to social, legal and economic protection. Timed for that review, the *ERRC* and *COHRE* sent joint sub-

missions on six countries – Bulgaria, Greece, Hungary, Italy, Romania, Turkey – focusing on the rights of Roma to adequate housing and other social protection issues. The submissions highlight issues related to:

- ◆ Inadequate legal regimes for combating housing discrimination, and in some cases even explicitly discriminatory rules on housing or related issues;
- ◆ Forced evictions of Roma;
- ◆ Racial segregation in the field of housing;
- ◆ Substandard or extremely substandard housing for Roma;
- ◆ Blocked access to social housing;
- ◆ Discrimination and other arbitrary treatment in related social protection fields.

The submissions feature a number of recommendations, aimed at ensuring that Roma are protected from housing rights violations, and receive just remedy if and when their housing rights are abused.

The submissions present a range of first-hand research documentation undertaken by the *ERRC* and partner organisations in recent years, including housing rights research supported by grants from the British Embassy in Budapest and the Norwegian Foreign Ministry. The full texts of the submissions are available at: <http://errc.org/news.shtml>

In the coming weeks and months, the *ERRC* and *COHRE* look to the Committee of Social Rights to make clear that in the key area of housing, states must act to ensure that none suffer abuses of their fundamental rights.



*The Ponorâta Romani neighbourhood of the village of Vălenii Lăpuşului, near Târgu Lapus in northern Romania.*

PHOTO: ERRC





*The Boton family in front of the remains of what used to be their home, following the implementation of a “cleaning operation” carried out by municipal police of the city of Rome using bulldozers, Rome, Italy, August 2003.*

PHOTO: STEFANO MONTESI

# Roma in Turkey

Tara Bedard<sup>1</sup>

**A**T THE BEGINNING OF SEPTEMBER 2003, I undertook a one-week field mission to Istanbul, Turkey to engage in research into the situation of Roma in the country. What follows is a brief look at several issues that stuck out as the most important, as expressed by the people with whom I met.

## Non-Recognition by the Turkish State as a Minority

In Turkey, there are strong politics of assimilation. The Turkish State is paranoid that ethnic groups may want to separate. [...] I personally do not have problems with Turks or with state officials, but I do not go around announcing that I am Romani. If members of minority groups start to promote their ethnic identity, they will have problems. However, if a person supports the state, they will never have problems. [...] On paper, everyone is Turkish. Everyone has personal documents. The government wants everyone to have these. Ethnicity is not listed in our documents because it is not recognised by the government.<sup>2</sup>

A Romani man from Istanbul made this statement to me after I asked him whether he experienced any problems attributable to his Romani ethnicity in Turkey. The Turkish State does not officially recognise the existence of ethnic minorities in the country. According to the Lausanne Treaty of 1923, only non-Muslims are recognised as minorities by the Turkish

government. There is no reference to ethnicity or race, aside from Article 38, which states, “The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion. [...]”<sup>3</sup>

Despite the fact that Roma are not recognised as a minority, existing legal provisions in Turkish legislation do discriminate against Roma. For example, Turkey’s 1934 Law on Settlement (as subsequently amended) explicitly lists “itinerant Gypsies” among groups of persons to be subject to differential treatment. In the law’s chapter on “Areas of Settlement”, Article 1 states: “The settlement of immigrants, refugees, nomads and itinerant Gypsies within the country shall be arranged by the Ministries of Internal Affairs and Health and Social Assistance in accordance with the program to be made by the Council of Ministers with a view to ensuring their loyalty to Turkish culture and improving the establishment and distribution of the population.” Article 4 states: “A. Those who are not attached to Turkish culture; B. Anarchists; C. Spies; Ç: Itinerant Gypsies; and D. Persons deported, shall not be accepted as immigrants into Turkey.”<sup>4</sup>

In the past year, two legal reform packages have been passed by the Turkish government in its bid for EU membership. These contain provisions that, while not lending official recognition to minorities in the country, acknowledge the existence of such, at least linguistic minorities, and impact on access to basic rights by members of minority groups. Most recently, an amend-

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<sup>2</sup> ERRC interview with Mr M.D., a Romani man. September 10, 2003, Kuştepe neighbourhood, District of Şişli, Istanbul. The initials of the Romani interviewees have been changed for the purpose of this publication, to ensure the safety of the people with whom the ERRC met.

<sup>3</sup> Treaty of Peace with Turkey Signed at Lausanne. July 24, 1923.

<sup>4</sup> Law No. 2510, The Turkish Law of Settlement. Adopted on June 14, 1934 and published in the Official Gazette on June 21, 1934.



ment to the 1983 Law on Teaching of Foreign Languages and the Learning of the Different Languages and Dialects of Turkish Citizens, No.2934, provides that, while the language of tuition in training and educational institutions in the country must be Turkish, private language courses may be established to facilitate the learning of languages and dialects traditionally used by Turkish citizens.<sup>5</sup> As of December 1, 2003, the Council of Ministers had not yet explicitly stated in which languages such training could be offered. A second amendment to the 1994 Law on the Establishment of and Broadcasting by the Radio and Television Channels, No.3984, provides that public and private television and radio stations may broadcast programming in the various languages and dialects traditionally used by Turkish citizens.<sup>6</sup>

However, Mr M.D. stated that, despite the fact that their membership in an ethnic minority group is not officially recognised, it is recognised by ordinary citizens. Another Romani man reported that he had, indeed, experienced discrimination due to his ethnicity. He stated, that many times in the past, he had tried to rent a flat from non-Roma but had always been unsuccessful. The man stated, “the landlords say that we won’t pay because we’re poor Gypsies and that we have too many children.”<sup>7</sup>

Other Roma with whom I met claimed that, while they had not experienced outright discrimination by non-Roma, a definite distinction is made. It was explained to me that, while non-Roma do not outwardly

display hostility or discriminatory attitudes towards Roma, there is a definite divide between Roma and non-Roma. As Mr M.D. stated,

Turks and Roma do not usually have much contact. For instance, a Romani man would not enter a café owned by a Turk because he would not feel comfortable.<sup>8</sup> [...] there is racism among average people. You can feel it. I believe that many Turks regard Roma as second class citizens. Many Turks do not want their children to marry Roma. [...] Roma here have problems finding work. When applying for jobs, if the employer finds out a person is Romani, they will not be hired for the position. It is the same with buying and renting houses.<sup>9</sup>

### Substandard Housing Conditions

During my time in Istanbul’s Romani communities, I noted that one problem which affected almost everyone was access to adequate housing.<sup>10</sup> While I met Roma living in both registered and unregistered housing, the conditions of the two types of housing differed dramatically, in terms of both physical condition and treatment of the inhabitants by outsiders. Additionally, the unregistered settlements were small segregated clusters of Roma, while those Roma living in registered housing lived in mixed areas.

A tour of the Kuştepe neighbourhood in the District of Şişli revealed a neighbourhood better off than

<sup>5</sup> Article 23 of Law No 4963. Published in the Official Gazette on August 7, 2003.

<sup>6</sup> Article 14 of Law No. 4928. Published in the Official Gazette on July 19, 2003.

<sup>7</sup> ERRC interview with a Romani man who requested anonymity. September 12, 2003, Yeni Sahre neighbourhood, District of Kadıköy, Istanbul. A very high number of Roma interviewed during this field mission were unwilling to allow even their initials to appear in print, apparently out of fear of consequences.

<sup>8</sup> Indeed, only Roma were present in the café owned by a Romani man in which we spoke.

<sup>9</sup> ERRC interview with a Romani man who requested anonymity. September 10, 2003, Kuştepe neighbourhood, District of Şişli, Istanbul.

<sup>10</sup> Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Turkey ratified in August 2000, states, “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right [...]” In its General Comment 4, the Committee on Economic, Social and Cultural Rights, which monitors state’s compliance with the ICESCR, defined adequate housing in terms of the following elements: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.



*Housing conditions in the Kuştepe neighbourhood, District of Şişli, Istanbul, September 11, 2003.*

PHOTO: RICHARD J. ATKIN

the rest I would eventually visit, though I found the conditions of the community to be far from adequate. Kuştepe is reportedly a mixed neighbourhood, housing ethnic Turks, Kurds and Roma. There were many buildings with no glass in the windows, and some doors were missing. There also appeared to be holes in the exterior walls of some of the buildings. I was informed by Mr T.R., a Romani man from the neigh-

bourhood, that all of the homes had running water, indoor sanitary facilities and electricity.<sup>11</sup> However, I was inclined not to believe that every house/flat had access to such services given the state of the buildings. The electrical wires connected to the poles looked very chaotic as if they had been hooked up illegally. I also saw, on one street, a live wire hanging about three feet from the ground with three children, probably between 8- and 10-years-old, playing limbo beneath it. Bilgi University, a private Turkish university, is located directly across the street from the Romani community. Mr T.R. noted that while the entire neighbourhood is often without electricity due to bad transformers, the university is never without

<sup>11</sup> ERRC interview with a Romani man who requested anonymity. September 10, 2003, Kuştepe neighbourhood, District of Şişli, Istanbul.

electricity, because it receives power from a wealthier district. The area was littered with trash, though garbage was reportedly collected every night.

The other communities I visited were in far worse condition. I visited one evening a Romani community living in tents in an open field at least one kilometre from other buildings in the District of Ataşehir. There were twenty tents in total, constructed of scrap materials including wood, metal, cardboard, carpets and plastic. There was no electricity in the settlement and no running water. The residents informed me that they had built a well for water without permission and otherwise obtained water from people living in houses in the district. The settlement also lacked canalisation and garbage littered the area.

I also visited two settlements in the Yeni Sahre neighbourhood in the District of Kadıköy, inhabited completely by Roma. The Roma living in the first settlement did not want to speak with me but I was able to see during my brief visit that the settlement consisted of about 10 makeshift shacks in very bad condition. Some of the homes had cement foundation and walls, with scrap wood, metal, plastic and brick roofs. Others of the homes were made entirely of collected materials. There were visible holes in the walls of each home that I saw and no glass in some of the windows. The area was littered with garbage, and there were horses grazing in a small field next to the shacks with manure everywhere. The condition of the settlement generally appeared to be very unhealthy.

There were about 15 shacks in the second settlement in the Yeni Sahre neighbourhood. A few of the shacks had cement frames, some of which looked as if they had been partially bulldozed and rebuilt with scrap materials. The other structures were actually tents made of plastic and scrap wood. One of the “shacks” that I saw was merely a wooden frame with hanging carpets. The shacks had electricity but no source of potable water or sanitary facilities. The shacks I entered had gas burners/heaters. Some of the shacks had cement floors, while the tents had dirt floors. Garbage was littered throughout the settlement and the broken glass and bricks from half-demolished homes were strewn everywhere.

## Forced Evictions

One form of degrading treatment to which Romani inhabitants of informal settlements reported being subjected was recurrent forced evictions by local authorities and police without the provision of any form of alternative accommodation. In one community, it was reported that the police are often abusive during eviction procedures.

Romani inhabitants of the tent settlement in the District of Ataşehir informed me that they had moved to that location approximately 10 years earlier, following the destruction of their unregistered homes by municipal authorities in the District of Küçük Bakkalköy. They had reportedly built small huts on the land, but in August 2002, the police had destroyed these along with their possessions and ID cards. The Roma with whom I spoke informed me that they had all had their ID cards replaced, but they were now forced to live in tents. One Romani woman testified,

Four or five times a year, representatives of the municipality and the police come and we are forced to move to other places for short periods of time. But we always come back. They usually say that people are complaining about the sight of the area. The last time this happened was two or three months ago. Usually, about 40 to 50 municipal workers and police are involved. During the evictions, the police sometimes curse our ethnicity. If we react at all to the eviction, the police beat us. The last time we were evicted, we were not given any notice. The police came that day and told us to pack our belongings and leave. A 16-year-old boy who does not live here anymore was injured. One of the officers cursed us and called us “Gypsies” so the boy punched the officer. Many of the officers present began to beat the boy. They punched him and hit him with truncheons on his head and back. The officer that the boy punched also pointed a gun at him and threatened him. Later the officer apologised for cursing at us. Another woman who is not here tried to protect her tent and another officer cursed her and hit her many times with a truncheon.<sup>12</sup>

All of the Roma from the settlement stated that local authorities had never provided them with alterna-

<sup>12</sup> ERRC interview with a Romani woman who requested anonymity. September 11, 2003. District of Ataşehir, Istanbul.

tive accommodation. In the past rather, they have moved to other locations in which they live in similar conditions for short periods of time until again being evicted.

Similarly, the Romani residents of the second segregated settlement I visited in the Yeni Sahre neighbourhood informed me that they were frequently subjected to forced evictions by local authorities and police. An approximately 25-year-old Romani woman from the settlement stated that her seven-member family had been living on and off in the same location for about four years, following their eviction from their previous residence. According to the woman,

We are evicted from here four or five times every year. Most recently, we were evicted in August. We were given two or three days notice that we would be evicted, so we gathered our belongings and left the area before we were evicted. We lived in similar conditions in another place, but we were evicted from there too, so we moved back here. We generally have to move every one or two months.<sup>13</sup>

### Access to Education, Employment and Social Assistance

Many of the Roma with whom I spoke during my mission testified that they did not have access to social and economic rights such as education, formal employment and social welfare. In terms of access to education, Romani residents from every community I visited stated that the largest impediment to sending their children to school was financial. Mr T.R. from the Kuştepe neighbourhood stated that many Romani children from the neighbourhood do not attend school after the fourth grade because their parents cannot afford to purchase either the supplies they need, or to pay their tuition. A Romani woman from the settlement in the District of Ataşehir stated “We can’t even buy bread”, therefore none of the children from the settlement attend school. Ms B.L., a 37-year-old Romani woman living beside the second segregated settlement I visited in the Yeni Sahre neighbourhood, informed me that only one of her two school-age children attends school.<sup>14</sup> Her son re-

portedly remained at home because she could not afford to purchase school supplies for him. Residents of the Romani communities in the District of Ataşehir and the Yeni Sahre neighbourhood reported that their frequent eviction from their places of residence also prohibit their children from attending school.

Regarding employment, none of the Roma living in the informal settlements I visited had access to formal employment and engaged in various informal trades as a means of survival. Roma from the tent settlement in the District of Ataşehir collected garbage and scrap metal, which they recycled for money. However, many of the Roma stated that when they are forcibly evicted, they are in much worse situations, because the place at which they recycle the collected goods is close to the settlement. The distance between their alternative settlements and the place at which they sell the collected goods reportedly makes it impossible to earn money. Similarly, Roma from the Yeni Sahre neighbourhood with whom I spoke collect garbage and cardboard for money. Roma living in better conditions in the Kuştepe neighbourhood engaged in the flower trade as a source of income, however business had reportedly fallen in recent times, due to Turkey’s poor economic situation. Regardless of the type of economic activity in which the Roma with whom I met were engaged, all felt that the government was failing to do its part to meet their needs.

While many of the Roma with whom I met stated they were either unemployed or engaged in failing businesses, the same people stated that there existed a stark lack of social programmes to which they could turn for assistance. It was reported to me that none of the Romani residents of the tent settlement in the District of Ataşehir received any form of social assistance, in terms of either welfare or medical insurance. Roma from the community stated that they received medical treatment as long as they had money to pay for it and that, while doctors did not treat them differently than non-Roma, the level of treatment depended on the amount of money they had. The same was reported by Roma from the Kuştepe and Yeni Sahre neighbourhoods. This despite the fact that Article 5 of the Turkish Constitu-

<sup>13</sup> ERRC interview with a Romani woman who requested anonymity. September 12, 2003. Yeni Sahre neighbourhood, District of Kadıköy, Istanbul.

<sup>14</sup> ERRC interview with Ms B.L. September 12, 2003. Yeni Sahre neighbourhood, District of Kadıköy, Istanbul.



tion sets out, “The fundamental aims and duties of the State are; to safeguard the independence and integrity of the Turkish Nation, the indivisibility of the country, the Republican democracy; to ensure the welfare, peace, and happiness of the individual and society; to strive for the removal of political, social and economic obstacles which restrict the fundamental rights and freedoms of the individual in a manner incompatible with the principle of justice and of the social State governed by the rule of law; and to provide the conditions required for the development of the individual’s material and spiritual existence.”<sup>15</sup>

<sup>15</sup> Article 5 of the 1982 Constitution of the Republic of Turkey. Official translation available on the Internet at: <http://www.mfa.gov.tr/grupc/ca/cag/1142.htm>.

*Romani residents of a tent settlement in the District of Ataşehir, Istanbul, September 11, 2003. At the time of the ERRC visit, these Roma were staying in tents, because local authorities had reportedly destroyed their shacks in the summer of 2003.*

PHOTO: ERRC



### The End of the Week

At the end of my week in Istanbul, I was left with the general impression that, while the situation of Roma in Turkey is somewhat different from that of Roma in other countries, many of the problems are the same. However, the stark lack of a Romani civil society in the country and the minimal focus on Romani issues generally by policy measures was noteworthy. I was alarmed at the state of Roma rights in the country, in particular because next to nothing is currently being done to remedy the injustices suffered by many Roma.

# Highly Irregular Greek Police Investigation into the Ill-Treatment of Romani Men by Police Officers

Panayote Dimitras<sup>1</sup>

ON NOVEMBER 17, 2003, the Cephallonia Prosecutor submitted a motion to the Misdemeanours Judicial Council, recommending that Officer Nikos Kanellopoulos, accused of mistreating two Romani youths, be referred to trial. On September 13, 2003, the Argostoli First Instance Court informed the *European Roma Rights Center (ERRC)*, in partnership with the *Greek Helsinki Monitor (GHM)*, that, following a judicial ordinary investigation into the allegations of ill-treatment of two Romani youths, Mr Theodore Stephanou and Mr Nikos Theodoropoulos, three officers of the Greek police, the Argostoli Police Security Department Commander, Lieutenant Second Class George Choraitis, and Officers Politimos Yachalis and Nikos Kanellopoulos, were charged in accordance with Article 137A(3) of the Greek Criminal Code with inflicting bodily harm. On October 8, 2001, Mr Stephanou, a minor at the time of the incident, with assistance from the *ERRC/GHM*, filed a criminal complaint against police officers of the Argostoli Police Station following his ill treatment by officers on August 5, 2001.

## Background to the Case of Ill-Treatment of Theodore Stephanou and Mr Nikos Theodoropoulos

On the night of August 4, 2001, Mr Nikos Theodoropoulos and three other Romani youth were taken into custody and then arrested after being accused of the theft of a large sum of money from a

kiosk, a sum that was never found. In the early hours of August 5, 2001, Mr Stephanou, whose family vehicle had been searched while he was away from it, went to the police station when told that officers had been looking for him. Mr Stephanou and Mr Theodoropoulos, as well as two other Roma arrested, subsequently claimed they were subjected to serious physical abuse in the Argostoli Police Station on the island of Cephallonia. Upon arrival at the police station at around 1:00 AM on August 5, 2001, two officers reportedly placed the young Roma in separate rooms to interrogate them about the theft. According to his testimony to the *ERRC/GHM*, when Mr Theodoropoulos refused to confess to the theft, both officers began punching and slapping him in the face and stepping on his feet with their boots for approximately 20 minutes. He was then placed in a detention cell. After being allowed to sleep for a few hours, officers again reportedly beat Mr Theodoropoulos until he signed a deposition, the content of which was not read to him. Police had previously denied him the right to call an attorney, but put in his statement that he had waived that right. According to Mr Stephanou, upon his arrival at the police station, he was placed in a room and an officer repeatedly punched and slapped him hard in the face in the presence of the police commander and another officer for around 15 minutes, while the police Commander questioned him. Mr Stefanou was then handcuffed and taken to his truck, where he presented his cellular phone to the police officers who impounded it; he was then brought back to the police station and beaten for another 15 minutes by the first officer, who repeatedly asked him "where the money was."<sup>2</sup>

<sup>1</sup> Panayote Dimitras is the Spokesperson of the Athens-based non-governmental organisation Greek Helsinki Monitor. Mr Dimitras is also a Recurrent Visiting Professor at the Nationalism Studies Programme of the Central European University and a member of the Assembly of Delegates of the World Organisation Against Torture. He holds a Ph.D. in Political Economy and Government from Harvard University.

<sup>2</sup> Further information on the case is available at: [http://www.errc.org/rr\\_nr3\\_2003/snap22.shtml](http://www.errc.org/rr_nr3_2003/snap22.shtml) and [http://www.errc.org/rr\\_nr4\\_2001/snap12.shtml](http://www.errc.org/rr_nr4_2001/snap12.shtml) and [http://www.greekhelsinki.gr/bhr/english/special\\_issues/ai-ihf-torture-background/Theodoros%20Stephanou.doc](http://www.greekhelsinki.gr/bhr/english/special_issues/ai-ihf-torture-background/Theodoros%20Stephanou.doc).

## Dubious Investigation

According to the testimony of Mr Stephanou to the *ERRC/GHM* on October 8, 2001, after the first arrest on August 5, 2001, he was arrested again in September 2001 by Officer Kanellopoulos – the same one who ill-treated him on August 5 – on a date he was not able to specify, in his hometown of Patras, to which Officer Kanellopoulos had been transferred. A hearing before the One Member Juvenile Court of Patras is set for February 3, 2004. According to the penal file on the arrest prepared by the police, Mr Stephanou was arrested because “he could not prove lawful possession of a cellular phone” and charged in accordance with Article 394(1) (possession of stolen goods). Thus formulated, the reason for the arrest constitutes an inadmissible reversal of the burden of proof, insofar as it requires the accused to prove how he legitimately came into possession of the object, rather than prosecuting authorities to prove that he acquired the object in an illegal manner. Nowhere in the penal file is there any report of a stolen cellular phone. This constitutes a clear example of racial profiling, as the officers assumed that a Romani person could not lawfully own a cellular phone.

In his April 30, 2002 testimony, submitted within the framework of the Sword Administrative Investigation (SAI), launched on November 21, 2001, after the first allegations were made concerning the alleged August 4, ill-treatment, Officer Kanellopoulos asserted that he arrested Mr Stephanou on September 3, 2001. The Deputy Director of the Cephallonia Police Directorate, Mr Evangeloelias Moschonas, who conducted the SAI, however, concluded, at page 9 of the SAI, that “[...] Mr. Stephanou was arrested in Patras on September 5, 2001.” This discrepancy in the dates is important, as Officer Kanellopoulos was not on duty on September 3, 2001, as proven by the fact that the Cephallonia Police Directorate, with its reference document 233428/6/4-κθ, dated April 24, 2002, requested that the Achaia Police Directorate supply the September 3 duty roster. Noting, however, that Office Kanellopoulos was not on duty on that day, on May 13, 2002, the Cephallonia Police Directorate requested that the Achaia Police Directorate dispatch “[...] the duty roster for September 5, 2001, and not that of September 3, 2001, as [our service] requested by mistake on April 24, 2002 [...].”

Mr Stephanou further stated to *ERRC/GHM*, in late October 2001, that his arrest did not take place on either September 3 or 5, 2001, but many days later. This claim is strengthened by the fact that the police penal file on the arrest – supposedly completed on September 5, 2001 – was submitted to the Prosecutor on October 27, 2001, more than 50 days following the alleged date of Mr Stephanou’s arrest. (Under Article 37(1) of the Greek Criminal Procedure Code, investigating officials should “without delay” inform the competent prosecutor of all criminally sanctionable acts.) Moreover, the Cephallonia Police Directorate’s Register of Occurring Crimes makes no reference to an arrest on September 5, but refers to the dispatch of the file to the prosecutor on October 27, 2001.

In addition to the discrepancy concerning the date and circumstances of the arrest, there is a discrepancy in Officer Kanellopoulos’ testimonies in the penal file and during the SAI. In his deposition for the SAI, Officer Kanellopoulos claimed that on the day of the arrest, which he stated to be September 3, 2001, he and a colleague, whose name he could not recall, received orders to proceed to the scene of a reported cellular phone theft. There, the theft victim informed police officers that she had seen two “Athinganoi” close to her house when the theft took place. “Athinganoi” is a term used to refer to Roma in Greece. According to Officer Kanellopoulos’ testimony, the officers searched the area and found Mr Stephanou, whom they arrested, while another Romani youth evaded arrest. The woman did not identify Mr Stephanou as the perpetrator of the theft but, according to Officer Kanellopoulos, “[...] as was the case in Cephallonia, he could not prove lawful ownership of the cellular phone and was consequently arrested”.

A different version of the events appears in Officer Kanellopoulos’ deposition in the penal file concerning Mr Stephanou’s second arrest. In his September 5, 2001 deposition, Officer Kanellopoulos does not mention receiving any orders to proceed to the area where Mr Stephanou was arrested, or the fact that another Romani youth avoided arrest. The file does not contain a deposition by the officer who allegedly accompanied Officer Kanellopoulos. The case file also contains Mr Stephanou’s signature on one of the documents. There are strong reasons to



believe this to be a forgery as Mr Stephanou stated unequivocally that he never signed the document, and the signature does not bear any resemblance to that of Mr Stephanou.

The above discrepancies point to the fact that members of the Greek Police have attempted to discredit Mr Stephanou's legal action regarding his alleged ill-treatment by police officers. Indeed, in his deposition before the investigating judge dated September 10, 2003, Officer Kanellopoulos contended that Mr Stephanou had submitted the criminal complaint in retribution for his arrest and subsequent indictment. There is strong reason to believe that Mr Stephanou's arrest took place sometime after September 17, 2001, when the alleged ill-treatment incident became widely known. Should Greek Police admit that the arrest took place after the alleged ill-treatment gained publicity, it would invite strong criticism that authorities sought to arrest Mr Stephanou in order to use his arrest as a bargaining chip to force him to retract his criminal complaint.

### **Pressure to Retract Legal Action**

A highly insidious aspect of this case relates to the information received by the *ERRC/GHM*, between November 2001 and September 2003, that officers have attempted to "persuade" the Roma involved to retract their allegations. Most importantly, in his May 5, 2003 sworn testimony, Mr Theodoropoulos, the second Romani youth allegedly ill-treated on August 5, 2001, testified to the investigating judge, "We were called by the Director, Moschonas, who instructed us to say that no police officer ill-treated us and that we were only slapped a couple of times, as usual. I had to withdraw the allegation because I am a permanent resident here and I am afraid." Mr Moschonas held the rank of the Deputy Police Director and served as Deputy Director of the Cephallonia Police Directorate. In this capacity he conducted the SAI into the allegations of ill-treatment by Mr Stephanou and Mr Nikos Theodoropoulos. The SAI concluded, on May 15, 2002, that these allegations were "manifestly unfounded" and recommended no disciplinary action be taken. In the course of the SAI, Mr Moschonas was promoted to Director of the Cephallonia Police Directorate.

The *ERRC/GHM* drafted a memorandum outlining the many contradictions in the files of the SAI, the penal file concerning the alleged theft of the cellular phone by Mr Stephanou in Patras and of the penal file concerning the ill treatment of the two youths. This memorandum formed the basis of the criminal complaint submitted by *ERRC/GHM* on September 4, 2003, to the Misdemeanours Prosecutor of Cephallonia. The criminal complaint was filed against 11 officers serving in Patras and Cephallonia, including the director of the Cephallonia Police Directorate, Mr Moschonas, and concerns a wide range of alleged offences, from perjury and breach of duty to forgery. A related preliminary inquiry was immediately launched by the Misdemeanours Prosecutor.

### **Racial Profiling**

The *ERRC/GHM* also found racial profiling present in the defence memorandum attached to Lieutenant Choraitis's September 10, 2003 deposition testimony. According to Lieutenant Choraitis, "my unremitting professional activities have had as a result the containment of the aforementioned criminal behaviour of those [two Romani women including Ms Maria Stephanou, Theodore Stephanou's sister and wife of Mr Theodoropoulos] as well as others of their race and their relatives". Lieutenant Choraitis further testified that the mentioned Roma "repeatedly and as a profession engage in theft", and exhibit "anti-social behaviour, considering that all the aforementioned Athinganoi, together with their relatives, have been conclusively proven to be the perpetrators of more than twenty (20) thefts".

Lieutenant Choraitis also submitted 12 standardised police documents to the investigating judge entitled either "To the Prosecutor's Attention" or "Submission of a Penal Case Brief", which concern Argostoli Roma, some of which are relatives of Mr Stephanou and Mr Theodoropoulos. Six of these documents concern cases that took place between 1994 and the time the criminal complaint was filed, while the other six documents concern cases that took place after the criminal complaint was filed. In fact, one of the latter six documents did not originate from Lieutenant Choraitis's department but rather from the North-Eastern Attica

Police Directorate. None of the submitted documents pertain to Mr Stephanou and only two pertain to Mr Theodoropoulos. All of the documents fail to list ensuing court decisions and therefore it is not known how many of these cases led to convictions. It is believed that these documents were submitted merely to support Lieutenant Choraitis' claims that Mr Stephanou and Mr Theodoropoulos are habitual delinquents and to cast them in an unfavourable light. Police officers, by virtue of their profession, have easy access to civilians' criminal records and files, whereas a civilian cannot easily access police officers' disciplinary files. In fact, this practise may constitute a violation of Article 2(b) of Law 2472/97 on the Protection of Sensitive Private Data, under which data concerning criminal convictions or criminal proceedings launched against a person are considered "sensitive data" and are therefore protected from unwarranted disclosure. For these reasons, the *ERRC/GHM* submitted a complaint to the Greek Data Protection Authority (DPA) on November 10, 2003, alleging that the aforementioned practice amounts to a grave violation of protection of sensitive personal data. The DPA had not answered *ERRC/GHM* as of December 15, 2003.

On November 10, 2003, the *ERRC/GHM* addressed a letter to Greek Minister of Public Order Mr George Florides, to which the memorandum outlining the contradictions in the case files was attached, requesting that the officers referred to in the memorandum, and still stationed in Argostoli, be either suspended from duty or transferred from Cephallonia, as they had attempted to coerce the Roma concerned into retracting their statements. In addition, the *ERRC/GHM* called on Mr Florides to launch an investigation into the allegations, to be conducted by the Internal Affairs Bureau of the Greek Police. The Internal Affairs Bureau has been exceptionally effective in bringing to light cases of corruption within the police force and has recently been assigned the task of investigating all corruption allegations within the entire Greek Civil Service. Cases of death, injuries or ill-treatment at the hands of Greek Police do not currently fall within its mandate, though it appears that it was initially meant to deal with such cases. The Minister had not answered *ERRC/GHM* as of December 15, 2003.

### **Difficulty Commissioning Adequate Legal Representation**

A collateral issue that has arisen within the framework of Mr Stephanou's case is the reluctance of lawyers to handle cases concerning allegations of ill-treatment at the hands of police officers. Under Greek law, plaintiffs are entitled to be represented by both legal council and proxy council if the former is not based in the area in which the alleged crime was committed. The proxy should familiarise herself with all relevant case documents and transmit them to the plaintiff or legal council. This is usually a simple procedure, but in cases in which police officers are accused of crimes, the procedure is beset with problems, as exemplified by Mr Stephanou's case. On the very day Mr Stephanou's criminal complaint was lodged (October 8, 2001), Mr Stephanou's *ERRC/GHM* supported legal counsel was unable to find a Cephallonia-based lawyer to act as proxy. All four lawyers contacted, including the then-Chairman of the Cephallonia Bar Association, declined to act as such after being informed of the content of the criminal complaint. Only after a few months did the *ERRC/GHM* find a lawyer, Mr Antonios Drakontaeidis, who orally agreed to serve as the proxy lawyer. After some time, it came to the attention of the *ERRC/GHM* that Mr Drakontaeidis had not informed the court of his appointment and the *ERRC/GHM* were unable to contact him. The *ERRC/GHM* found another lawyer, Ms Eftichia Anastasiadou, to serve as proxy in the case, but on October 13, 2003, the Argostoli Prosecutor informed the *ERRC/GHM* that Ms Anastasiadou had orally stated she did not want to be involved in the case and declined to sign the notification of the completion of the judicial investigation. Ms Anastasiadou had not informed the *ERRC/GHM* of this. Thus, on October 23, 2003, the *ERRC/GHM* sent a letter to the Cephallonia Chairman of the First Instance Judges, copied to the Greek Minister of Justice, the Prosecutor of the Supreme Court, the President of the Plenary of Greece's Bar Associations and the Ombudsman, wherein they informed the Chief Cephallonia Judge of the above and requested the appointment of a proxy lawyer. The *ERRC/GHM* also listed five other cases involving Roma and a Ukrainian trafficking victim in which local lawyers refused to act as proxies or had failed to inform the plaintiffs and their

lawyers of crucial developments, hence damaging the cases. The *ERRC/GHM* also recalled the frequent allegations of lawyers discouraging the filing of complaints by ill-treatment victims mentioned in the 2001 report of the Committee for the Prevention of Torture on Greece (paragraph 18). The letter was apparently transmitted to the Cephallonia Bar Association which, in a letter to the *ERRC/GHM* dated October 29, 2003, refuted their claim that lawyers from Cephallonia had refused to act as proxy lawyers. On November 11, 2002, the *ERRC/GHM* responded, noting that the claims can be substantiated and called for the Chairman of the Bar Association to give an opinion concerning the manner in which Ms Anastasiadou withdrew from the case. As of December 15, 2003, the *ERRC/GHM* had not received a response from the Cephallonia Bar Association, but were informed that disciplinary proceedings had been launched against Ms Anastasiadou. Additionally, on November 13, 2003, the First Instance Court of Cephallonia informed *ERRC/GHM* that it had appointed a lawyer to act as the proxy lawyer for Mr Stephanou.

### **ERRC/GHM Follow-up to the Prosecutor's Motion**

In its November 17, 2003 motion in which it recommended that only Officer Kanellopoulos be referred to trial, the Prosecutor laid heavy emphasis on the SAI into the October 8, 2001 incident, which concluded that no ill-treatment had taken place. On December 1, 2003, Mr Stephanou's *ERRC/GHM* supported attorney, Mr Orestis Georgiadis, submitted a legal brief, commenting on the prosecutor's motion, in which he welcomed the referral of Officer Kanellopoulos and highlighted the fact that the find-

ings of the SAI contained a number of inconsistencies and therefore should not form the basis of the decision not to refer Lieutenant Choraitis to trial. In an attached memorandum, Mr Georgiadis outlined the inconsistencies found between the SAI findings and the case file and drew attention to the statements made by Lieutenant Choraitis during his deposition and the attached September 10, 2003 defence memorandum, which constitute racial profiling and incitement to racial hatred. Mr Georgiadis argued that the statements made by Lieutenant Choraitis indicate his strong anti-Romani attitude and support the contention that he did, indeed, condone the actions of Officer Kanellopoulos or even encourage him to physically abuse Mr Stephanou. Mr Georgiadis asked that Lieutenant Choraitis be charged in accordance with Article 137(A) (inflicting bodily harm) and 137(B2) (instigating the crime) of the Greek Criminal Code. If found guilty of the latter, Lieutenant Choraitis, in his capacity as commanding officer, would be guilty of a felony, punishable by up to 10 years imprisonment.

### **Conclusion**

This case is important because it underlines a number of problems Roma and their advocates face in accessing effective redress for ill-treatment, injury or death at the hands of law enforcement officers in Greece. Since the very beginning of the case, the *ERRC/GHM* has repeatedly informed the Greek Ombudsman of irregularities in the case. The Ombudsman has assisted the *ERRC/GHM* access parts of the SAI file, but despite multiple requests has to this day refrained from investigating the multiple alleged irregular or illegal police activities, or at least pressuring police to carry out an impartial investigation.



## **ERRC Scholarship Recipients: Academic Year 2003/2004**

*In November 2003, the ERRC awarded 31 Romani university students of law and/or public administration with scholarships to pay tuition fees, the costs of academic materials, and in some cases, housing. The awards range between 150 USD and 1,200 USD and were based on comprehensive needs- and merits-assessment. Information on criteria according to which scholarships were awarded is available on the ERRC Internet website.*

- ◆ **Aliz Adler, Hungary**
- ◆ **Rustam Andrejchenko, Ukraine**
- ◆ **Ivan Arkhipov, Ukraine**
- ◆ **Renata Balog, Ukraine**
- ◆ **Beáta Balogh, Hungary**
- ◆ **Sergiy Borovyj, Ukraine**
- ◆ **Mykola Dolokov, Ukraine**
- ◆ **Jordan Draganchev, Bulgaria**
- ◆ **Nikolai Hadrikostov, Bulgaria**
- ◆ **Gabriela Iordan, Romania**
- ◆ **Brigitta Jonash, Ukraine**
- ◆ **Zemfira Karay, Ukraine**
- ◆ **Ibolya Keselj, Ukraine**
- ◆ **Orlin Dimitrov Kolev, Bulgaria**
- ◆ **Oleksandr Kovalenko, Ukraine**
- ◆ **Malvina Lakatosh, Ukraine**
- ◆ **Victoria Lozovik, Ukraine**
- ◆ **Andrij Mikhai, Ukraine**
- ◆ **Chervonya Mikhai, Ukraine**
- ◆ **Edmund Müller, Slovakia**
- ◆ **Aladar PAP, jr., Ukraine**
- ◆ **Aladar PAP, sr., Ukraine**
- ◆ **Tetyana Payul, Ukraine**
- ◆ **Grigori Raducan, Romania**
- ◆ **Adela Simion, Romania**
- ◆ **Yan Sokol, Russia**
- ◆ **Oleksandr Stanesko, Ukraine**
- ◆ **Ruslam Stavraty, Ukraine**
- ◆ **Rustam Stojan, Ukraine**
- ◆ **Mariela Tzankova, Bulgaria**
- ◆ **Ruslan Vama, Ukraine**



# Romani Language Publications

# Lund Rekomodacie pala efektivo lethanipe/ participacia nazionale minoritaturengo thaj eksplanaciake/sikavimaske note

*Romani-language translation of the Lund Recommendations on the Effective Participation of National Minorities in Public Life*

*Fondacia pala Mashkar-Etnikane Relacie, Septembri 1999-to bersh*

## INTRODUKCIA

Ando foro Helsinki kerdino si decizji ando Juli 1992-ro bersh thaj e Organizacia Pala sekuritato thaj Kooperacia ande Europa (OSCE) kerda nevo butjarimasko than (dia pozicia) pala Baro Komesari pe nationale Minoriteta sar “jekh instrumento savo ka opril (kerel prevencia) e konfliktura ande faza kana o konfliktu shaj achavel pes”. Kadi pozicia si kerdini sar reacia pe situacia ande purani Jugoslavia so darada e manushen kaj kade shaj kerel pes pe varesavo aver than ande Europa, specialo ande thema save si ande tranzicia po drom te astaren demokratia. Sa kava shaj phagavel/licharel o prosperiteto/anglunipe sar si vi sikadino ando Charteri/Sherutno Lil pala nevi Europa savo si kerdino ando Parizi thaj savo si lindo/adoptuime katar themenge sherutne thaj katar e Governura ando Novembri po 1990-to bersh.

Po 1-to Januari 1993-to bersh, o rajo Max.van der Stoel lia pe peste responsabiliteto sar angluno OSC-esko Baro Komesari pala nationale Minoriteta (HCNM). Sar sasa les vi maj anglal personalo expirianza sar Mebro e Parlamentosko, sar Nederlandiako Ministro pala avrutne butja, sar permanento reprezentanto Jekhethaneske Naciengo thaj sar bare-vramako advokato pala manushikane xakaja/chachipa, rajo Van der Stoel lia sama pala but problemura save sesa mashkar minoriteta thaj centrale autoriteta/barederipe ande Europa thaj save, sar vov gindisarda, shaj avenas vi maj bare. Lokhes, sar baro diplomata, o Baro komesari pala Nationale Minoriteta sasa involvirime (ispidino/tradino) ande importante/vasne procesura sar ande: Albania, Kroacia, Estonia, Hungaria, Kazakstan, Kyrgyzstan, Latvia, Purani Jugoslaviaki Republika Makedonia, Romania, Slovakia thaj Ukraina. Vov lia than ande procesura save sesa fokusirime pe manusha save si nationale/etnikane grupe thaj save

si majoriteta ande jekh them vaj ande aver them si minoriteta, maj dur kava si intereso governoske barederipasko ande svako them thaj vash odi/godolese si potencialo problemo savo shaj kerel tenzie thaj problemura. Maj palal shaj phenel pes kaj gasave tenzie kerde Europaki xistoria.

Po drom te dikhel pes so si esencia kadale problemosko ande relacia e nationale minoriteta, o Baro Komesari pala Nationale Minoriteta (maj dur ando teksto BKPNM) kerel analiza sar jekh independanto rig. O BKPNM chi kerel rola sar jekh supervizorikano mehanizmo vaj numaj vazdel opre e mashkarthemutne standardura save svako them akceptuisarda/lia sar sherutno/principialo butjarimasko fremo. Ande relacia pala kava vasno si te dzanel pes pala o kontrakto kerdino katar sa OSCE thema, specialo katar e thema save lie than pe Konferencia pala Manushikane Dimenzie (savi sasa kerdini ando foro Copenhagen po 1990-to bersh), thaj ando kotor IV si ramosardino/lekhardino so si e standardura pala nationale minoriteta. Sa OSCE thema si limitirime katar Jekhethaneske Naciengo obligacie ande relacia pala manushikane xakaja, minoritetaenge xakaja pal pe aver rig but thema save si OSCE membrura si limitirime e standardurenca Europake Konziloske.

Pala 6 bersh ande save kerda bare aktiviteta, o Baro Komesari pala Nationale Minoriteta dikhla/arakhla teme save vazda sar subjekto pire butjako ande but thema kaj kerda buti. Mashkar kadale teme si vi minoritetaengi edukacia thaj utilizacia minoritetaenge chibako, sar elemento po drom te o manush zurarel piro nacionalo identiteto. Gindosa te kerel jekh lachi strategia pala relevante minoritetaske xakaja o Baro Komesari pala Nationale Minoriteta lia te kerel kooperacia e Fondaciasa pala Mashkar-Etnikane Relacie na-governoske organizaciasa savi si kerdini ande 1993-to bersh kasko areslipe (golo) si te kerel speciale

aktivitetura thaj kade te zutil Bare Komesarese pala Nacionale Minoritetura – te khetanil duj pinzarde expertura te keren elaboracia pala duj grupe e rekomodaciengo: Hagoske (foro Hague) rekomodacie ande relacia pala Edukaciake xakaja/chachipa Nacionale Minorititurenge (1996) thaj Oslo (foro Oslo) Rekomodacie ande relacia pala Lingvistikane (chibake) xakaja/chachipa Nacionale Minorititurenge (1998). Liduj grupe e rekomodaciengo zutisarde sar referenca pala politika-thaj pala keripe e xakajengo/chachipengo ande but thema. E rekomodacie shaj arakhen pes (pe but chiba) katar Fondacia pala Mashkar-Etnikane Relacie bi lovengo.

Trinto tema savi vazda pes opre ande but situacie ande savo lia than vi o Baro Komesari pala Nacionale Minoritetura sasa participacia/lethanipe nacionale minorititurengo ande guvernura e themenge. Po drom te kerel pes so maj bari experianca mashkar OSCE thema thaj te mukel pes e themenge te pharuven experianca mashkar peste o Baro Komesari pala Nacionale Minoritetura thaj OSCE ofiso pala Demokratikane Institucie thaj Manushikane xakaja kerde konferencia pala sa OSCE thema thaj relevante mashkarthemutne organizacie savi akharda pes “Governura thaj participacia: Integracia pala Diverzitetura”. Kadi konferencia sasa kerdini katar Svicerlandiaki Konfederacia ando foro Locarno katar 18-20-to Oktobri 1998-to bersh. E sherutne po agor trade avri vakaripe/vorba kaj kerde analiza pala e teme po mitingo/khetanipe thaj vazde opre kaj so maj sigo trubul te “keren pes konkrete aktivitetura thaj vi ande avutni vrama elaboracia averchande koncepturengi thaj mehanizmurengi pala lacho governipe ande savo ka len than vi e minoritetura savengo drom trubul te avel te keren integracia e diverzitetosko ando them.” Godolese/vash odi o Baro Komesari pala Nacionale Minoritetura akharda (dia sugestia) e Fondaciake Pala Mashkar-Etnikane Relacie te ande ko-operacia/khetani buti e Raoul Wallenber Institutosala pala Manushikano xakaj/chachipe te keren e grupa ande save ka beshen ande sasti luma pindzarde independante expertura te keren elaboracia rekomodaciengi ande relacia mashkarthemutne standardurenca.

Rezultato kadale iniciativako si Lund Rekomodacie pala Efektivo lethanipe/Participacia

Nacionale Minorititurengo ando Publiko Dzivdipe-save kade akharen pes godolese kaj e expertura maj paluno drom beshle ande kava Shvediaiko foro thaj gothe agorisarde e rekomodacie. Mashkar e expertura sesa e juristura save sesa specialistura pala mashkarthemutno zakono/xakaj, sikavne manusha pala politika save sesa specialistura pala themengo maj baro zakono thaj pala politikano alosarimasko sistemo sar vi sociologistura save si specializirime pala minoritetura. Pasha o rajo profesori Gudmundur Alfredsson savo sasa sherutno kadale kidimasko/mitingosko thaj vi direktori Raoul Wallenberg Institutosko aver manusha sesa:

Profesori Gudmundur Alfredsson (Islandia), Direktori Raoul Wallenberg Institutosko pala Manushikane xakaja thaj mashkarthemutno zakono, Lund Univerziteti; Profesori Vernon Bogdanor (Bari Britania), Profesori pala Governo, Oxford Univerziteti; Profesori Vojin Dimitrijevic (Serbia thaj Montenegro), Direktori Beogradeske Centrosko pala Manushikane xakaja; Doktori Asbjorn Eide (Norvegia), Butjarno po Norvegikano Instituto Manushikane Xakajengo; Profesori Yash Ghai (Kenia), rajo YK Pao profesori pala publiko zakono, Univerziteti andar Hong Kong; Profesori Hurst Hannum (Amerika), Profesori pala Mashkarthemutno Zakono, Fletcher shkola pala Zakono thaj Diplomacija, Tufts Univerziteti, rajo Peter Heris (Teluni Afrika), Maj purano Egzekutivo pala Mashkarthemutno vash Demokratia thaj politikane alosarimasko azutipe; Dr. Hans-Joachim Heintze (Germania), Direktori Inisitosko pala Friedenssicherungsrecht und Humanitares Volkerrecht, Ruhr-Universitat Bochum; Profesori Ruth Lapidoth (Izrael), Profesori pala Mashkarthemutno Zakono thaj sherutno Akademiake Komitetosko e Institutosko pala Europake Studie, Hibu Univerziteti andar Jerusalem; Profesori Rein Mullerson (Estonia), Sherutno Mashkarthemutne Zakonosko katar King’s koledzo, po Londonesko Univerziteti; Doktori Sarlotta Pufflerova (Slovakia), Direktori Fondaciako pala Minoritetonge xakaja/chachipa; Profesori Steven ratner (Amerika), Profesori pala mashkarthemutno zakono, Univerziteti andar o Teksas; Doktori Andrew Reynolds (Britania), Zutori e Profesorosko pala Governo, Univerziteti Notre Dame; rajo Miquel Strubell (Espania thaj Britania), Direktori Institutosko pala catalan



Socio-Lingvistika, Generalitat de Catalunya; Profesori Markku Suksi (Finlandia), Profesori pala Publiko Zakono, Abo Akademiako Univerziteti; Profesori Danilo Turk (Slovenia), Profesori pala Mashkarthemutno Zakono, Ljubljana Univerziteti; Doktoro Fernand de Varennes (Kanada), Direktori pala Azikano thaj Pacifikano Centro vash manushikane Xakaja thaj prevencia katar Etnikano Konflikto, Murdoch Univerziteti; Profesori Roman Wieruszewski (Polandia), Direktori katar Poznan manushikane xakajengo Centro, Polandiaki Bari Akademia.

E standardura pala minorititurenge xakaja/chachipa save akana ezigistirin/dzivdinen si kotor manushikane xakajengo, thaj e ekspertura/sikavne manusha teljarde katar o fakto kaj e thema trubun te si po levelo mashkar but manushikane xakajenge obligacie vi e sloboda katar diskriminacia. teljarda pes vi katar e teza kaj maj agorutno areslipe manushikane xakajengo si sasto thaj slobodo buxljaripe manusheske persomaniltetosko/manushipasko ande egalutne kondicie. Maj dur kerdini si teza/gindisarda pes kaj o civilo societato trubul te avel putardino, te kerel integracia pala svako manush thaj vi godola save si nacionale minoriritura. Sar si areslipa lache thaj demokratikane governosko te avel serviso pala trubulipa thaj interesura saste populaciako, gindisarda pes kaj o sasto governo rodel te del zor po areslimasa (golosa) te arakhel so maj but droma pala kontribucia katar kodola save si afetuime katar publiko keripe e decizjengo.

Areslipe (golo) Lund Rekomodaciengo, sar Hague vaj Oslo rekomodaciengo maj anglal, si te del zor e themenge te astaren (adoptuin) aktivitetura po drom te lokharen tenzie ande reacia nacionale minorite-turenca thaj te keren (sode goda shaj) prevencia e areslipengo (te keren prevencia pala golura) save kamel te astarel o BKPNM. Lund Rekomodaciko areslipe, pala Efektivo participacia/lethanipe Nacionale Minorititurengo ando Publiko Dzivdipe, te vazdel e standardura pala minorititurenge xakaja thaj te pasharel len e BKPNM. E standardura si sikadine kade te te den zor lenge utilizaciake ande putarde thaj demokratikane societatura. E rekomodacie si ulavdine ande shtar grupe save intjaren ande peste 24 rekomodacie sar generale principura,

participacia ando keripe e decizjengo, korko-governipe, thaj intjaren ande peste vi e droma save den garancia pala efektivo participacia ando publiko dzivdipe. E Lund rekomodacie dzan pe duj droma: participacia ando governipe e themesko thaj korko-governipe opral lokale thaj andrutne butja. Ande cikno numbri e rekomodaciengo dinde si vi alternative/aver droma. Sa e rekomodacie trubun te interpretirin pes ande relacia Generale Principonca ando Kotor I. Maj bare explanacie pala svako rekomodacia si dinde ande Explanaciaki Nota ande save si dinde vi reference pala rekevante mashkarthemutne standardura.

Lund Rekomodacie pala Efektivo Participacia Nacionale Minoritetongi ando Publiko Dzivdipe/trajo

## I. Generale Principura

1. Efektivo participacia nacionale minoritetongi ando publiko trajo/dzivdipe si vasno komponenta/kotor pala lacho thaj demokratikano societato. Ekspiriance ande Europa thaj vi pe aver kontinentura sikade kaj, po drom te sikavel pes/promovishil pes gasavi participacia, e governura butivar trubun te keren speciale aranzmanura pala nacionale minoritura. Kadale rekomodacie kamen (lengo areslipe/golo) si te den zor pala inkluzia e mino-ritetongi ando fremo e themesko thaj te den shaibe e minorititurenge te protektuin (keren protekcia/arakhen) piro identiteto sar vi karakteristike, te sikaven/keren promocio pala lacho governipe thaj integriteto e themesko.
2. Kadale rekomodacia si kerdine ande relacia fundamentale principonca andar mashkarthemutno zakono, sar o respekto pala manushikano digniteto/phutjaripe, egalutne xakaja/chachipa, thaj na-diskriminacia. Sa akava si vasno pala participacia nacionale minorititurengo ando publiko dzivdipe thaj te astaren sa aver politikane chachipa/xakaja. E thema musaj (si obliquime) te respektuin internacionalo pindzarde manushikane xakaja thaj paragrafura andar o zakono, save den shaibe pala sasto buxljaripe civile societatosko khetane e toleranciasa, patjasa thaj prosperitetosa.

3. Kana si specifikane institucie kerdine po drom te den zor pala efektivo participacia e minoritetongi ando publiko dzivdipe von musaj (si obliguime) te respektuin manushikane xakaja.
4. E manusha identifikuin korkore pes ande relacia pala piro identiteto sar membrura nationale minoritaturengo. Maj dur svako manush shaj avel minoriteto vaj majoriteto sar vov godo alosarel. Po agor e manushe chi trubul te avel problemo savo si rezultato leske alosarimasko.
5. Vi e institucie vi e procedure, ande relacia kadale Rekomodacienca, si vasne sar substanca thaj proceso. Governoske barederipa thaj minoritutura trubun te prastan po drom te keren jekh inkluzivo, transparento proceso pala konsultacie areslimasa te si len patja mashkar peste. E thema trubun te den zor e medienge (radio, tv, zurnala etc.) te sikaven thaj te vazden opre mashkarkulturako xatjaripe sar vi e minoritetonge interesura.

## II. Participacia Ando Keripe E Decizjengo

### A. Aranzmanura po Centralo Governosko Levelo (nivo)

6. E thema trubun te den zor ande relacia shaipasa te e minoritaturenge den efektivo glaso/krlo po centralo governosko levelo, thaj vi te kerel pes varesavo specialo aranzmano te godu trubul. Kava shaj intjarel ande peste:
  - ◆ specialo reprezentacia pala nationale minoritutura, sar egzemplo/sar misalake, mashkar rezervishime numbri beshimaske thanengo ande jekh vaj liduj kotora e parlamentoske vaj ande parlamentaro komiteto; vaj aver forme pala garantuime participacia ando legislativo proceso;
  - ◆ formalo vaj informalo xatjaripe pala muklipe e membrurenge nationale minoritaturengo kabinetosko poziciako, beshimasko than ando sherutno vaj konstitucionalo krisi vaj telune krisura, thaj pozicia pala alavardino (nominuime) advetoske organura (advisory bodies) vaj aver organura save si po baro levelo;

- ◆ mehanizmura te den zor kaj e minoritetonge interesura si analizirime mashkar relevante ministeriumura, sar egzemplo: personalo ad-resirime minoritaturengo interesu vaj keripe achavimaske direktivengo;
- ◆ speciale aktivitetura minoritaturengo lethanipe/participacia ando civilo serviso sar vi provizia publike servisongo pe nationale minoritaturenge chiba.

### B. Alosaripa/Elekcie

7. Ekspirianca ande Europa thaj vi pe aver thana sikavel sode si imporatanto politikano alosarimasko proceso pala dinipe zorako e participaciake minoritaturengo ande politika. E thema trubun te den garancia kaj pe chahcipa/xakaja e manusheske save si nacionalo minoriteto te len than ando keripe publikane butjango, sar vi xakaj/chachipe te del pes politikano glaso bi diskriminaciako.
8. Regulacia e formaciaki thaj aktivitetura politikane partiengo trubul te avel ande relacia mashkar-themutne zakoneske principurenca pala sloboda thaj asociacia. Kava principio intjarel ande peste sloboda pala keripe politikane partiengo savo si bazirime po komunalo identiteto sar vi kodola save naj identifikuime interesosa varesave komunitetosko.
9. Alosarimasko sistemo trubul te del zor pala reprezentacia e minoritaturengi.
  - ◆ Kaj e minoritutura beshen po jekh than/jekh teritoria jekh membro e distriktosko shaj kerel kodole minoritetoski reprezentacia.
  - ◆ Proporcionale reprezentative sistemura, kana politikane partiengi participacia pe nationale alosaripa si ande relacia pala lengi participacia pe legislative thana, shaj zutil ande reprezentacia e minoritaturengi.
  - ◆ Varesave forme politikane alosarimasko, kaj e manusha save alosaren (politikane alosara) keren klasifikacia e kandidaturengi po drom te so maj lache alosaren, shaj del zor pala

minoritete ngi reprezentacia thaj pala promocio mashkarkomunale ko-operaciako (khetane butjako).

- ◆ Maj telune numerikane startura (teljaripa) pala sikavipe (reprezentacia) ande legislatura shaj vazdel opre participacia (lethanipe) nacionale minoritete ngi ando governipe.

10. Geografikane granice alosarimaske distriktore ngi trubun te zuraren (den zor) pala egalutni reprezentacia nacionale minoritete ngi.

C. Aranzmanura pe Regionale thaj Lokale levelura

11. E thema trubun te astaren (adoptuin) aktivitetura te promovishin participacia nacionale minoritete ngi pe regionale thaj lokale levelura sar kodola save si sikadine opre ande relacia pala levelo centrale governosko (paragrafo 6-10). Strukture thaj kerimaske decizjenge procesura katar regionale thaj lokale barederipa trubun te aven (uze) transparente thaj trubul te avel len aksesu po drom te den zor pala participacia e minoritete ngi.

D. Advetoske thaj Konsultative Organura

12. E thema trubun te keren advetoske vaj konsultative organura sar kotor varesave instituciako kasko areslipe (golo) trubul te avel te zutil sar drom pala komunikacia (vakaripe) mashkar governonge barederipa (autoritetura) thaj nacionale minoritetura. Gasave organura shaj intjaren ande peste vi komitetura pala phagavipe e problemure ngi sar si urbanizmo, them, edukacia, chib thaj kultura. Kompozicia gasave organure ngi trubul te astarel o golo/ares pala savo si vi kerdine, sar vi te den piri kontribucia pala so maj lachi thaj efektivo komunikacia po drom te realizuin pes minoritete ngi interesura.

13. Kadale organura trubun te vazden opre e teme khetane e manushenca save keren decizja, e organura maj dur trubun te keren rekomodacie, te keren legislativa thaj aver lila,

te keren monitoringo pala buxljaripe (developments) thaj te den piro dikhipa pala sugestirime governoske decizje save shaj direkto thaj indirekto aven ande relacia e minoritete nca. Governoske barederipa trubun te konsultuin kadale organura ande relacia minoritete nge legislaciasa thaj administrative aktiviteturenca po drom te zutin e minoritete nge thaj te keren konfidencia.

### III. Korko-Governipe

14. Efektivo participacia e minoritete ngi ando publiko dzivdipe trubul pala na-teritoriale vaj teritoriale aranzmanura korko-governongo vaj kombinacia lidujengi. E thema trubun te arakhen lache shaipa/posibilitetura pala gasave aranzmanura.

15. Te gasavo aranzmano avel lacho (te lache butjarel) vasho/importanto si te e governoske autoritetura thaj minoritetura pindzaren (dikhen) trubulipe (need) pala centrale decizja ande varesave aktivitetura e governipengo.

- ◆ Funkcie save si generalo realizuime katar centrale barederipa si butja ande relacia e armiasa (defence), avrutne themeske butja, imigracia, makroekonomikani politika thaj butja ande relacia e lovenca (monetary affairs).

- ◆ Aver funkcie, sar kodola save si identifikuime/sikadine tele, shaj aven realizuime/kerdine katar minoritetura vaj katar teritorialo administrarcia vaj kadale butja shaj kern khetane e minoritetura thaj centrale autoritetura/barederipa.

- ◆ E funkcie shaj aven locirime (chudine) pe but thana thaj te aven kade adekvate pala minoritete ngi situacia ando fremo e themesko.

16. Institucie korko-governimaske, naj vasho/importanto si von teritoriale vaj na-teritoriale, trubun te aven kerdine pe demokratikane principura thaj te kade keren sekuritatu thaj te chaches reflektuin gindipa katar afektuime populacia.

A. Na-Teritoriale Aranzmanura

17. Na teritoriale forme e governipange si lache pala arakhipe (prezervacia) thaj buxljaripe identitetosko thaj kulturako nacionale minorititurengo.
18. Teme (aktivitetura) save phagaven pes mashkar gasave aranzmanura si edukacia, kultura, utilizacia minorititurenge chibako, religia, thaj aver aktivitetura save si vasne/importante pala identiteto thaj dzivdipe nacionale minorititurengo.
- ◆ Individuen thaj e grupen si chachipe/xakaj te alosaren te utilizin /len pire anava pe minorititurengi chib thaj te astaren oficalo pindzaripe lenge anavengo.
  - ◆ Sar si o responsabiliteto governonge barederipengo te keren edukaciake standardura, e minorititurenge institucie trubun te arakhen thaj keren curricula pala sitjuvipe lenge chibako, kulturako, vaj liduj.
  - ◆ E minoritetura shaj arakhen thaj utilizin pire simbolura thaj aver forme kulturake ekspresiaiko.

B. Teritoriale Aranzmanura

19. Sa e demokratien si lenge aranzmanura pala governipe pe averchande (different) teritoriale levelura. Expirianca ande Europa sar vi pe aver thana sikavel sode (gatji) si vasno/importanto te pharuvel pes varesavi legislacia thaj egzekutivo funkcia katar centralo pe regionalo levelo, pala totalo/sasti decentralizacia centrale governoske administraciako katar sherutno themesko foro (ofiso) pe regionale vaj lokale ofisura.
20. Lokale, regionale vaj autonomikane administracie save si ande relacia historikane thaj teritoriale kondicienca nacionale minorititurengo shaj len pe peste funkcie po drom te so maj lache phagaven e problemura saven si kodole nacionale minoritituren.
- ◆ E funkcie save gasave administracie lie pe peste si edukacia, kultura, utilizacia

minorititurenge chibango, manushesko trujalipasko, lokalo planiripasko, naturale barvalipasko, ekonomikane buxljaripasko, lokale politikane funkcie, urbanizmo, sastipe, thaj aver sociale servisura.

- ◆ Funkcie save keren pes khetane centrale thaj regionale barederipenca intjaren ande peste (si): ucipe e taksengo (sode/gatji trubun te pokinel pes e takse), administracia e zakonoski, turizmo, thaj transporto.

21. Lokale, regionale thaj autonomikane barederipa musaj (trubun) te respektuin thaj den zor manushikane chachipenge/xakajenge sa e manushenge, khetane e chachipasa svakone minoritituresko ando fremo (mashkar) lenge jurisdikciako.

**IV. Garancie**

A. Konstitucionale thaj Legale arakhipa/protekcie

22. Korko-governipaske aranzmanura trubun te aven kerdine katar o zakono thaj globalo chi trubun te aven subjekto pala parudipe egalutne (jekh-sar-aver) dromesa sar originalo legislacia. Aranz-manura pala promocio/sikavipe minorititurenge participaciaki ando keripe e decizjengo shaj avel determinishime/xatjarel pes katar zakono vaj pe aver legalo drom.
- ◆ Aranzmanura adoptuime/linde sar konstitucionale paragrafura si normalo subjekto pala maj ucho starto legislaciako vaj popularo muklipe (consent) pala linipe (adoptacia) thaj nevljaripa (amendment).
  - ◆ Parudipa pala korko-governipange aranzmanura kerdine katar legislacia butivar trubun muklipe katar kvalifikuime majoriteto e legislaturako, autonomikane organurengo vaj organurengo save reprezentuin nacionale minoritituren vaj liduj.
  - ◆ Katar e vrama pe vrama (periodikane) analize e aranzmanurengo pala korko-governipe thaj minorititurengo lethanipe

(participacia) ando keripedecizjengo shaj den lache shaipa te dikhel pes trubun vaj na gasave aranzmanura te nevljaren pes (amendment) ande relacia pala expirianza thaj parudine kondicie.

23. E shaipa pala cikne vramako vaj lokho thaj lunge vramako aranzmano, savo mukel te kerel pes testo thaj buxljaripe neve formengo participaciako, shaj analizirin pes. Kadale aranzmanura shaj aven kerdine mashkar legislacia vaj informalo gindipe thaj definishime vramake periodosa, subjekto pala ekstenzia, alteracia, vaj terminacia savi si ande relacia e suksesosa savo si astardino.

#### B. Juristikane Drabura

24. Efektivo participacia nacionale minoritaturengi ando publiko dzivdipe kamel te kerel peske kanalura pala konsultacia (vakaripe) so maj dur ka kerel prevencia (ka opril chi ka mukel) te putaren pes konfliktura thaj te keren rezolucie save shaj keren problemura, peaver rig kadi participacia/lethanipe shaj kerel vi shaipse pala ad hoc vaj aver dromeske (alternative) mehanizmura kana godo trubul. Gasave metode intjaren ande peste:

- ◆ Juristikani rezolucia pala konfliktura sar juristikano gindipe pala legislacia vaj administrative akcie, save trubun/kamen te e themen si jekh independento, lacho juristikano sistemo saveske decizije si respektuime;
- ◆ Aver problematikane rezoluciake mehanizmura, sar vakaripe mashkar e riga (negotiation), arakhipe e faktonengo, mediacia, arbitraza, ombdusmano pala nacionale minoritatura, thaj speciale komisie, save shaj zutin sar sherutno punkto thaj mehanizmura rezoluciake katar rovimaske lila pala governikane teme (issues).

Explanaciake note lund recomodaciengo pala efektivo lethanipe (participacia) nacionale minoritetongo ando publiko dzivdipe.

#### I. Generale Principura

1. Vi o Charteri (baro dokumento) Jekthaneske Naciengo thaj vi o leripasko dokumento/lil katar CSCE/OSCE dzan po drom te arakhen (keren prezervacia) thaj te den zor mashkar themutne lachipaske/patjivake (peace) thaj sekuritatoske mashkar buxljaripe amalikane thaj ko-operative relaciengo mashkar egalutne thema respektosa pala manushikane xakaja/chachipa, khetane e chachipenca/xakajenca manushengo save si nacionale minoritatura. Kana maj laches dikhel pes, e xistoria sikavel kaj na-respekto manushikane chachipengo/xakajengo, minoritaturenge chachipengo/xakajengo shaj phagavel stabiliteto ando jekh them thaj maj dur kava shaj kerel problemura ande relacia mashkar thema, thaj kava dukharel mashkarthemutno shukaripe/patjiv (peace) thaj sekuriteto.

E Principosa VII katar Helsinki Finalo Dokumento andar 1975-to bersh, e OSCE thema vazde opre fundamentalo/but vasno linko mashkar respekto pala legitime interesura e manushenge save si nacionale minoritatura thaj shukaripe (peace) thaj stabiliteto. Kava linko sasa sajekh (but droma) vazdino opre thaj sikadino ande fundome (basic) dokumentura sar si o Konkluziengo Dokumento andar o Madrid (1983-to bersh, Principo 15), 1989-to bersh Konkluziako Dokumento andar e Vienna (principura 18 thaj 19) thaj 1990-to bersh Sherutno Dokumento (Charter) andar o Pariz pala nevi Europa, maj dur pala aver Summit Dokumentura, sar egzemplo/sar misalake 1992-to bersh Helsinki Dokumento (kotor IV, paragrafo 24) thaj 1996-to bersh Lisabon Dokumento (kotor I, Lisaboneski Deklaracia pala Lacho thaj zuralo Sekuritatesko modelo pala Europa pala XXI-to shelbershengo, paragrafo 2). Pe jekthaneske naciengo levelo o linko mashkar protekcia thaj promocia minoritaturenge xakajengo/chachipengo thaj arakhipe/prezervacia e lachipasko (peace) thaj stabilitetosko si sikadino, inter alia, ande preambula 1992-tone Jekthaneske Naciengo Deklaraciako pala chachipa e Manushengo save si Nacionalo, Etnikano, religiako vaj Lingvistikano Mino- riteto (“UN deklaracia pala Minoritatura”). Ande relacia pala linipe

(adoptacia) e Sherutne Doku-mentosko (charter) andar o Parizi pala nevi Europa, sa OSCE thema save si participantura trubun te keren demokratikano governipe.

Absolute shaipa manushenge save si nationale minoriteta, pala egalutni utilizacia manushikane chachipengi del posibilite/shaibe pala efektivo participacia ande keripe-decizjenge procesura, specialo ande relacia pala decizja save keren efekto vi pe lende. Varekana e demokratikane procesura nashti adekvato te phagaven sa e trubulipa (need) thaj aspiracie nationale minoriteta thaj atoska/atunchi e expirianza sikavel kaj speciale aktiviteta butivar trubun te keren pes po drom te kerel pes facilitacia thaj efektivo participacia minoriteta ando keripe e decizjengo. Akanutne mashkarthemutne standardura traden e themen te keren gasave akcie ande opre sikadine situacie: ande relacia pala paragrafo 35 katar 1990-to Dokumento katar Copenhagen Kidipe/Mitingo manushikane Dimenziako ("Copenhagen Dokumento"), OSCE thema save si participantura "ka respektuin chachipa e manushenge save si nationale minoriteta pala efektivo/lachi participacia ande publike butja, khetane e participaciasa ande butja save si ande relacia pala protekcia thaj promocio identitetoski gasave minoriteta"; ande relacia pala artiklo 2, paragrafa 2 thaj 3, 1992-tone UN Deklaraciako pala Minoriteta, "manushen save si nacionalne minoriteta si shaibe te len than/participirin efektivo 1/4-to kotor ando publiko dzivdipe" thaj "chachipe te participirin efektivo ande keripe e decizjengo po nacionalo levelo thaj kaj godo trubul vi po regionalo levelo te trubun te phagaven pes varesave problemura ande relacia pala minoriteta"; thaj ande relacia pala Artiklo 15 Europake 1Konzilosko 1994 Fremutni Konvencia pala Protekcia nationale Minoriteta ("Fremutne butjaki Konvencia"), politikane riga ando jekh them "trubun te keren kondicie pala efektivo participacia manushengi save si nationale minoriteta ande kulturako, sovalo thaj ekonomikano dzivdipe thaj ande publike butja, specialo ande kodola save si ande relacia lenca".

Keripe e shaipengo pala efektivo participacia lel sar fakto kaj gasavi participacia ka avel volontaro. Shaj phenel pes, kaj chacho gindipe pala socialo thaj politikani integracia si pharadine katar e procesura thaj rezultatura save keren pe zor si asimilacia, sar si vi sikadino ando Artiklo 5 Fremutne Konvenciako. Numaj mashkar volontare procesura shaj traden pes legitime interesura e manushenge save si nationale minoriteta te aven patjivale (peaceful) procesura save den prospekto pala optimale rezultatura ande publiko politika thaj keripe e zakonengo. Gasave inkluzive procesura kade zutin te e governura astaren areslipa save si interesura pala sasti populaciakade kaj ka shuvel/thol sa interesura ande fabrika publikane dzivdimasko thaj kade del zor pala integriteto e themesko. Mashkarthemutne standardura ande relacia pala efektivo participacia e minoriteta ando publiko dzivdipe vazdel opre o fakto kaj von chi intjaren ande peste varesavo chachipe te keren aktiviteta kontra katar e principura Jekhethaneske Naciengo, OSCE-esko vaj Europake Konzilosko, khetane uze egalitetosa, teritoriale integritetosa thaj politikane korkore vojako e themengo (dikh paragrafo 37 katar Copenhagen Dokumento, Artiklo 8(4) katar UN Deklaracia pala Minoriteta, thaj preambula katar Fremutni Konvencia).

2. Ande relacia pala paragrafo 25 Kotoresko VI katar 1992 Helsinki Dokumento/lil, kadale rekomodacie/turvinjipa save si kerdine telal obligacie sar dinde OSCE thema "keren drom pala maj efektivo implementacia CSCE obligaciengo, khetane kodolencia save si ande relacia pala protekcia thaj keripe e kondiciengo pala sikavipe/promocio etnikane, kulturake, lingvistikane thaj religikane indentitetosko pala nationale minoriteta". Artiklo 1(3) UN Sherutne Lilesko (Charter) kerel specifikacia/uzes sikavel kaj jekh katar areslipa (golura) e organizaciaki si "te kerel mashkarthemutni ko-operacia ando phagavipe mashkarthemutne problemurengo ande ekonomikane, sociologe, kulturake vaj manushikane karaktere, thaj ande promocio thaj ando zuralipe/dinipe zorako pala respekto pala manushikane chachipa thaj pala

fundamentale slobode pala vaj bi-dife-renciako pe rasa, si o manush mursh vaj dzuvlji (sexo), chib vaj religia” so si maj dur uzes sikadino (kerdini si specifika) ando Artiklo 55(c) savo intjarel ande peste “univerzalo respekto pala, thaj observacia, manushikane chachipengo thaj fundamentale slobodengo pala sa bi-diferenciako pe rasa, sexo (dal si o manush mursh vaj dzuvlji), vaj religia.” O sherutno Dokumento (Charter) si bazirime ando fremo amalikane relaciako mashkar respekto pala manushikane xakaja/chachipa thaj mashkar themutno lachipe (peace) thaj sekuritato, thaj fundamentalo molipe (value) manushikane dignitetosko si maj dur sikadino ando Artiklo 1 1948 Univerzalo Deklaracia pala Manushikane Chachipa/xakaja thaj preambule katar 1966 Mashkarthemutne Konvenciako pala Ekonomikane, Sociale thaj Kulturake Chachipa/Xakaja, thaj 1965 Mashkarthemutne Konvenciako pala Phagavipe/Eliminacia Svakone Formako Rasistikane Diskriminaciako. Gasavo digniteto si jekh sar aver (egal) prezento ande svako manushikano trajo/dzividipe thaj dzal khetane egalutne thaj nalinimaske (inalineable) chachipasa/xakajasa.

Ande relacia e premiasa pala egalutno digniteto thaj nalinimaske (inalineable) chachipasa/xakajasa si principo pala na-diskriminacia sikadino ando virtualo svako mashkarthemutno manushikane chachimasko instrumento, khetane Artiklosa 2 katar Univerzalo Deklaracia Manushikane Chachimaski, Artiklura 2 thaj 26 katar Mashkarthemutni Konvencia pala Civile thaj Politikane Chachipa/Xakaja, thaj Artiklo 2 Mashkarthemutne Konvenciako pala Ekonomikane, Sociale thaj Kulturake Chachipa/Xakaja. Artiklo 1 Mashkarthemutne Konvenciako pala Phagavipe/Eliminacia Svakone Formako rasistikane Diskriminaciako kerel uzes kaj kava instrumento opril diskriminacia pe baza “nacionale vaj etnikane buchimoski (origin)”. Artiklo 14 katar 1950 Europake Konvenciako Pala Protekcia/Opripe manushikane Chachimaski/Xakajengi thaj Fundamentale Slobodengi (“Europaki Konvencia pala manushikane Chachipa”) buxljaren (keren extenzia) o principo pala na-

diskriminacia so si ande relacia e “nacionale vaj sociale buchimoska (origin), vaj asociacia nacionale minoritetosa”, kana aktivirin pes e chachipa thaj e slobode save si dinde (garantuime) ande kadi konvencia. Shaj phenel pes kaj e maj bare zakonura, e themengi save si OSCE membrura, intjaren ande peste kadale principura.

Sar manusha save si nacionale minoritetura si len shaibe (entitled) thaj chachipe pe efektivo (lachi) participacia (lethanipe) ando publiko dzividipe, von shaj astaren kadala chachipa bi diskriminaciako, sar si vi sikadino ando paragrafo 31 katar Copenhagen Document, Artiklo 4 katar Fremutni Konvencia, thaj Artiklo 4(1) UN Deklaraciako pala Minoritetura. Sar vi sajekh, ande relacia Artiklosa 4(2) Fremutne Konvenciako, interesos pala egalutno digniteto buxljarel pes pala principo na-diskriminaciako thaj dzal dromesa pala “pherdo (full) thaj efektivo egaaliteto (jekh-sar-averipe) mashkar manusha save si nacionale minoritetura thaj kodola save si majoritetura” pala save e thema trubun te “linen (adoptuin), kaj trubul, varesave lache aktivitetura ... pe sa umalina (areas) katar...politikane....dzivdimasko” respektosa pala “speciale kondicie e manushengi save si nacionale minoritetura.”

E konekcia kerdini e rekomodaciasa mashkar respekto pala manushikane chachipa thaj buxljaripe civile societatosko si signali pala “efektivo politikani demokratia” savi, ande relacia Preambulasa Europake Konvenciako pala manushikane Chachipa/Xakaja, si ande relacia pala chachipe (justice) thaj patja/lachipe (peace) ande sasti luma. OSCE thema save si participantura maj dur vazde opre ando Sherutno Dokumento (Charter) andar O Pariz pala Nevi Europa demokratikano governipe, khetane e respektosa pala manushikane chachipa/xakaja, si baza pala prosperiteto.

3. Kana si specifike institucie kerdine te den zor pala efektivo participacia nacionale minoritengeni ando publiko dzividipe kava chi trubul te chudel pe rig aver chachipa. Sa manushikane chachipa trubun te aven



respektuime pe svako vrama, khetane e instituciasa savi shaj avel delegirime katar aver them. Ande relacia pala paragrafo 33 kaatar Copenhagen Dokumento, kana e thema save si participantura keren aktivitetura palaa arakhipe identitetoske e manushengo save si nacionale minoritetura, “Sa gasave aktivitetura ka aven ando konformiteto egalutnipaske principurenca pala na-diskriminacia respektosa vi pala aver civilura (save naj minoritetura) katar e thema save si partici-pantura”. O Copenhagen Dokumento/lil maj dur vazdel opre ando 38-to paragrafo “E thema save si participantura, po drom te keren protekcia/arakhen thaj promocio chachipengi/xakajengi e manushengi save si nacionale minoritetura, ka respektuin lenge obligacie abdi fremo manushikane chachi-penge konvenciengo thaj aver relevante mashkarthemutne dokumentura/lila”. Vi e Fremutne Konvencia si gasavo paragrafo ando artiklo 20: “Po drom te realizuin pes/keren pes e chachipa thaj slobode save si ande relacia e principurenca sikadine ande akannutni Fremutni Konvencia, svako manush savo si nacionalo minoriteto trubul te del patja/te respektuil nacionalo legislacia, sar vi averenge chachipa, specialo kodole manushenge save si majoritetura vaj kodola save si aver nacionale minoritetura.” Kava si maj vasno ande kazura kana si “minoritetura mashkar minoritetura”, specialo ando teritorialo konteksto (dikh rekomodacie/turvinjipa 16 thaj 21 tele). Kava maj dur intjarel ande peste respekto pala dzuvljikane manushikane chachipa/xakaja, sar vi sloboda katar diskriminacia ande relacia pala “politikane thaj publikane dzivdipa e themeske” sar si vi ramosardino ando paragrafo e Artiklosko 7 katar 1979 Konvencia pala Phagavipe/Eliminacia svakone formako e diskriminaciako mamuj/kontra dzuvlji.

4. Principo pala korko-identifikacia e manushengi save si minoritetura si kerdino pe baza fundamentale obligaciengo. Paragrafo 32 Copenhagen Dokumentosko sikavel kaj “Te san nacionalo minoriteto si manusheski individualo voja thaj lesko alosaripe so ka avel thaj khonik chi tromal te kerel leske problemura.” Artiklo 3(1) Fremutne

Konvenciako phenel “Svakone manushe savo si nacionalo minoriteto si chachipe/xakaj te slobodo alosarel so ka avel (minoriteto vaj majoriteto) thaj kava alosaripe chi trubul te kerel leske problemura vaj katar utilizacia e chachipengi save vov alosarda.” Artiklo 3(2) UN Deklaraciako pala Minoritetura intjarel ande peste varesave opripa/prohibicie mamuj svako problemo savo si kerdino “godolese kaj si o manush minoriteto.”

Sar manusheski sloboda te identifikuil korkore pes sar lesko alosaripe trubul/musaj te del pes zor e respektose pala manusheski (individuaki) autonomia thaj sloboda. Jekhe manushes shaj avel but identitetura save si relevante na numaj pala privato dzivdipe/trajo, vaj vi ande publikane dzivdimaski sfera. Shaj phenel pes, ande putarde/slobode societatura e bare tradimasa (movements) e manushengi thaj e ideangi, bute manushen si multiplikane identitetura save si jekh sar aver (coinciding), save koegzistirin vaj save si komplekse. Shaj phenel pes kaj e identitetura naj numaj bazirime po etniciteto, thaj naj egalutne ande jekh komuniteto; Ande relacia pala varesave problemura thaj teme (issue) averchande identitetura shaj dikhen pes maj but vaj maj cerra/zala. Sar konsekvencia, jekh manush shaj identifikuil korkore pes annde averchande droma thaj godo si ande relacia pala godo sostar kamel te identifikuil pes. Sar egzemplo/sar misal, ande varesave thema o manush shaj alosarel varesavi chib pala submisia pe taksake forme, pal kava manush shaj identifikuil korkore pes averchande ande lokalo komuniteto godolese/vash odi kaj kade ka avel lese maj lache.

5. Ande butjarimasko-fremo e demokratiako, o proceso pala keripe-decizjako si kade vasno/importanto sar vi substanca pala kerdine decizja. Sar lacho governipe (governance) naj numaj manusha deso si vi pala manusha lenge procesura trubun te aven sajekh inkluzive kodolenge save si ande relacia lenca, maj dur kadale procesura trubun te aven transparente pala savore te dikhen len thaj te krisin les (te den piro gindo), thaj specialo trubul te lel pes sama pala kodola savencia si ande relacia.

Numaj gasave procesura ka den zor thaj ka arakhen (maintain) sathemengi/publika konfidencia/patjiv. Inkluzive procesura shaj intjaren ande peste vakaripa/konsultacie, politikane alosaripa, vakaripe (negotiation) sar vi specifike muklipa (consent) kodolengo save si ande direkto relacia/save si afektuime. Ande situacie kana gindipa publike barederipengo thaj afektuime komunitetosko si diferento/ averchando, lacho governipe shaj turvinjil/del sugestia te utilizin pes servisura (te rodel pes zutipe) katar trito rig areslimasa te arakhel pes maj lachi solucia/maj lacho drom.

Specialo ande relacia nacionale/minoritetenca, paragrafo 33 katar Copenhagen Dokumento/Lil ob liguil OSCE thema save si participantura te keren aktivitetura thaj te kade “arakhen/ protektuin etnikano, kulturako, lingvistikano thaj religikano identiteto nacionale minoriteturango pe lengi teritoria thaj te keren kondicie pala promocio/sikavipe kodole identitetosko/ manushipasko, ana keren pes e konsultacie, khetane e kontakturenca, organizaciencia thaj asociaciencia e minoriteturangi.” Ando Kotor VI, paragrafo 26 katar Helsinki Dokumento, OSCE thema save si participantura lie pe peste obligacia te “len sama pe nacionale-minoriteturange teme (issues) ande jekh konstruktivo maniro, mashakar dialogo ande savo ka len than sa e riga saven si intereso pe baza CSCE principonengi thaj obligaciengi”. Ande relacia sa e rigenca “saven si intereso”, paragrafo 30 katar Copenhagen Dokumento/Lil sikavel “sode/gatji si vasno rola na-governoske organizaciengi, khetane politikane partienca, kinbikinimaske unienca (trade unions), manushikane chachimaske/xakajenge organizaciencia thaj religiake grupenca, ande promocio/sikavipe e toleranciaki, kulturake diverzitetoski thaj rezolucie e puchipaske ande relacia nacionale-minoritetenca.”

Inkluzive procesura nashti keren pes bi toleranciako. Socialo thaj politikani klima/vrama pala respekto thaj egaliteto trubul te avel dindo zakonosa thaj vi te sitjuvel pes katar sasti populacia. E medien si specialo rola ande relacia pala kava. Artiklo 6(1) andar Fremutni Konvencia del shaipe “te e riga (parties) den zor te vazdel pes opre e tolerancia thaj inter-

kulturalo dialogo thaj keripe efektive aktiviturengo te promovishil respekto thaj xatjaripe thaj ko-operacia mashkar sa manusha save dzivdinen pe lengi teritoria bi-diferenciako pala etniciteto, kultura, lingvistikano vaj religiako identiteto, specialo ando fremo e edukaciako, kulturako thaj mediengo.” E thema trubun te achaven publikani utilizacia derogative thaj pejorative/dzungale anavengo thaj terminurenge thaj trubun te keren pes aktivitetura po drom te pha-gaven pes negative stereotipura. Avelas maj lache, te e reprezentantura afektuime komunitetongo participirin/len than ando alosaripe thaj dizajno svakone aktivituresko po drom te nakhaven pes thaj phagaven pes gasave problemura.

## II. Participacia/Lethanipe ando keripe e decizjengo

- A. Aranzmanura po Centralo-Governosko levelo
6. Ando fremo paragrafosko 35 katar Copenhagen Dokumento, paragrafo 1 Katar kotor III andar 1991 Raporto katar CSCE (Geneva) Kidipe Eks-perturenge/sikavne manushengo pala Nacionale Minoritettura zurales vazdel opre kaj “kana e teme (issues) ande relacia pala e situacia nacio-nale minoriteturangi diskutuin pes ando fremo lenge themengo, len korkoren si efektivo shaipe te aven involvirime/shuvdine andre, thaj gasavi demokratikani participacia e manushengi save si nacionale minoritettura vaj lenge reprezentanturenge ando keripe e decizjengo vaj konstitutive organurenge keren jekh vasno/importanto elemento efektive participaciako ande publikane butja. “Paragrafo 24 Kotoresko VI katar Helsinki Dokumento obliguisarda OSCE thema save si participantura te “zuraren/vazden opre e tenzia po drom te den shaipe pala slobodo utilizacia manushenge save si nacionale minoritettura, korkore vaj khetane averenca, lenge manushikane chachipengo thaj fundamentale slobodengo, khetane e chachipasa/xakajasa te len than/participirin, ande relacia e demokratikane keripe-decizjenge procedurenge svakone themesko,

ande politikano, ekonomikano, socialo, thaj kul-turako dzivdipe lenge themengo khetane mashkar demokratikani participacia/lethanipe ando keripe e decizjengo thaj konsultative organurengo po nacionalo, regionalo, thaj lokalo levelo, inter alia, mashkar politikane partie thaj asocoacie.”

Esencia/maj teluno kotor si shuvipe andre (involvement), pe duj riga, vi ande relacia shaipengo te kerel pes lachi kontribucia pala keripe-decizjenge procesura thaj vi ande relacia pala efekto kadale kontribuciako. Ideja/areslipe lache governipasko intjarel ande peste premisa kaj semplo keripe-decizjako naj sajekh sufuciento. Ande relacia pala struktura e themeski, averchande forme e decentralizaciake shaj aven lache te den sekuritato (assure) pala maximum/but sode shaj pala relevantiteto thaj responsabiliteto pala keripe-decizjenge procesura kodolenge save si afektuime, v i po levelo e themesko vi pe sub/telal themeske levelura. Kava shaj kerel pes pe but droma ande unitaro them vaj ande federale thaj konfederale sistemura. Sekuriteto minoriturenge reprezentaciako ande organura save keren e decizja shaj kerel pes perdal rezervishime beshipaske thana (shaj keren pes kvote, promocie vaj aver aktivitetura), pal aver forme e participaciake intjaren ande peste dinipe sekuritosko (assured) amalikani-membro relacia ande relevante ko-mitetura vaj bi alosarimaske chachipengo/xakajengo. Reprezentacia ande egzekutive, juristikane, administrative thaj aver organura shaj sekurishil pes (del pes sekuritato) mashkar similare gindipa, vaj mashkar formalo rodipe vaj mashkar normalo/regularo praksa. Speciale organura shaj keren pes po drom te so maj lokhes phagaven pes minoriturenge problemura vaj te arakhen pes lenge interesura. Shaipa te astaren pes minoriturenge chachipa/xakaja kamel speciale aktivitetura te aven kerdine ando publiko serviso, kate gindil pes vi po “egalutno aksesos pala publike servisura” sar si vi sikadino thaj artikulishime ando Artiklo 5(c) Internacionale Konvenciako Pala Phagavipe/ Eliminacia Svakone Formako Rasistikane Diskriminaciako.

## B. Elekcije/Alosaripa

7. Reprezentativo governo mashkar slobode, amalikane thaj periodikane/katar vrama pe vrama alosaripa si esencia adjivesutne demokratiako. Sherutne/fundamentale golura/areslipe si ramosardine/skrinisarde ando Artiklo 21(3) Univerzale deklaraciako pala Manushikane chachipa/xakaj, kaj “o kamipe e manushengo trubul te avel baza/fundo barederipeske governosko” Fundome (basic) standardo si artikulishime ande univerzale thaj Europake kontraktura, sar si o Artiklo 25 Mashkarthemutne Konvenciako pala Civile thaj Politikane Chachipa/Xakaja. Pala OSCE thema save si participantura, paragrafura 5 thaj 6 katar Copenhagen Dokumento/lil vazdel opre kaj, “mashkar kodola elementura e chachipaske save si pala sasti ekspresia bipharavimaske dignitetosko thaj egelutne chachipengo sa e manu-shengo (human beings)”, “kamipe e manushengo, slobodo thaj patjivales sikadino (expressed) mashkar periodikane (katar vrama pe vrama) thaj chache alosaripa, si fundo/baza pala barederipe thaj legitimiteto sa e governosko.”

Dzi kaj e thema gindin sar te alosaren drom sar te pheren e obligacie, von musaj/trubun te keren godu bi diskriminaciako thaj trubul te avel len areslipe/golo te si len sode shaj reprezentantura. Shaj phenel pes, ando fremo kontekstosko Jekhethaneske Naciengo, manushikane Chachipasko/Xakajengo Komiteto sikada (kerda eksplanacia) ando paragrafo 12 Generale Komentaresko 25 po Artiklo 25 (57-to sesia 1996-to bersh) kaj “Sloboda pala ekspresia, beshipasko (assembly) thaj asociaci engo si fundone kondicie pala lachi/efektivo utilizacia e chachipaski po dinipe politikane glasosko/alosaripe thaj musaj te avel apsolutu arakhadino/protektuime. Nevipa/ Informacie thaj lila/materialura pala dinipe politikane glasosko trubul te kerel pes vi pe minoriturenge chiba.” Maj dur paragrafo 5 Sherutne/generale komenta-rosko 25 uzes sikavel kaj “Ko-ordinacia publikane butjenca si buxlo koncepto savo si ande relacia e utilizaciasa politikane zoraki, speciale utilizacia e legislaciaki, egzekutive thaj administrative

zoraki. Kodo pucharel sa aspektura publikane administraciako, sar vi formulacia thaj implementacia e politikaki pe mashkarthemutne, nationale, regionale thaj lokale levelura.”

Sar naj alosaripasko sistemo savo si neutralo katar perspektiva pala diferente/averchande gindipa thaj interesura, e thema trubun te linen/adoptuin e sistemura save shaj keren rezultato ando maj reprezentativo govermento ande leske maj phare situacie. Kava si specialo vasho/importante pala manusha save si nationale minoriteta saven varekana naj adekvato/maj lachi reprezentacia.

8. Shaj phenel pes kaj e demokratia chi trubul te participiril kana e manusha politikane organizuin korkore pesdzi kaj lenge gindipa thaj idea naj dzungale thaj dzi kaj respektuin averenge chachipa. Esencialo, kava si tema pala sloboda e asociaciaki, sar si vi artikulishime ando baro numbri mashkarthemutne instrumenturengo sar si: Artiklo 20 katar Univerzalo deklaracia Manushi-kane xakajengi/chachipangi; Artiklo 22 katar Mashkarthemutne Konvenciako pala Civile thaj Politikane Chachipa/Xakaja; Artiklo 11 katar Europaki Konvencia pala Manushikane Chachipa/Xakaja; thaj paragrafo 6 katar Copenhagen Dokumento/lil. Sloboda pala keripe e asociaciengi si garantuime specialo pala manusha save si nationale minoriteta ando fremo paragrafosko 32.6 Copenhagen Dokumentosko thaj Artiklo 7 katar Fremutni Konvencia. Maj uzes, paragrafo 24 Kotoresko VI katar Helsinki Dokumento/lil obliguil OSCE thema save si participantura “te den zor pala slobodo utilizacia vash manusha save si nationale minoriteta, korkore vaj khetane averenca, pala lenge manushikane chachipa/xakaja thaj fundamentele slobode, khetane e chachipasa te apsoluto len thana/participirin ande politikano dzivdipe lenge themengo mashkar keripe politikane partiengo thaj asociaciengo.”

Dzi kaj chacho respekto pala egalutne chachipa thaj na-diskriminacia ka xarnjarel vaj phagavel trubulipe pala politikane partie save si kerdine

pe etnikano fundo/baza, ande varesave kazura gasave partie shaj aven jekh bari esperanca pala efektivo (zurali) prezentacia specifikane interesurengi. E politikane partie shaj keren pes vi pe aver fundo/baza, sar egzemplo pe baza regionale interesurengi. Idealo si te e partie aven putardine thaj te chinen trujal etnikane teme, gasave mainstream partie trubun te muken e minoritaturenge memb-rura te keren redukcia e trubulipaski pala etni-kane partie. Alosaripe elektorale sistemasko shaj godolese avel importante. Pe svako manifestacia (eavent), na-politikane partie vaj aver asociacie shaj keren rasistikano chikamipe (hatred), so si oprime Artiklosa 20 katar Mashkarthemutni Konvencia pala Civile thaj Politikane Chachipa/Xakaja thaj Artiklosa 4 katar Konvencia pala Eliminacia/Phagavipe Svakone Formako Rasistikane Diskriminaciako.

9. Alosaripasko sistemo shaj arakhel pala selekcia lidujengi vi pala legislatura thaj aver organura thaj institucie, khetane individuale funkcionerurenca. Dzi kaj singlo membro alosarengo shaj kerel sufuciento reprezentacia pala minoriteta, proporcionalo reprezentacia shaj garantuil aver tipo minoritaturenge reprezentaciako. Averchande/diferente forme pala proporcionalo reprezentacia utilizin pes ande OSCE thema save si participantura, so intjarel ande peste: “alosarimaski preferanca”, savesa e alosara rangirin e kandidaturen kade sar si alosardine, “putarde listenge sistemura”, savenca e alosara/elektora shaj den piro glaso pala maj but deso jekh kandidato perdal averchande/diferente partiake linie/nivo; thaj “kulminacia”, savenca e alosarashaj den piro glasomaj but deso jelkhvar pala piro kandidato. Starto/teljaripe chi trubul te avel kade ucho po drom te kerel pes lachi minoritaturengi reprezentacia.
10. Ando keripe e granicengo pala elektorale/ alosaripaske distriktura, trubul te lel pes sama pala interesura nationale minoritaturengi golosa/areslimasa te del pes sekuritato (assuring) pala lengi reprezentacia ande keripaske-decizjenge organura. Idea pala egaliteto trubul te kerel pes kade kaj ka alosarel pes o metodo ande savo ka del pes than te kerel pes

satisfakcia pala sa interesura. Maj laches/idealo, e granice trubun te xatjaren pes sar jekh independanto organo, kasko areslipe si te del zor te respektuin pes minorititurenge chachipa/xakaja. Butivar ande OSCE thema save si participantura kava xatjarel pes sar profesionalo elektoralo/alosarimaski komisija.

Trubul te dzanel pes, kaj e thema nashti paruden elektorale/alosarimaske granice vash odi kaj ka parudel pes proporcia e populaciaki/manushengi ando distrikto, godolese kaj ka kovljarel pes thaj ka kerel pes ekskluzia katar minorititurengi reprezentacia. Kava si uzes oprime Artiklosa 16 katar fremutni Konvencia, pal o Artiklo 5 Europake Sherutne Lilesko (Charter) pala Lokalo Korko-Governipe den eksplanacia kaj "Parudipa ande Lokale Autorititureske Barederipa nashti keren pes bi anglune konsultaciako lokale komunitetosa savo si ando puchipe, thaj maj lache si te kadale konsultacia keren pes mashkar o referendumo kaj si muklino godo statutosa" (dikh rekomodacia 19 ande relacia teritoriale aranzmanurenca).

#### C. Aranzmanura pe Regionale thaj Lokale Levelura

11. Kadi rekomodacia si ande relacia sa levelurenca e governoske katar centrale barederipa (sar egzemplo: provinca, departmanura, distriktura, prefektura, forkoske konzilura, forura, vaj unie ando fremo unitare themesko vaj reprezentative unie katar federalo them, khetane autonomikane regionunenca thaj avere autorititurenca). Sajekh vramaki utilizacia manushikane chachipengi/xakajengi egalutnes katar svako manush trubul te xatjarel pes kaj dinipe chachipasko/xakajesko utilizime pe sa levelura centrale governosko trubul te utilizil pes mashkar e struktura sikadini tele. Sar vi sajekh e kriteria utilizime te keren strukture po regionalo thaj lokalo levelo shaj aven averchande katar kodola save si utilizime po centralo governosko levelo. E strukture shaj aven asimetrikane kerdine, pe but droma (with variation) ande relacia pala averchande trubulipathaj sikadine/mangline kamipa.

#### D. Advetoske/turvinjipaske thaj Konsuktative Organura

12. Paragrafo 24 Kotoresko VI katar Helsinki komiteto obliguil OSCE thema save si participantura "dinipe zorako pala slobodo utilizacia katar manusha save si nationale minoritutura, korkore vaj khetane averenca, pala lenge manushikane chachipa/xakaja thaj fundamentale slobode, khetane e chachipasa te keren sasti participacia/lethanipe ando politikano dzivdipe lenge themengo mashkar demokratikani participacia/lethanipe ande konsultative organura po nacionalo, lokalo thaj regionalo levelo". Gasave organura shaj aven ad hoc (numaj akana), shaj aven kotor katar e legislativa vaj egzekutivo kotor vaj indepedanto organo. Komitutura save si ando fremo parlamentare organurenge, sar minorititurenge rrotale mesalina (minority round tables), si pindzrde ande varesave OSCE participanturenge thema. gasave komitutura shaj butjaren pe sa e governoske levelura, sar vi e korko-governoske aranzmanurenca. Po drom te keren lache e buti (te aven efektive), gasave organura trubun te aven kerdine katar e minorititurenge reprezentantura sar vi katar aver manusha save kamen te den specialo ekspertiza, dinde katar lache resursura thaj maj palal kerara e decizjenge (decisionmakers) trubun te len sama pe lende. Gasave Komitutura shaj den turvinjipa/advetura, konsultacie thaj shaj aven lache sar intermediaro institucia (institucia savi si mashkar duj aver thaj kaski rola si te phandel len) mashkar manusha vaj institucie save keren decizja thaj minorititurenge grupe. Von shaj vi ispiden/keren stimulacia pala akcie po governosko levelo thaj mashkar minorititurenge komunitutura. Gasave organura shaj keren veresave speciale aktivitetura ande relacia pala implementacia e programurenge, sar misalake/sar egzemplo ando fremo e edukaciako. Maj dur, specialo kerdine komitutura shaj aven but importante pala minoritutura save trubun te aven reprezentuime gothe.
13. Shaipa pala konstruktivo utilizacia gasave organurenge si ande relacia e situaciassa. Sar vi

sajekh, ande sa kazura, lacho governipe kamel pozitive/lache aktivitetura po kotor e barederipasko kade kaj ka del buti pala kerdine turvinjipaske thaj konsultative organura, te dikhel pe lende godolese kaj butivar von ka trubun lenge. O barederipe trubul te kerel buti khetane kadale organurenca thaj lenge membrurenca thaj sar rezultato ka keren pes maj lache decizja.

### III. Korke Governipe

14. Termino “korke-governipe” del sugestia pala kontrolake aktivitetura save ka keren e komunitetura saven si vi intereso. O termino “governipe” chi sajkeh del sugestia pala ekskluzivo jurisdikcia. Maj dur, godo shaj lel pe peste vi administrativo bare-deripe, menadzmento, specialo legislativa sar vi krisikani jurisdikcia. O them shaj kerel kava mashkar delegacia vaj devolucia vaj te si godo federacia jekh inicialo divizia pala sherutni zor. Mashkar OSCE thema save si participantura, “korke-governipaske” aranzmanura si ande relacia delegacianca pala autonomia, korke-governipe, thaj kherutne zakonura (home rule).

Ando paragrafo 35 katar Kopenhagen Dokumento, OSCE thema save si participantura sikade/vazde opre “aktivitetura save si kerdine po drom te arakhen pes/ protektuin pes thaj keren pes kondicie/shaipa pala promocio etnikane, kulturake, lingvistikane thaj religiake identitetosko, varesave nacionale minorititurengo mashkar keripe lokale vaj autonomikane administraciengo save si ande relacia pala speciale/specifike xisto-rikane thaj teritoriale kondicie gasave minorititurengo ande relacia pala politike e themengi save si ando puchipe.” Ande relacia pala kava opre phendino, Raporto savo kerda o CSCE (Geneve) po Kidipe e Experturengo pala Nacionale Minoritetura sikada ando paragrafo 7 Kotor IV “kaj pozitive rezultatura si kerdine katar varesave thema save si participantura po jekh lacho thaj demokratikano drom katar lokalo thaj autonomikani administracia, sar vi autonomia pe teritorialo baza, khetane e konsultative, legislative thaj egzekutive

organurenca save si alosardine pe slobode thaj periodikane (katar vrama dzi vrama) alosaripa; Korke administracia katar nacionalo minoritetura pala aspektura save si ande relacia identitetosa ande situacie kana e autonomia pe teritorialo baza nashti butjarel; decentralizuime vaj lokale forme e governimaske; paragrafura pala finansiako thaj tehnikano zutipe e manushenge save si nacionale minoritetura thaj save kamen te astaren lenge chachipa/xakaja thaj te keren prezervacia pala lenge edukacionale, kulturake thaj religiake institucie, organizacie thaj asociacie”. Preambula Europake Sherutne (charter) Lilesko sikavel/vazdel opre “principura pala e demokratia thaj decentralizacia e barederipaski” sar kontribucia pala “protekcia thaj dinipe maj bare zorako pala lokalo governo ande diferente/averchande Europake thema”. Europako Sherutno (charter) Lil pala Lokalo korke-governipe del ando Artiklo 9 shaibe pala lache finansiake posibilitetura/shaipa po drom te astaren pes gasave decentralizuime barederipa.

15. Sar si o them responsabilo pala varesave aktivitetura save si ande relacia saste themesa, trubul te kerel pes sekuritato pala regulacia mashkar themesko barederipe. Kava intjarel ande peste: armia (defence), savi si vasno pala intjaripe/prezervacia teritoriale integritetosko jekh themesko; makroekonomikani politika, savi si vasno/importanto godolese kaj khelen rola sar jekh ekvilajzeri mashkar ekonomikane averchande regionura; thaj klasikane butja e diplomatiaki. Sar vi aver aktiviteturen si importante nacionale implikacie, vi kava musaj/trubul te avel regulishime pe varesavo levelo katar centralo autoriteto/bare-deripe. Regulacia pala varesave aktivi tetura shaj avel parudino, thaj trubul te lel pes sama pala teritoriale unitetura saven si intereso vaj trubul te lel pes sama pala minorititurenge grupe (dikh rekomodacie 18 thaj 20). Gasavo parudipe regulatore barederipasko musaj/trubul te avel ande relacia manushikane chachimasko/xakajenge standardurenca thaj trubul te avel kerdino po jekh praktiko maniri. Jekh aktivitetu/umalin (field) savo si lache parudino po teritorialo vaj na-teritorialo fundo/baza thaj savo

si but vasno vi pala o them vi pala minorititurenge grupe si edukacia. Artiklo 5.1 katar UNESCO-si Konvencia mamuj/kontra Diskriminacia ande Edukacia sikavel sar gasavo parudipe trubul te avel kerdino: E thema save somnisarde kadi Konvencia vazde opre kaj:

- b. But si vasno te kerel pes respekto pala sloboda e dadengi thaj dejangi maj anglal te von alosaren institucie pala lenge chavre deso te godo keren e publike barederipa vaj save pe aver rig den minimum edukaciake standardura sar si sikadino ando zakono thaj maj dur te dikhel pes, po drom sar si godo muklino katar o zakono, sarsavi si e religiaki thaj moralo edukacia e chavrengi thaj si godo ande relacia lenge kampanca; godolese kaj naj manush vaj grupa e manushengi kaske vareko shaj del religiake instrukcie mamuj lengo kamipe;
  - c. But si vasno te dikhel pes thaj te pindzaren pes e chachipa/xakaja nacionale minorititurenge membrurenge te von korkore len sama pe lenge edukacionale aktivitetura, sar egzemplo kana lel pes sama pe lenge shkole, so si ande relacia pala edukaciaki politika svakone themeski, utilizacia thaj sitjuvipe lenge chibaki. Trubul maj palal te dikhel pes (i) kaj kadala chachipa naj utilizime po drom te e minorititurenge membrura xatjaren kultura thaj chib e komunitetosko sar kaj numaj vov egzistiril vaj te sikavel pes dinipe nacionale suverenitetosko; (ii) kaj o standardo e edukaciako naj maj teluno katar generale standardura sikadine katar kompetente barederipa; thaj (iii) kaj participacia/lethanipe ande gasave shkole si opcionale/te o manush kamel vov shaj dzal te na naj leske musaj/chi trubul te dzal.”
16. Principo demokratikane governimasko, sar si sikadino/artikulishime ando Artiklo 21 Univerzale Deklaraciako pala Manushikane Chachipa/xakaja, Artiklo 25 katar mashkarthemutni Konvencia pala Civile thaj Politikake Chachipa/xakaja thaj ande OSCE standardura shaj utilizin pes pe sa levelura thaj pala sa elementura e governipaske. Po drom te svako shaj egalutnes te starel pire chachipa/xakaja perdal korko-governimaske

institucie trubun te utilizin pes principura e demo-kratiake.

A. Na-teritoriale Aranzmanura

17. Kadi sekcia si ande relacia na-teritoriale autonomiasathaj butivar pala late phenel pes “personalo vaj kulturaki autonomia”-savi shaj avel lachi kana e grupa chi beshel po jekh than. Gasave kotora e barederipaske, intjaren ande peste kontrola pala speciale subjektura, shaj len than po levelo e themesko vaj mashkar teritoriale aranzmanura. Ande sa kazura, respekto pala manushikane chachipa/xakaja averenge trubul te avel sekurishime. Maj dur, gasave aranzmanuren trubul te avel sekuritato kade kaj ka avel len lache finansie thaj kade te den shaipe te von lache khelen rola pala lenge publike funkcie pal rezultato trubul te avel katar inkluzive procesura (dikh rekomodacia 5).
18. Kava naj agor pala e lista funkciengi. But ka avel ande relacia e situaciosa, specialo kana si o puchipe pala trubulipa thaj kamipa/mangipa e minorititurenge. Ande averchande situacie, averchande subjektura ka aven maj but vaj maj zala/maj cerra interesu e minorititurengo, thaj decizje ande kadala umalina/fields ka aven ande relacia lenca pe averchande levelura. Varesave umalina/fields shaj aven parudine. Jekh kotor pala minorititurenge speciale interesura si kontrolishime opral lenge korko-नावेगो vi pala speciale institucie vi pala individuale membrura sar si vi sikadino ando artiklo 11(1) katar Fremutni Konvencia. Gindosa pala religia, e rekomodacie chi keren advokatura/chi arakhen e interesura ande relacia governo thaj religiana maj but deso si godu ramosardino/lekhardinio ande kava artiklo. Kadi rekomodacia chi sikavel kaj e minorititurenge institucie trubun te keren kontrola opral media-sa dzi kaj e manusha save si nacionalo minoriteto chi keren korkore pirre media sar si vi garantuime ando Artiklo 9(3) Fremutne Konvenciako. E kultura si but aspektura save peren ando fremo kaadale umalinako (fields) sar lacho trajo, ur-banizmo, protekcija e chavrengi; o them trubul te lel sama pala minorititurenge interesura kana si ando puchipe gasave teme.



## B. Teritoriale Aranzmanura

19. Si jekh generalo trendo ande Europake thema savo kamel te kerel devolucia e barederipaski thaj implementacia e principonengi pala azutimasko barederipasko serviso (te kerel pes decentralizacia), kade te e decizja keren pes so maj pashe katar e manusha pala save trubul te keren pes decizja. Artiklo 4(3) Europake Sherutne (Charter) Lilesko pala Lokalo Korko-Governipe sikada kadale objektivura (golura) sar: "Publiko responsabiliteto trubul generalo te avel utilizime katar kodola autoriteta/barederipa save si maj pashe katar e civila. Alokacia/decentralizacia e responsabilitetoski pala aver barederipa trubun te kerel pes po drom te sa avel ekonomiko thaj efikasno." Teritorio korko-governo shaj azutil po drom te kerel pes prezervacia pala jekhipa e themesko thaj pe aver rig te bararel o levelo e participaciako e minoriteurengo kade kaj ka del pes lenge maj bari rola po levelo e governosko so kerel refleksia pala populaciaki koncentracia. Vi e Federacie shaj astaren kadale objektivura/golura/areslipa, sar vi e autonomiake aranzma-nura ando fremo jekhe Federaciako vaj Themesko. Si shaibe vi pala keripe miksuime administraciako. Sar si vi sikadino ande rekomodacia 15, e aranzmanura trubun te aven jekh sar aver ando fremo e themesko pal pe aver rig shaj varirin ande relacia pala trubulipa thaj sikadine kamipa.
20. Autonomikane barederipen trubul te avel chachi zor te keren decizja pe legislative, egzekutive thaj juristikane levelura. Barederipe ando fremo e themesko shaj avel pharadino mashkar centrale, regionale thaj lokale autoriteta thaj vi mashkar e funkcie. Paragrafo 35 katar Copenhagen Dokumento/Lil sikavel vi aver droma pala "lache lokale vaj autonomikane administracie ande relacia pala specifike xistorikane taj teritoriale trujalipa (circumstances)". Ekspirianca sikavel kaj jekh zor shaj avel ulavdini/chindi respektosa pala umalina (fields) katar publike barederipa tradicionalo utilizime katar centralo governo, khetane e juristikane zorasa (substantivo thaj proceduralo) thaj zor opral tradicionale ekonomie. E populacia save si interreso trubul sistematikane involvirime ande utilizacia gasave

barederipaski. Ande jekh vrama, centralo governmento musaj/trubul te intjarel/arakhel (retain) zor po drom te del garancia/kerel sekuritato e zakonosko thaj egaliteto e shaipengo ando them.

21. Pe thana kaj e zor shaj avel buxljardini/ulavdini (developed) pe teritoriale baze thaj kade te sikavel efektivo participacia e minoritaturengi, kadi zor musaj te avel utilizime gindosa pe minoriteta ando fremo kadale jurisdikciako. Administrative thaj egzekutive barederipa trubun te aven po serviso/te zutin e populaciaki pe sasti teritoria. kava inkljel avri/vazdel pes opre katar paragrafo 5.2 andar Copenhagen Dokumento savo kerel obligacia e OSCE themenge save si participantura te keren sekuritato pe sa levelura thaj pala sa manusha "forma e governoski savi si reprezentativo ando charteri/sherutno lil, ande savo o egzekutivo si responsabilo pala alosardini legislatura vaj elektorato".

#### IV. Garancie pala legalo protekcia/arakhipe

22. Kadi sekcia lel sama pala juristikane problema save zutin te phagaven pes varesave aranzmanura. Varesave legale aranzmanura shaj aven lache utilizime ande varesave kazura, pal o butjarimasko fremo varekana (ande varesave kazura) shaj avel suficiento. Ande sa kazura, sar si sikadino ande rekomodacia 5, aranzmanura trubun te keren rezultato katar putardine procesura. Sar vi sajekh rodel pes stabiliteto po drom te del pes sekuritato kodolenge save si ande relacia e kazosa, specialo/maj but e manushenge save si nationale minoriteta. Artiklura 2 thaj 4 katar Europake Sherutne Lilesko/Charteresko pala Korko-Governipe (Self-Government) maj but kamel konstitucionale aranzmanura. Po drom te astarel pes balanso mashkar stabiliteto thaj fleksibiliteto, shaj avel lache kerel pes spcifikacia pala rekonsideracia varesave intervalurengi thaj kade te phagavel pes e politika/te kerel pes depolitizacia e procesurengi thaj te kerel pes palpale analiza e procesurengi save si maj cerra/maj zala pe opozite riga.

23. Avdrchandipe/diferenca mashakar kadi rekomodacia thaj rekomodacia 22 si kaj kadi maj palutni del zor te keren pes testura pala neve thaj inovative rezimura, maj but deso te kerel pes spcifikacia e vramaki/terminurengi pala paruvipe/alteracia e aranzmaanurengi save egzistirin. Lache thaj responsabile barederipa/autoriteturavshaj keren/alosaren averchande droma ande averchande situacie mashkar centrale autoriteta/barederipa thaj minorititurenge reprezentantura. Alosaripe gasave dromengo shaj avel lachi ekspirianca maj pala pala e procesura inovaciake thaj implementaciake.
- B. Juristikane Draba/Remedies
24. Ando paragrafo 30 katar Copenhagen Dokumento/Lil, OSCE partipaciake thema “vazde opre khetane o fakto kaj nacionale-minorititurengo problemo shaj avel lache phagardino ande demokratikano politikasko butjarimasko fremo savo ka avel ande relacia e zakonosa khetane e funkcionale thaj

indepedente krisimaske siste-mosa.” Idea pala efektive juristikane draba si sikadini vi ando Artiklo 2(3) katar Mashkarthemutni Konvencia pala Civile thaj Politikane Chachipa/Xakaja, pal “juristikano drabo” si sikadino ando Artiklo 11 Europake Charteresko? Sherutne Lilesko pala Lokalo Korko-Governipe.

Juristikani Analiza (review) shaj kerel o konstitucionalo/maj baro krisi khetane relevante mashkarthemutne manushikane chachimaske organurenca. Na-juristikane mehanizmura thaj institucie, sar si e nacionale komisie, ombdusmanura, mashkaretnikane bordura shaj khelen jekh kritikani rola sar si vi sikadino ando paragrafo 27 katar Copenhagen Dokumento, Artiklo 14(2) Mashkartemutne Konvenciako pala Phagavipe/Eliminacia Svakone Formako rasistikane Diskriminaciako, thaj paragrafo 36 andar Vienna deklaracia pala Programura thaj Acie save si adoptuime katar Saste Lumaki Konferencia pala Manushikane Chachipa/Xakaja ande 1993-to bersh.

## "Reflections from America"

Gloria Jean Garland

I RECENTLY RETURNED TO THE UNITED STATES after living and working for six years in Central Europe – the last three as legal director for the *European Roma Rights Center*. I came back just in time to see Arnold Schwarzenegger elected governor of California, to view some truly dreadful new television shows (which I'm sure will be recycled in Europe soon), and to witness a majority of Americans finally (*finally!*) questioning George Bush's handling of the post-war situation in Iraq. I left behind some good friends, some warm memories and many unfinished cases, still lingering, or perhaps withering away on the European Court's grapevine of aging cases.

Human rights work is different from other kinds of legal work. Most of the clients are not sophisticated or well-informed of their rights (although some certainly are). The field clearly doesn't command the high fees that lawyers in other areas receive. The work is often frustrating and discouraging. The situations giving rise to the claims can be heartbreaking. When asked to describe my three+ years working with the *ERRC*, many words come to mind: challenging, exhausting, difficult, aggravating – but at the same time, exhilarating, exciting, fascinating, uplifting. Perhaps above all, the work was consuming.

The frustrations were many. Court systems, both domestic and international, were painfully slow. There were the sometimes arrogant "leaders" of local NGOs, whose primary concern was advancement of their own glory at the expense of the people they allegedly served. There were the occasional egotistical lawyers whose interest in financial gain far exceeded any concerns for their clients. Racist judges and prosecutors, whose disdain for humanity in general was apparent in their disdain for the Romani defendants or victims before them, ignored their legal obligations. And the European Court itself, such a beacon of hope at the time it was created, is now

floundering and drowning in the flood of cases before it.

But there were also encouraging elements. I met many young Romani men and women entering universities, getting involved in their communities, taking steps to help their people. I saw talented and committed lawyers and human rights activists, working long hours for little money. Local judges pleasantly surprised me on more than a few occasions, showing sensitivity and initiative in trying to right the wrongs for which the laws thus far provided inadequate remedies. For every arrogant self-proclaimed Roma "leader", I observed many more talented and dedicated Romani men and women, the true leaders who would someday take their rightful place. In training workshops we conducted, I met dedicated young lawyers and activists whose enthusiasm often helped to restore my own flagging confidence in the possibilities of making a better world.

Likewise, in the litigation arena, frustrations and disappointments are countered by the occasional victory. In April of 2000, the *ERRC* filed an application with the European Court of Human Rights against the Czech Republic arising from the disproportionately high placement of Romani children in "special schools" for the mentally disabled. It was to be a landmark case, along the lines of the famed *Brown v. Board of Education*, with the potential to make significant inroads in the fight against discrimination and to shatter the repeating cycle of illiteracy, unemployment and poverty. Press coverage was extensive; hopes were high. But over three-and-a-half years later, despite requests to the Court to expedite consideration of the application, the case was not communicated to the Czech government (the first step in moving a case through the Court's processes) for more than three years after it was



filed. How do we explain to our clients, whose children continue to fall further and further behind in school, why nothing is happening in their case? How can we encourage other parents in other countries to take the same chance?

Nonetheless, during this same time, the Court issued landmark victories in three cases against Bulgaria – *Assenov*, *Velikova* and *Anguelova* – as well as significant decisions in collective expulsion cases with which the *ERRC* had assisted. For every disappointing, apparently disinterested, official, we meet others who are extremely dedicated to improving human rights, despite their very heavy workload. And, slowly but surely, cases involving Roma are making their way through the European Court, many successfully establishing new precedents and legal protections.

One of the first cases I worked on after joining the *ERRC* was also one of the last – the case of *Moldovan vs. Romania*, arising from pogrom in the village of Hădăreni, Romania, in September 1993, that left three Romani men dead and the homes of 14 Roma families in ruins.<sup>1</sup> The case offers some hope that the hard work and struggle of litigating human rights cases can make a difference.

The village of Hădăreni sits on a two-lane road halfway between Târgu Mureș and Cluj-Napoca. It looks like countless other villages in Romania – small houses clustered on either side of the road, a church, a local pub, cows and sheep grazing in the fields. Most of the houses are simple – two or three rooms, no indoor plumbing. My first visit to Hădăreni was in November 2000, shortly before filing an application with the European Court of Human Rights on behalf of 25 people who had lost family members or homes in the pogrom. I went there to make sure our clients understood the risks and the procedures involved in the case.

We started off visiting one family's home that had been destroyed in the fire and then partially rebuilt. Within maybe 10 minutes, word had spread that the lawyers from Budapest were there and people began to trickle in. It was the first time I had been inside a Romani family's home. The house was sim-

ple – two rooms, a dirt floor with an old carpet on top, a few rough wooden benches and chairs to sit on – but quite clean. An old woman kept grabbing my hand, touching it to her breast, crying and wailing and gesturing with her hands. She had lost her home in the fire, her son was in jail, and her husband had lost his job. She claimed that her husband had gone blind from crying so much after the fire. I was at a loss for words.

These people had been through so much. It had taken Romania nearly five years to even prosecute anyone for the murders and the destruction, and even then, the sentences were repeatedly reduced on appeal and some defendants acquitted. Ultimately, as a final insult, the remaining defendants were pardoned by the President of Romania. Seven years later, many of the homes had not been rebuilt at all, and those that had were poorly constructed. What could I tell them? I explained the Court's procedures, the arguments we planned to make. They nodded as our local monitor translated. The case would be difficult – Romania was not a member of the Council of Europe until several months after the pogrom, so it was not subject to the European Convention's requirements at the time of the violence. Yes, yes, they understood. Yes, they wanted to proceed. We filled out all of the forms – birth dates, identification numbers, addresses, a description of their individual losses. Some did not know for sure when they had been born. Others had lost their personal documents in the fires and did not get them replaced, so they had no identification numbers. Although it was a chilly November day, most were not wearing coats. Many had several layers of old shirts and sweaters on. They looked anxious, tired. Would they get some money? When would they get it? How much would they get? Could their non-Romani neighbors retaliate against them for bringing the lawsuit? I tried to explain the risks. The process was long. There were no guarantees. The Court might reject their case entirely. We would do our best to protect them from retaliation through publicity and pressure, and our local monitor would visit them regularly, but we could not promise there would be no problems. It was unclear what might happen, but they wanted to try. I admired their courage.

<sup>1</sup> For details of the case, see *ERRC Country Report State of Impunity. Human Rights Abuse of Roma in Romania*, pp. 20-28, available at: <http://www.errc.org/publications/reports/>.

I went back to Hădăreni the following summer, after the Romanian government had responded to our application, to take photos and statements, compiling evidence of how their living conditions had been after the fire. Some families were forced to live in windowless cellars – no light, no heat, no electricity, no water. Others lived in the shells of their dwellings, doing their best to cope with only sheets of plastic to keep out the elements. Some lived in pig sties or hen-houses. Some doubled up with relatives – often 15 to a single room. Children and old people were repeatedly sick.

In June 2003, we got the news we had been waiting for – the Court declared the case admissible and asked for final arguments and statements of damages. I spent my last summer at *ERRC*, finishing up what I had started the first summer – meeting with our clients, gathering additional evidence to support the damage theories of the case and hoping for the best. This time our clients allowed themselves to be cautiously optimistic. There was still a long road ahead – the Romanian government asked for and received an extension of time to file its final papers. There may be several months before a final decision is is-

sued. But for the Roma families in Hădăreni, there finally appears to be a light at the end of the tunnel and a possibility that justice – imperfect, incomplete, but at least an acknowledgement of their suffering and some kind of recompense – was finally in the offing. Thus, amid the frustrations and delays, some successes rear their heads.

I came home to a country that was much changed from the one I left. Or was it I who came home much changed? When I left, Bill Clinton was the President and Americans were enjoying record levels of prosperity. When I came back, Americans had elected a President who did not win the popular vote and whose policies had resulted in the largest budget deficit ever. The September 11, 2001, attacks ushered in a new era of suspicion, a loss of innocence, and an erosion of civil liberties. Many Americans have never heard the term “Roma” and have an unduly romanticized image of “Gypsies” based on Hollywood movies and bad Cher songs. The field of human rights, a rather esoteric area of law when I left the United States six years ago, has taken on a new and urgent importance. It appears we all have much work to do. Hey, no one ever said it would be easy!

## Chronicle

**October 8-10, 2003:** Submitted a joint intervention with the *International Helsinki Federation* to the OSCE Human Dimension Implementation Meeting, focusing on the issue of Roma participation, Warsaw, Poland.

**October 9, 2003:** Provided training to a group of activists from Europe and Africa at a seminar organised by the Human Rights Students Initiative of the Central European University, Budapest, Hungary.

**October 15, 2003:** Gave a presentation on the situation of Roma in Serbia and Montenegro at the OSCE Human Dimension Implementation Meeting, in Warsaw, Poland.

**October 23, 2003:** Provided written and oral comments on the situation of Roma in Russia to the United Nations Human Rights Committee on the occasion of that body's review of Russia's compliance with the International Covenant on Civil and Political Rights, Geneva, Switzerland.

**October 25-26, 2003:** Co-hosted an anti-discrimination legislation workshop in London in co-operation with *Interights* and *Migration Policy Group* for lawyers from western and central/eastern Europe.

**October 29-31, 2003:** Acted as expert for a seminar on formalizing informal settlements organized by the Organization for Security and Co-operation in Europe, Priština, Kosovo.

**October 30-31, 2003:** Participated at a Council of Europe Conference on the 5th Anniversary of the Framework Convention for the Protection of National Minorities, Strasbourg, France.

**November 7-8, 2003:** Held a seminar entitled "Human Rights and Discrimination – Profes-

sional Methods of Monitoring and Advocacy" organised in co-operation with a Ekaterinburg-based Romani organisation *Roma Ural*, Ekaterinburg, Russia.

**November 10-11, 2003:** Participated in an Expert Meeting convened by the Directorate IV Youth and Sport of the Council of Europe, discussing a draft Recommendation on Minorities Youth Participation to be considered by the Parliamentary Assembly of the Council of Europe, Budapest, Hungary.

**November 13-14, 2003:** Gave a presentation in Strasbourg at an ECRI seminar with national specialised bodies to combat racism and racial discrimination, Strasbourg, France.

**November 13-16, 2003:** Participated in the General Assembly of the *International Helsinki Federation*, Vienna, Austria.

**November 14, 2003:** Delivered a presentation on Roma issues at a workshop entitled "Building New Bridges: Past, Present and Future of Roma and Jewish heritage", organised by the *European Union of Jewish Students*, Budapest, Hungary.

**November 14-15, 2003:** Held a workshop in co-operation with a local partner *Romani Yag* in Uzhgorod, Ukraine, on "Law and Practice in International and Domestic Courts" for Ukrainian lawyers, Roma rights activists and government officials, Uzhgorod, Ukraine.

**November 17, 2003:** Acted as facilitator at an international conference on Roma culture, Stockholm, Sweden.

**November 21-22, 2003:** Held a regional workshop in Budapest on the EU Race Equality Directive

for lawyers and judges from all of the EU accession countries, Budapest, Hungary.

**November 27-28, 2003:** Participated in the 16th meeting of the Council of Europe's Specialist Group on Roma/Gipsy, MG-S-ROM, Strasbourg, France.

**November 28-29, 2003:** Participated in the 5th annual European Assembly of the ENAR, Palermo, Italy.

**December 6, 2003:** Presented issues related to the human rights situation of Roma in EU Candidate Countries at a seminar organized by the Karl Renner Institute, Vienna, Austria.

**December 7-9, 2003:** Participated in the event entitled "Human Rights in Greece Ahead of the 2004 Olympic Games in Athens", organised by the *Greek Helsinki Monitor* as a celebration of its 10th anniversary.

**December 9, 2003:** Provided information on the housing rights situation of Roma in Bulgaria, Greece, Hungary, Italy, Romania and Turkey to the European Committee of Social Rights to assist review of those countries' compliance with Article 16 of the European Social Charter and Revised European Social Charter.

**December 10, 2003:** Presented *ERRC* concerns in the Czech Republic at a seminar on human rights organized by the Pedagogical Centre of Central Bohemia, Prague, Czech Republic.

**December 15, 2003:** Presented *ERRC* concerns related to the forcible expulsion of Roma from Germany to the United Committee on the Rights of the Child timed for that body's review of Germany's compliance with the Convention on the Rights of the Child.

**December 15-17, 2003:** Co-facilitated an advocacy training for Romani activists from Ukraine, organised by the Secretariat of the Framework Convention for the Protection of National Minorities of the Council of Europe, Kiev, Ukraine.

**January 9, 2004:** Presented a joint shadow report with the European Union Monitoring and Advocacy Program of the *Open Society Institute* to the UN Committee on the Elimination of Discrimination Against Women on the occasion of that body's review of Germany's compliance with the Convention on the Elimination of Discrimination Against Women.

#### SUPPORT THE *ERRC*

The *European Roma Rights Center* is dependent upon the generosity of individual donors for its continued existence. If you believe the *ERRC* performs a service valuable to the public, please join in enabling its future with a contribution. Gifts of all sizes are welcome, bank transfers to the *ERRC* account are preferred. Please send your contribution to:

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