

EUROPEAN ROMA RIGHTS CENTER

TIME OF THE SKINHEADS

DENIAL AND EXCLUSION OF ROMA IN SLOVAKIA

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The Roma (Gypsies) remain to date the most deprived ethnic group of Europe. Almost everywhere, their fundamental civil rights are threatened. Disturbing cases of racist violence targeting Roma have occurred in recent years. Discrimination against Roma in employment, education, health care, administrative and other services is common in many societies. Hate speech against Roma deepens the negative stereotypes which pervade European public opinion. The *European Roma Rights Center* is an international initiative for monitoring the human rights situation of Roma and providing legal defense in cases of human rights abuse.

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“The police claim that they don’t know any skinheads.
They know us very well.”

*-- Anonymous letter by Prešov skinheads
to the newspaper Prešovský Večerník,
March 15, 1995*

1. INTRODUCTION

There is no accurate count of the number of Roma in Slovakia, but one estimate by the London-based *Minority Rights Group* is that there are between 480,000 and 520,000 Roma in Slovakia today, out of a total population of 5.3 million.¹ If this is accurate, one in ten Slovak citizens is of Romani background. It would also mean that Slovakia has one of the highest *per capita* populations of Roma in the world. The majority of Roma in Slovakia reside in the eastern and southern regions of the country. The human rights situation of these Roma is, today, extremely precarious.

The field research for this report was carried out between March and November of 1996, primarily in the Romani communities of eastern Slovakia. Victims and witnesses of human rights violations were interviewed in private. For all events described, statements from the competent authorities were sought in response to versions provided by Roma. The *ERRC* aimed, in all cases, at providing a reasonable reconstruction of the events of human rights violations and subjected all testimony to critical scrutiny.

This report provides an overview of human rights violations against Roma in Slovakia during the years 1993–1996, a period in which the state itself came into existence and began to act as sole competent authority on the territory of the former Czechoslovak Federal Republic. Although several reports on Roma in Slovakia have been published domestically during this period, the primary focus of these reports has been cultural issues, while human rights concerns remained secondary or were left unaddressed.² The most recent publication on Roma in Slovakia which addressed human rights issues directly was the *Helsinki Watch* report on Roma in Czechoslovakia, *Struggling for Ethnic Identity: Czechoslovakia's Endangered Gypsies*, published in 1992.³ The intention of this report is to bring the picture of the human rights situation of Roma in Slovakia up-to-date.

The *ERRC* noted three trends dominating the problematic relations between the Slovak state and Roma. In the first place, competent authorities often deny that the rights of Roma have been violated, even if there is convincing evidence that violations have indeed taken place. Secondly, there are presently exclusionary legal, administrative and social practices which prevent Roma from joining the mainstream of Slovak society and keep them marginalized. Finally, there are long-term historical patterns, daily consciously or unconsciously reenacted, whereby the Slovak state intervenes as caretaker state, effectively demoralizing Roma through paternalism and pressure toward a kind of neutralized conformity. *Time of the Skinheads* addresses each of these themes.

It is important for the reader to note the limitations of this report. The report does not cover the issue of the *de facto* segregation of Romani children in special schools, a policy which many Romani activists contend is tantamount to cultural genocide. Nor does it thoroughly investigate the issue of chronically high unemployment in Romani communities. It does not report on other issues such as access to health care and exclusion from bars, restaurants, swimming pools, discos, etc. While it does delve into the problems facing Romani families in obtaining adequate housing and permanent residence, it is not an exhaustive study of these complex issues. Finally, the *European Roma Rights Center* wishes to make clear that this report does not necessarily represent the views of Roma organizations and individuals. The report is based on independent observation, the optical space of which is comparison with international human rights standards.

2. RACIALLY-MOTIVATED ATTACKS AGAINST ROMA

On July 21, 1995, Romani teenager Mario Goral was the victim of a fatal attack by a group of skinheads in the central Slovak town of Žiar nad Hronom.⁴ At around 10:00 PM, approximately 30 skinheads rampaged through the city. The skinheads threatened, swore at and beat Roma. They also threw Molotov cocktails at the Pub “Helak” which is known to be frequented by Roma. The mob of skinheads then attacked several young Roma with crowbars and knives on Stefanmeuses Street. 18-year-old Mario Goral was caught before he could escape into his house and beaten unconscious.

18-year-old skinhead T.K. then allegedly incited his younger accomplice, 16-year-old B.F., to douse Mario Goral with a mixture of gasoline and polystyrene which they had prepared in advance. The polystyrene causes the solution to stick to the skin and burn deeper. Then B.F. set Mario Goral on fire. Mario Goral suffered second and third degree burns to over 60% of his body.

Mario Goral died in hospital ten days later, on July 31, 1995. The Slovak government finally condemned the attack only after Mario Goral died. Unlike the death of Tibor Berki at the hands of skinheads in the Czech Republic in 1995,⁵ the death of Mario Goral did not inspire a timely government response. Mario Goral’s funeral was attended by the Minister of Culture Ivan Hudec and the Minister of Environment Jozef Zlocha. About 1,500 Romani mourners attended his funeral, while the Ministry of the Interior, concerned about potential ethnic violence, dispatched a special patrol of 180 policemen to prevent clashes. In Banská Bystrica, Catholic Bishop Rudolf Balaž appealed to skinheads to stop the violence. However, on August 2, 1995, parliamentarian and party leader Ján Slota attempted to place the blame for the attack on Roma, by claiming that it was caused by high “Gypsy (*Cikani*) crime rates.”⁶

Police investigation of the case resulted in the arrest of sixteen skinheads in July 1995.⁷ The initial investigation was completed in October 1995, after which it was sent back to investigators by the prosecutor for further fact-finding. In February of 1996, Marian Ponc, chief of the Regional Office of Investigation of District Banská Bystrica stated that sixteen skinheads had been charged; out of the sixteen accused (nine of whom were under eighteen years of age), four were in custody.⁸

The prosecutor, Dr. Martin Bargel, brought the following charges: 18-year-old T.K. was charged with breach of the public peace (Article 202 of the Penal Code), murder with qualifications (Article 219, paragraph 2) and duress (Article 235, paragraphs 1, 2, and 3); 16-year-old B.F. was charged with murder (Article 219, paragraph 1) and breach of the public peace (Article 202). The maximum sentence for murder in Slovakia is fifteen years, though for murder with specific qualifications under Article 219 (2) and in conjunction with Article 29 (3), one can face a maximum of life imprisonment. The other 14 skinheads who took part in the murder were charged under Article 196 (2)-- racially-motivated violence against a group or against an individual, the maximum penalty for which is two years imprisonment.⁹ Some skinheads in the group were under fifteen years of age, and therefore could not be criminally charged. Mrs. Nadežda Borošová, Mario Goral’s mother, is bringing a civil suit against the skinheads with the help of attorney Bohumír Bláha, a regular consultant of *Inforoma*.¹⁰

More than one year has passed since Mario Goral’s death and on October 7, 1996, the second court hearing was postponed indefinitely when the main judge for the case fell ill. At the second hearing, however, the judge decided that on the basis of Article 44 (2) of the Criminal Procedure Code, all subsequent hearings would not be open to the public. This precluded the possibility of all damaged persons participating.¹¹

Although Vice-Mayor Juraj Prôčka asserted that the situation in Žiar nad Hronom had “stabilized”, both the town and the rest of Slovakia continue to be rife with ethnic tension. According to an August 1996 article in the independent newspaper *SME*, the skinheads charged with the murder of Mario Goral are popular among the youth of Žiar nad Hronom and there is no community stigma on being a skinhead. Skinheads in the town continue to conduct regular meetings and attack Romani inhabitants.¹²

On January 1, 1996, a few hours into the new year, a group of youth shouting racist slogans attacked a 40-year-old Rom in Žiar nad Hronom. Fortunately, the Rom was not seriously injured, the skinheads were taken into custody, and ultimately charged with assault against an individual. In February 1996, in the afternoon,

around twenty skinheads from different towns attacked Romani homes in the village of Kremnica (approximately 15 km from Banská Bystrica), causing property damage to six apartments. While there were no physical injuries, two homes were vandalized, and furniture and other property was destroyed. Six skinheads from Banská Bystrica were placed in police custody in connection with the attack. As a result of the attack, several Romani families were rendered homeless.¹³

Skinheads and other violent nationalists are a potent force in contemporary Slovakia, especially among young Slovaks. While they may be numerically insignificant, their effect on the public atmosphere is immense. Skinheads are members of a movement and can usually—though not always—be identified by their trademark grey-green “bomber” jackets, high black “Doc Martin” boots and their heads shaved to the skin. Writing anonymously in the Prešov evening newspaper *Prešovský Večerník*, a group of skinheads explained who they were to the general public:

The skinheads want to protect Prešov against Gypsies—Roma. Who else but the Gypsies create a mess in the city, steal, and participate in the black market? Now you can think that we are very racist. But you can hardly find a man who would not be ashamed of a Gypsy.

Many people do not know who we are and what we want. We want Slovaks to live in Prešov, in Slovakia. We want a white Slovakia, because if nothing changes, then it will be a catastrophe for Prešov and for Slovakia.¹⁴

Romani activist Erika Godlová believes that many skinheads come from families respected in the city:

It is common knowledge that the sons of some police officers are members of the skinhead movement. While the old socialist housing blocks are breeding grounds for skinheads, many of their leaders come from the ranks of “good” families. It is sad how their brilliant parents are educating them in this way.¹⁵

Roma report that in 1993, the phenomenon of racial violence directed at them in Slovakia came fully out into the open. By 1995 it was common. The *ERRC* received information that in March of that year alone, a bomb exploded in the southern town of Rimavská Sobota, killing a 36-year-old Rom; in Trnava, a 50-year-old Rom was seriously wounded by skinheads; a Romani teenager in Piešťany suffered injuries to his face while leaping from the window of a house in order to escape skinheads who were attacking him inside; and a Romani worker from the eastern village of Ovcie was beaten by skinheads while waiting for his commuter bus in Prešov.¹⁶

More recently, on September 10, 1996, 18 skinheads assaulted a Romani girl in Košice.¹⁷ According to the *Legal Defence Bureau for Ethnic Minorities in Slovakia*, there were four serious skinhead attacks in Košice in September alone. In mid-October of 1996, the *ERRC* was informed that an 18-year-old Rom from the village of Gánovce near Poprad was beaten to death by thirteen skinheads at the Poprad railway station.¹⁸ On the morning of November 7, 1996, 16-year-old Rudolf Žiga was attacked from behind in Poprad by a group of three skinheads who shouted “you black Gypsy” and “black pig”, and hit him on the head with a baseball bat. Rudolf Žiga, who suffered serious injuries to the cranium, had to undergo an operation and was hospitalized for four days in an intensive care unit.¹⁹

On November 12, the Slovak daily *Práca* reported that over the preceding weekend, skinheads had three times attacked a house where Roma live in the town of Prievidza.²⁰

On November 27, 1996, the Slovak daily newspaper *SME* reported that a 21-year-old Rom named Ernest Horvath had been attacked by three skinheads who pulled him off a bus, kicked him to the ground, poured gasoline on him and set him on fire on Panenskej Street in downtown Bratislava in the night between Friday, November 22 and Saturday, November 23, 1996. Mr. Horvath suffered third degree burns to over 30% of his body.²¹

In the night between December 21 and 22, 1996, an 18-year-old skinhead allegedly attacked two Roma, a father and son, in the town of Handlová, approximately 25 km West of Banská Bystrica. The skinhead stabbed the son, 21-year-old G.B., once and the father, 43-year-old G.B., three times. The elder Rom later died as a result

of his injuries.²²

It is almost certain that in the time between when this report goes to press and when it is published there will be further violent attacks on Roma by skinheads or skinhead sympathizers.

3. THE DENIAL OF ROMA RIGHTS IN SLOVAKIA

When Roma fell victim to attacks by individuals, police officers or in episodes of community violence during the period 1993–1996, the likelihood was great that they would not secure a just settlement of grievances. Various mechanisms, deployed consciously or unconsciously by law enforcement officials, investigators and members of the judicial establishment, almost invariably appeared to block legal redress.

In the subsequent chapters, various aspects of the machinery by which Roma are denied rights in Slovakia are illustrated. By examining in detail several cases of human rights abuse against Roma, the *ERRC* will show that it is possible to deny that a crime has taken place, deny that a victim has a legitimate claim on the right to be counted as a victim, deny the meaning of what has taken place, or deny the role of the actors in it. Further, the report discusses the cover-up of police misconduct in Slovakia through the device of charging Roma whose rights have been abused with the crimes of which they themselves are the victims. Additionally, the way in which numerous narratives of denial can be deployed in sequence against Roma is illustrated through a description of a police raid at Jarovnice. These are regarded as not necessarily conscious techniques of denial (although they can be), but rather the enactment of mechanisms of a larger racist discourse within Slovak society.²³

3.1. “HE FELL DOWN A LOT”: DENYING THE CRIME

On February 19, 1996, Ondrej Žiga, a 33-year-old Romani father of five, went from his home in Spišský Štiavnik to Poprad to see his doctor for a medical check-up. His mother, Žofia Žigaová, told the *ERRC*:

That night, he didn't come home. I thought that maybe he had gone to visit another family and spent the night there. The next day, on the 20th, his wife Viera packed some things and went to town in search of him. When she returned, on the 21st of February, she informed everyone that he was under anesthesia and in serious condition at the main hospital in Poprad. I was very worried. I went by bus to the main hospital and went directly to the intensive care unit. The doctors dressed me up in hospital clothes and then let me in to speak to my son. I screamed at him, I yelled at him, but it was no use: he didn't respond. He had on an oxygen mask and he wouldn't speak. His head was bandaged. He was only breathing because oxygen was given to him. But he didn't even open his eyes. On the 27th of February, he was declared dead. The police claim that he died just like that, without any wrongdoing involved.²⁴

The death certificate, dated February 27, 1996, states that Mr. Žiga died of a brain hemorrhage as a result of “unknown causes”. The police report (*CTS: PZ-208/96*) from the district police in Poprad, dated May 14, 1996, states:

According to a hospital attendant, on February 21, 1996, a group of RZP (Railroad Police) was called to the bus station in Poprad. They found an unconscious man on the floor in the vestibule, whom they took to the hospital in Poprad. Police investigations... revealed that Ondrej Žiga from Spišský Štiavnik,... had been seen by witnesses exhibiting signs of drunkenness at a beer hall at the station, the previous evening, February 20, 1996, and... moved about through the hall of the bus station, where he fell numerous times during the evening. At 23:05 PM, he was found in front of the bus station vestibule by a station employee. He was seen lying on the ground with head injuries. The worker called the hospital and he was taken to the intensive care unit, where he later died.

The autopsy performed by the Department of Forensic Medicine at the State Hospital in Poprad revealed that the direct cause of death of poor Ondrej Žiga was brain hemorrhage and internal bleeding as a result of a broken upper vault (*klenba*) and lower cranium (*spodina*) caused by a blow from a blunt object in a drunken state... the police department found that he had 1.96 g/kg of ethyl alcohol in his blood on the day when he was found, which means a medium to high level of inebriation.²⁵

In line with this version of events, the police investigator concluded that:

No person has been accused of the death of Ondrej Žiga and there is no suspicion of wrongdoing.²⁶

The report claims that Mr. Žiga's skull was broken in two places, one of which was toward the top of his

head. Although mentioning a “blunt object”, the explanation for these wounds is that Mr. Žiga was seen falling down a number of times in the course of the evening. While this is one possible explanation for Mr. Žiga’s death, it is equally possible that Mr. Žiga was bludgeoned to death. To avoid reckoning with this more problematic version of the events, the police report reiterates that Mr. Žiga was drunk.

The conclusion of the police report is that a criminal investigation is unnecessary. To substitute for a rigorous examination of the facts of the case, the police gratuitously refer to Mr. Žiga as “poor Ondrej Žiga”, as if to suggest that the responsibility for his death lies with the mysterious forces of fate. The *ERRC* finds this version of the events suspicious and the dismissal of a full investigation premature. As in many similar cases, the appearance that nothing at all has happened which might necessitate investigation is the main theme of the police report. Such a dismissal of the possibility of criminal misconduct is possible only with the aid of racist prejudice.

The Žiga family did not appeal the police report within the three-day time period provided by the Slovak Criminal Procedure Code. It is clear that a full and impartial police investigation into the death of Ondrej Žiga has not been performed. The denial of the crime in the case of Ondrej Žiga has functioned in such a way that a possible murder has disappeared entirely.

The *ERRC*’s suspicion of murder is supported by the testimony of one witness, Ivana P.,²⁷ who claimed to have seen Ondrej Žiga beaten by skinheads during the night of February 19–20. However, Ms. P. was too afraid to give her testimony to the police.

Ondrej Žiga’s wife has left the village of Spišský Stivník and has moved, along with their five children, back to her parents’ village.

Where a crime cannot be denied as easily as the possible murder described above, pressure and exhausting bureaucratic obfuscation can be used to make a case go away. In March 1994, Miroslav Lacko, a Romani activist from Košice, visited his brother’s family in the eastern Slovak village of Nižný Žipov (close to Trebišov). Mr. Lacko described how a fight between two women outside of his brother’s home led to his being punched by a police officer:

One of them was my brother’s girlfriend and she was hit on the head by the other woman. Well, the police came and they took my brother and the two girls to town hall for questioning. I went to the town hall and asked the police officer to explain what was happening. He spoke to me in a vulgar manner and told me to get lost. I then told him that as I was respectful towards him, he should be respectful towards me, and that since this was public space, I didn’t have to leave. I also told him that I was not a stupid Rom and that I knew my rights. Then I tried to note the ID number on his shirt.

The police officer told me to wipe my ass with this information and then he grabbed my neck, punched me in the face and pushed me down the town hall stairs. Two Romani women outside helped me stand up, and there were five others who also witnessed the police officer punching me.²⁸

Immediately after the incident, Mr. Lacko called the police chief of the village to complain. Despite an apology from the police chief in the name of his station, Miroslav Lacko insisted on filing a complaint against the police officer for his ill-treatment. Mr. Lacko went to the police station in Trebišov (Nižný Žipov’s jurisdiction) on three separate occasions in order to file an official complaint. According to *ERRC* information, while the police did write an official protocol on the incident, the investigator subsequently put enough pressure on him to cause him to drop the case. In the end, the police officer who assaulted Mr. Lacko did so with impunity.

Mr. Lacko was the victim of another racially-motivated attack in March 1995 on a train between Bratislava and Košice:

I went to Bratislava from Košice by train with my one-and-a-half-year-old son, who needed to get some testing done at the hospital in Bratislava. He had to spend the night there. I then went back to Košice by night train.

After 12:00 midnight I fell asleep. I was alone in the compartment. After a while, I woke up and the train was stopped somewhere. I picked up my bag and ran out of the compartment to see where I was. I opened the door, and went out on the steps of the train and saw “Trnava” written there. The train began to move again, and as I turned around to go back to the compartment, I saw four skinheads coming toward me. One of them had on big boots. He kicked me really hard in the face and I fell down from the train steps onto the platform.²⁹

Shaking and with blurred vision, Mr. Lacko searched for the police at the Trnava railway station. A policeman took him to the police station and requested his ID. Shortly thereafter, Mr. Lacko collapsed on the floor and was taken to hospital. Mr. Lacko asserts that a report on the case was never filed by the police, nor was a proper investigation conducted.

Mr. Lacko told the *ERRC* that before the attack, he had been recovering from spinal injuries, but that the attack had made his condition worse. He could not speak as well, nor walk as well as before. He was hospitalized for one week at the Neurological Department in Trnava General Hospital and thereafter was moved to Prešov General Hospital. He spent a total of three months in hospital. In addition to the two incidents described above, Mr. Lacko’s home was vandalized by skinheads in 1994.

In another episode of crime-denial, Mr. A.B., a 32-year-old heart patient who has seven children and lives in a run-down housing block in Mirkovce near the town of Prešov, reported to the *ERRC*:

On December 16, 1994, I was coming home (to Slovakia) after a trip to Prague. I arrived at the central railway station in Prešov at about 9:00 PM. It was a Saturday. I was approached by three skinheads near the side of the bus depot. They asked me where I was coming from and what was it that I was carrying in the box I had with me. I told them that I was carrying some things. Then another man joined them and they punched me in the face and stomach, all four of them. After the attack, I went to the railway police and told two policemen that skinheads had attacked me. I am sure that the police officers saw me being beaten up, but they didn’t try to stop the men. The police are the *Gadje’s* people.³⁰

However, the assault on A.B. is not on public record. This is because:

The police claimed that I had not been beaten by skinheads, but that I had fallen down. But I am not a child; I recognized that they were skinheads. The police didn’t help me at all. A young soldier was standing nearby, and when he heard me speaking to the officer, he tried to support me. He told the policemen that I wasn’t lying and that they shouldn’t joke with me. But they still didn’t care. After this, I went straight home because I was too afraid to get medical treatment in the city. Now I am afraid to go alone to Prešov in the evenings because of skinheads. I recently saw one of my attackers at the bus depot in Prešov selling magazines. He is young, maybe about twenty years old.³¹

Mrs. B.B., the mother of Mr. A.B., told the *ERRC* that:

He was beaten so badly that even I couldn’t recognize him when he came home. He was unable to eat anything as a result of the injuries to his mouth and face.³²

Another case in which no police record exists of a violent assault on Roma by skinheads took place in the summer of 1995. Four Romani men, 49-year-old L.C., 24-year-old S.C., 32-year-old I.H., and 38-year-old S.P. were travelling westward by train on the Bratislava-Poprad line when approximately 30 skinheads on their way to a football match in Žilina boarded the train at the Púchov station. According to social worker Amalia Pompová, the Romani men went to the restaurant car to drink coffee, but on their way:

They saw a non-Romani woman with a child being harassed by five or six young skinheads who were all about 14 or 15 years old. S.P. told the skinheads to leave her alone, at which point the skinheads turned their attention to the four Roma and called them “black snout” (*černa huba*). Then one of them yelled, “black faces are here, let’s get them!”

The Roma tried to run away, but another group of older skinheads blocked their path. They shoved them into a train compartment where there was only one non-Rom. L.C. tried to hide under the

seat—he has heart problems—and S.P. tried to protect him. The skinheads then began to kick and beat them. The four men tried to defend themselves as best they could. When they arrived in Žilina, there was a lot of commotion and many people had witnessed what had happened. Some of the Romani men were bleeding.³³

After the train stopped in Žilina, the skinheads got off the train and four railway policemen approached the Romani men, asking them to come out of the train in order to make a report on the attack. However, as Ms. Pompová explained:

Approximately 30 skinheads were just outside, listening. S.P. asked the police to guarantee them protection if they came out of the train. The policemen told them that they were not sure if they could guarantee their safety and at that point, the skinheads began to get aggressive with the police. Well, of course the men were too afraid to leave the train then and so they just went on to Poprad.³⁴

The Romani men arrived in Poprad badly beaten. I.H. and S.P. were bruised all over their bodies as a result of the kicking by the skinheads. S.P. was bed-ridden for two weeks, and continues to suffer from headaches as a result of the beating. In addition, S.P. had 800 Slovak crowns stolen from his wallet by one of the skinheads who attempted to seize valuables from the other Roma as well. All of the victims received medical treatment and have official certificates documenting their injuries.

Ms. Pompová told the *ERRC* that the four men attempted to report the incident to the police in Stara Lubovna (the town closest to the village of Toporec, where the victims reside), but the police refused to accept the report, claiming that since they did not have the names of any witnesses, nothing could be done. Once a crime goes unreported, police and government officials claim that there are no official records of racial attacks against Roma and therefore the problem does not exist.

3.2. “IT WAS JUST SOME KIDS ACTING UP”: DENYING THE RACIST DIMENSION

Where officials do not deny that a crime has taken place, they may attempt to deny either the extent of the crime, or to push the Rom out of the picture as a victim. Both of these elements were at play following a skinhead attack on a group of handicapped schoolchildren in the town of Topoľčany in western Slovakia.

On March 16, 1996, sixteen Romani children (most of them in the sixth and seventh classes) along with two teachers from a special boarding school for mentally handicapped children attended a benefit hockey match in Topoľčany with the deputy headmaster and the headmaster of the school. During the match, a group of skinheads who were also there allegedly began shouting, “We will beat Gypsies today.”

After the match, approximately 200 meters from the hockey rink, a group of around 30 skinheads attacked the children with nunchucks and chains, shouting, “We will kill all Gypsies.”³⁵ The teachers ordered the children to run back into the stadium.³⁶

Five children could not make it back to the stadium and were attacked by the skinheads, two of them severely. 12-year-old I.D., who was called a “black pig” by his attackers, lost two of his front teeth after being hit in the face with an iron chain. He was also kicked brutally by the skinheads and suffered bruises on his entire body as a result. 16-year-old B.T. was pushed to the ground and subjected to a severe kicking which resulted in bruises all over his body.³⁷

The mayor of Topoľčany, Pavol Segeš, told the national daily newspaper *SME* that he realized the incident had created a bad image for his town, but he hoped it would soon pass. He authorized police protection for the children from the special boarding school for official extracurricular events.³⁸

In May, the school engaged a lawyer to represent the victims. At that point, however, the police had identified five suspects between 14 and 17 years of age, but were only viewing the case as a general act of breach of the public peace under Article 202 (1) of the Penal Code.³⁹ This legal characterization not only denied the racial element of the crime, but also strongly diminished any individual responsibility in the case. It was not until formal complaints had been lodged by both lawyer Pavol Burák and by the headmaster of the school that the

police agreed to officially recast the events and recommend suitable charges to the prosecutor.

Additionally, the police initially did not consider I.D. (who suffered the more serious injuries of the two) to be an injured party. Only his classmate, B.T., who is part Romani and who has a fairer complexion than I.D., was considered an injured party for the purposes of the case. This enabled the police to downplay the racial motivation behind the attack.

Both Dr. Burák and the special boarding school authorities responsible for the children subsequently urged the police to reconsider their version of the events. The director of the special boarding school, Dominic Čerman, informed the *ERRC* that in June 1996, the police decided to include I.D. as an injured party.⁴⁰

On May 23, 1996, the police announced that the five suspects should be charged under Article 202 (1) for breach of the public peace; under Article 196 (1), violence against an individual or group; and under Article 196 (2), racially-motivated violence against an individual or group.⁴¹ One week later, the police added a sixth individual to the list of suspects.

The mother of one of the attackers filed a complaint with the prosecutor's office, claiming that although her son had been present at the scene of the crime, he hadn't actually participated in the assault and should therefore not be considered a suspect. This line of argumentation was accepted by the prosecutor's office and the list of suspects was reduced again to five.

In July, the police recommended additionally charging one of the suspects under Article 222 (1) and 222 (2)(b) of the Penal Code. This article also deals with intentional violence against an individual, but assumes serious harm to the individual and therefore provides stiffer penalty. Paragraph (2)(b) of Article 222 is a racially-motivated crime provision and allows punishment of between three and eight years imprisonment.⁴²

The criminal investigation was brought to a close in late July 1996. Two skinheads were charged under the articles described above. Both of them have pleaded not guilty. The court is now expected to set a date for the hearing.

A quick review of the events is necessary to observe the mechanism of denial at work: an original event took place, in which 30 skinheads attacked a group of visibly vulnerable Romani schoolchildren. From an initial five victims, the police investigator identified the lightest skinned one as the legal victim. From 30 attackers, six were identified, three of which happened to be juveniles. Of the remaining three, two were charged.

Thus, in the legal world, a massive event of racially-motivated violence was reduced to an equation of two kids beating up on a third. The case was only characterized as one of racially-motivated crime and the authorities only recognized a second victim after active public intervention by respected non-Romani members of the community. The *ERRC* is currently monitoring the court proceedings in the case.

3.3. "THE ROM ASSAULTED THE POLICE": REVERSING THE CHARGES

One method of denying Roma due process when they are subject to an attack by a law enforcement official is to bring charges against them. This is done in collaboration with the prosecutor's office, which supervises the investigation. The *ERRC* is aware of numerous cases in which a police officer abused his authority and formally justified the abuse by ensuring that the Romani victim was then charged with assault of a public officer or with resisting arrest. One such case of charges being reversed against a Romani victim occurred in 1993 and was documented by John Young, then an *International Helsinki Federation* field officer in Bratislava.

On June 22, 1993, a 25-year-old Rom from Zehra, Mr. P., along with his brother-in-law, wife and mother-in-law went shopping in a town in the Spiš region. Having parked his car in violation of the traffic law, Mr. P. was approached by three local policemen who demanded an on-the-spot fine of 300 Slovak crowns (approximately ten US dollars). Since Mr. P. did not have the money with him, he gave them his ID as a guarantee and promised to return with the money later. After moving his car, he realized that he had accidentally left the keys in the car. He and his brother-in-law were attempting to retrieve the keys when a second group of four local policemen approached them and ordered them to produce their IDs. Neither of them could, since the

brother-in-law's was in the car and Mr. P. had already given his ID to the other group of police.

One police officer then struck Mr. P.'s brother-in-law in the face, while the other policemen grabbed Mr. P. and began to beat him. Mr. P. broke free and fled, hearing gunshots behind him. He was caught by two officers and received a blow to his head. He was then pistol-whipped senseless and taken to the police station. Meanwhile, his brother-in-law was beaten unconscious by two other local policemen and Mr. P.'s wife, who had recently given birth, was struck in the stomach with a wooden stick. She too was rendered unconscious. They were also taken to the police station.

At the police station, Mr. P. was informed by a police acquaintance that the normal on-the-spot fine for illegal parking is 90 Slovak crowns (approximately three US dollars). Mr. P.'s mother paid the fine, at which point the documents were returned. Mr. P. was released later the same day and went home without being charged with any crime, with a broken nose as a souvenir. Two weeks later, in July 1993, he filed a complaint against the police for excessive use of force.

Instead of receiving justice, however, Mr. P. received criminal charges. On September 21, 1993, the investigator's office charged Mr. P. with assaulting a public official. The investigator's report stated that Mr. P. and his brother-in-law had struck a police official. On October 1, 1993, the police investigator decided that "there is a well-founded presumption that Mr. P. has committed the alleged crime" and on November 24, 1993, it was declared by the state investigator that Mr. P. committed the crime of assaulting a public official.⁴³

Thus, five months after his initial complaint that he had been beaten by police officers, Mr. P. stood accused of being the actor rather than the victim.

The discourse of "Gypsy crime" and the idea that all Roma are criminals is so strong in Slovakia that an alternative version of events is visible beyond the veil of the police version; the police mistook a Rom attempting to retrieve his own keys from inside his locked car for a car thief. Having made the initial mistake, a continuum of violence, bureaucratic suppression of detail and pressure were all marshalled to the aid of the police, until finally the victim was charged with a crime quite similar to the one allegedly committed by the police officer.

Mr. P., unemployed and with minimum social benefits, was unable to afford legal representation.⁴⁴ *Charter 77* offered to find an attorney for him with the assistance of the *International Helsinki Federation*.⁴⁵ It took nearly three months to find a lawyer who would take the case.

The trial itself was marred by the repeated illnesses and absenteeism of key police witnesses and Mr. P.'s lawyer. Ultimately, Mr. P. was given a six-month suspended sentence by the courts for assaulting a police officer.⁴⁶ Finding the costs of the court proceedings proscriptive and weary from the bureaucratic delays, he did not appeal the decision. The state has time and money on its side. Most of the time, Romani clients have neither. Long administrative delays, non-appearance by the police in court and the prohibitively high cost of successful court proceedings all conspire to demoralize Romani clients.

The police also allegedly covered up wrong-doing against Roma during an act of collective punishment by the police which took place in May 1992 in the village of Lomnička, north of the town of Stará Ľubovňa in northern Slovakia. The village is home to about 1,500 people, most of whom are Roma. According to *Amnesty International*, on May 4, 1992, an argument at a bar in nearby Podlinec resulted in the beating of František Oračko by a police officer and two other ethnic Slovaks. The police officer and the two men then pursued Mr. Oračko along with his relatives to his home in Lomnička, where Officer Živčák reportedly pointed a gun at František's brother, Ľudovít Oračko Sr., and threatened to shoot him. František Oračko then knocked the gun out of Officer Živčák's hand. As a crowd gathered, however, the police officers panicked and ran, leaving the gun lying on the ground.

At 11:15 PM the same night, approximately 40 policemen (some not in uniform) came back to Lomnička in several patrol cars, along with dogs, and went to the Oračko home to retrieve the gun. Twenty persons, including the parents of František Oračko and his relatives, were in the house at the time. Zita Mírgová, one of his relatives, gave the gun to a police officer who had already promised her that no one in the family would be harmed. Immediately afterwards, the police officers illegally entered the Oračko home and began to beat the

entire family with truncheons. According to eyewitness reports, the police shouted, “All of you will die”, “Heil Hitler!” and “All Gypsies should be shot!” Ľudovita Oračková, a 10-year-old girl, was grabbed by her neck by a policeman and thrown against the wall. Other children who were hiding under a bed were dragged out and thrown on the floor. Ľudovít Oračko Jr. was kicked in the head and beaten by the police.⁴⁷

Amalia Pomprová, a Romani social worker in Stara Ľubovna who was working in Lomnička at the time, spoke of the events in the village:

I was shocked by what happened. I couldn't believe that this could happen in Slovakia. Thirteen Roma had to seek medical treatment that night. I called an ambulance, but I think the driver himself was somehow connected to the raid, because he refused to come. I then called a friend of mine, a pediatrician, who came and provided medical treatment to the injured.⁴⁸

Four Romani men were taken into custody: František Oračko, Ľudovít Oračko Sr., Ľudovít Oračko Jr. and Martin Mirga. All four men reported that they were beaten by police officers on their way to the police station.⁴⁹

According to the initial police account, one of the men, František Oračko, had pointed the gun at the head of Officer Živčák during the original altercation. This new version was easily digested into the original version, since in both accounts, a gun is pointed at the head of someone by someone else. In the original event, the gun was naturally pointed by the person who owned the gun and was carrying the gun at the time of the initial incident: the police officer. However, once the raid had been carried out, a rich drama was needed as justification, so the story was retold and the gun placed in the hand of the Rom.

The police version makes no sense: now a Rom is knocking the gun out of his own hand. However, the police version is necessary to justify the raid, and coherence is not strictly necessary here. The “hot-blooded and impulsive Gypsy” myth has been deployed by the police, and this trumps all other inconsistencies.

Finally, the event disappeared entirely. *Charter 77* issued a written appeal, claiming that the police had violated both the Slovak Penal Procedure Code and international conventions on police behavior and calling for a criminal investigation of police actions. The prosecutor's office responded by issuing an official declaration on January 8, 1993, in which they stated that no wrongdoing had taken place by anyone, neither the Roma nor the police:

It is not true... that violence was used by the police against persons suspected of criminal acts, but force was used against all persons who did not come out of the house. The assertion of the investigator that the raid (*akcia*) was carried out to seize weapons is not true, since the weapons were turned over voluntarily before the raid... It is also not true that František Oračko pointed a gun at the head of Officer Živčák.⁵⁰

Two of the Romani men, František Oračko and Ľudovít Oračko Sr., spent four months in prison awaiting trial for assaulting an officer before the charges were dropped. Reversing the charges is a powerful deterrent to citizens who wish to press legal claims against authorities or local elites. Even a former Slovak parliamentarian, Anna Koptová, who has been involved in a protracted legal battle with the Hotel Slavon in Košice since 1992 over its policy of excluding Roma from its services, was at one point threatened with legal action by policemen who claimed she had verbally abused an officer. The police in Košice allegedly requested that the prosecutor bring charges against her.⁵¹ The experiences of Mr. P. and of the Oračko family with the Slovak legal system not only demonstrate how the police quickly dispense with Romani victims of human rights violations by charging them with crimes they themselves are guilty of, but they also highlight how bureaucratic machinery can quickly suppress any inclination to pursue justice.

3.4. “THE VICTIMS WERE DRUNK, THE ACTORS CRAZY”: DENYING COMMUNITY VIOLENCE

Local, regional and national officials are complicit in attacks on Roma when they fail to provide protection to Roma facing community violence, or when they use their authority to alter the social meaning of racially-motivated attacks. In one recent case, following an episode of community violence in the village of Zalistie, outside of Hontianske Nemce (District Zvolen), the police investigator immediately began to characterize both the victims and the perpetrators in terms which mitigated the force of what had actually taken place. The

investigator used his authority not to investigate, but rather to dilute the events as best as he could.

On the morning of April 8, 1996 (Easter Monday), between 9:00 and 10:00 AM, in the central Slovak village of Hontianske Nemce, during traditional Easter celebrations, several non-Romani men became angry at Roma who were participating. They shouted racial abuse in the street and claimed that Roma did not work and took advantage of white people. According to information circulated by the local press, one Rom injured a non-Rom, thereby inciting the anger of the Slovak villagers.⁵² This story remains, to date, unconfirmed.

During the course of the day, two Romani men, I.S. and his father, were attacked near a busstop in Hontianske Nemce. Independently of the attacks on them, two other Roma, Jan Mikloš and Jozef Mikloš, were also attacked in a neighboring village by a Slovak man who threatened to beat them that night.

Around 5:00 PM on the same day, four villagers approached the Mikloš home (which is several kilometers outside of Hontianske Nemce, in Zalistie) in search of Jan Mikloš and threatened to return later. At this point, Mrs. L.H., a family member, was sent to Mayor Kracin in order to call for help. However, she alleges that the mayor refused her request, saying that the family should provide for their own defense.⁵³

Between 6:00 and 7:00 PM that evening, a group of nine persons came back in two cars and attacked the Mikloš home with stones and bricks, breaking windows and causing damage to furniture. The Mikloš family barricaded themselves in their house and the attackers left, though they swore that they would return and burn the house down.

At about 10:00 PM the same evening, after the Mikloš family had gone to sleep, around ten villagers returned in cars, bringing two 20-litre cans of petrol and glass bottles. The mob broke into the house, poured gasoline on the kitchen floor and set it on fire. Four Romani men, Jozef Mikloš, J.H., D.M. and M.K., were trapped in a back room.

As the house began to burn, the villagers attempted to keep the four Romani men from escaping by beating them with chains, stones and bricks, and hounding them back into the fire. Two of the men, M.K. and D.M., managed to jump out a front window. Jozef Mikloš, however, was hit on the head with a concrete post by one attacker and as he stumbled around dazed, his clothes caught on fire. Despite the best efforts of J.H., Jozef Mikloš was quickly engulfed in flames. The perpetrators allegedly left the scene of the attack shouting, "Hitler is still alive!"

J.H., whose clothes also caught fire, managed to escape out a back window and ran into Hontianske Nemce to the mayor's office for help. J.H. reported that he was rudely refused and that he was thrown out of the mayor's office. Half an hour later, Mayor Kracin finally called an ambulance and a fire truck which came to the spot after another half an hour. The body of the dead Jozef Mikloš was found at 4:30 the next morning by the police.

Dr. Tavoda, who was a member of the emergency team which first arrived to the Mikloš home that night, stated:

Everything was glowing and full of smoke. I couldn't get close to the body. I took the two injured Roma to the hospital.⁵⁴

Dr. Tavoda claims that he called the fire brigade, and it took them nearly six hours to put out the fire. Lieutenant Zachensky from the Zvolen District Police, who was present at the burning home that night, confirmed that the fire was set deliberately.⁵⁵

After an initial investigation by the Zvolen District Police, the case was handed over to the regional office for investigation in Banská Bystrica. A post-mortem examination was conducted at the Roosevelt Hospital in Banská Bystrica. The results of the autopsy report reveal that Jozef Mikloš died a violent death related to the burns inflicted on his body. A rumor circulated by the press that Jozef Mikloš was tied to a chair during the burning was dispelled by the police and the lawyer for the victims.⁵⁶

Three suspects were taken into police custody on the day after the attack. In their earliest statements about the event, however, the police investigators responsible attempted to drive a wedge between the actors and their culpability for the pogrom; less than a week after the event, Banská Bystrica Regional Investigator Marián Slobodník stated that the perpetrators should undergo a psychological examination as soon as possible to determine the state of their mental health.⁵⁷ This was followed, several weeks later, by an announcement of the investigator's office that the victim "was an 11-time recidivist" and that the majority of the Roma in the house had been drunk at the time of the attack.⁵⁸

After establishing the facts of the case, police investigators proposed that three men, 22-year-old R.F., 22-year-old S.M., and 25-year-old M.P., be charged with crimes under Article 179 (1 and 2c) of the Slovak Penal Code—general endangerment—and under Article 238 (1 and 3) of the Slovak Penal Code, trespass on private property. Investigator Slobodník had, by early May, ruled out the possibility that the attack had been racially motivated.⁵⁹

On August 21, 1996, the *ERRC* sent an appeal to the Ministry of the Interior and to the General Prosecutor of Slovakia, urging both institutions to ensure that a full and impartial investigation be conducted in the case of the death of Jozef Mikloš. On September 11, 1996, the *ERRC* received a letter in response from the office of the General Prosecutor of Slovakia, in which Dr. Roman Mat'ášovsky stated that ten suspects, besides those currently in custody, had been placed under observation. He further assured the *ERRC* that a full and impartial investigation would take place in the case.⁶⁰

On October 1, 1996, the Minister of the Interior Gustáv Krajčí sent a letter to the *ERRC*, stating that the criminal investigation on the case was nearing conclusion and that the actions of the villagers were not racially motivated, but were the result of revenge against the Roma for causing injury to a citizen of Hontianske Nemce.⁶¹ The *ERRC* finds Minister Krajčí's denial of racist motivation questionable, at least in so far as revenge does not preclude it. Witness description portrays a *Mardi Gras* outburst of ethnic killing and the crime should be prosecuted as ethnically motivated.

The *ERRC* considers the failure to recognize the racial character of crimes against Roma in legal terms to be one of the important aspects of the denial of Roma rights in Slovakia. The provisions on racial motivation, which serve as a qualifying circumstance of a particular crime, are either not being used or are used only after public pressure has been exerted on the investigatory bodies.

The *ERRC*'s suspicion that the killing of Jozef Mikloš was racially motivated is supported by witness testimony provided by the *Legal Defence Bureau for Ethnic Minorities in Slovakia*. These make clear that the attack in April 1996 on the Mikloš home was not the first such attack. According to the attorney for the victims, the Romani homestead was attacked on many occasions in the past by young villagers, especially during festivals. The Mikloš family claims that all their attempts to secure protection from the police or file complaints about the attacks came to nothing; the police told them that as long as no one had been killed, the situation was under control.⁶²

A serious attack on the family took place two years ago, when villagers from neighboring Sebechleby (as well as several who participated in the most recent attack) broke the windows of the Mikloš home, destroyed parts of the house, and beat the Roma inhabitants. Roma reported that women were driven out of the house half-naked. Mr. S.M. suffered eye injuries, while Ms. E.M.'s face was cut and scarred. The family reported that the police came once, took a few notes about the incident, and were never seen again. According to all information available to the *ERRC*, the results of an investigation into the case have never been made public.

Villagers interviewed by the lawyer for the Mikloš family have allegedly declared that it was a pity that not all the Roma died in the attack which killed Jozef Mikloš and that there should be more attacks against them in the future. In November 1996, the *ERRC* learned that the villagers were continuing to threaten the Mikloš family with burning down the remaining section of their home.⁶³ The lack of a firm police response, both in the past and on the day of the pogrom, constitutes discriminatory disregard for the safety of the Mikloš family.

Kristina Miklošová, the owner of the home, lost her 38-year-old son Jozef in the fire. The majority of the family members are now homeless. Out of fear and necessity, they have moved to a neighboring village and are living with various relatives. Kristina's daughter and her family continue to inhabit a small part of the house

which was damaged but not completely destroyed in the fire. They live in the fear of another attack by the villagers.

As of January 14, 1997, ten months after the killing, the investigation remains open and no one has been charged.

3.5. A MOSAIC OF DENIAL: OFFICIAL RHETORIC ABOUT THE POLICE RAID AT JAROVNICE

The many disparate elements which make up public denial were fully visible during and after a massive police raid which took place in the town of Jarovnice, fifteen kilometers northwest of Prešov. At least three official explanations came into play in connection with the event, and at various instances, multiple and conflicting explanations for the raid were used during a single statement by the authorities.

Jarovnice is home to about 3,500 villagers. About 2,500 are Roma, 1000 are non-Roma. The village is ethnically segregated. Two sections of Romani shanty towns begin at the edge of the main street, where only non-Roma reside. On the Romani side of town, one section houses several wealthier Romani families, while the majority lives in impoverished squalor in homes assembled out of odd pieces of wood and metal. Although the village has been provided with electricity, running water in the shantytown is only available from several water pipes. Indoor plumbing is rare. A police station lies at the junction between the Romani and non-Romani parts of town, as if marking the divide of this village, and acting as a garrison for the Slovak villagers. The Roma of Jarovnice suffer from an estimated 95% unemployment and their only source of income at present is state social support and seasonal labor. This is fairly typical of isolated eastern Slovak villages where Romani populations are concentrated.

On the morning of July 20, 1995, between 5:00 AM and 6:00 AM, over 100 masked “special force” and unmasked policemen forcibly entered the homes of Romani residents without producing any document, search warrant, or police identification. They proceeded to assault the Roma living there while shouting racial slurs.

Residents were pulled out of their homes and beaten indiscriminately. Women, young children and the elderly were also among those who sustained severe injuries. One elderly woman was punched in the chest, and allegedly had her gold teeth pulled out from her mouth and confiscated by police officers.⁶⁴ 15-year-old Ján B. described the incident to the *ERRC* as follows:

It was around 5:00 in the morning and my family was sleeping. We were very surprised when we saw the police officers coming—maybe about 100 of them. I was supposed to get up early that morning anyway, because I was going to Prešov to get my ID made. I had already gotten out of bed and was outside using the toilet, when six of them came to my house—they took me by surprise—and attacked me. They were wearing masks, so I couldn’t see their faces. One policeman beat me on the head with a baton and another one used an electrical prod.⁶⁵

Ján B. also showed the *ERRC* a deep scar on his scalp, more than eight months after the attack. Another witness, a non-Romani woman, stated:

The policemen were beating people. At the house across from me, Roma were sleeping on the roof, and some policemen pushed them down from the roof, while others pushed them with cattle prods on the ground. When I went down to see what I could do, one police officer pointed a gun at me and motioned for me to go back to the house. They were threatening people with machine guns and used batons. We were terribly afraid. The whole action lasted at least three hours.⁶⁶

Witnesses interviewed by the *ERRC* testified that some of the policemen claimed to be searching for someone who had stolen video equipment from a local school. This turned out to be only the first explanation given by the authorities for the raid.

After the raid, which involved house-to-house searches and ended at around 9:00 AM, approximately 30–40 Roma, handcuffed, were loaded into police vehicles and taken to the police station in the neighboring town of Sabinov where they were detained and subjected to further physical abuse and intimidation by law enforcement

officials. Ján B. told the *ERRC*:

At the Sabinov police station, they beat me on my feet. When I got to the station and I told them my age, they refused to believe I was 15. They told me I was 18 and not 15. They interrogated us. They asked us questions about who had stolen the TV, who had stolen the video and so on. I told them I didn't know because I didn't steal anything. They beat me anyway.⁶⁷

Another Rom, 27-year-old Václav K., also a victim of the raid, recounted the following:

My father was sleeping outside. All of a sudden, four men came and hit my father with sticks. They had a kind of spray also. I said to them, "what do you want, we're sleeping." They immediately began to beat me and took me to a police van. I didn't have any shoes on and they beat me on my back. Then they handcuffed me and beat me on my feet with sticks. They took me to the basement of the police station and beat me some more. I asked them why they were beating me, but they just told me to shut up. We were released from the station around noon.⁶⁸

23-year-old Ján R. was also taken to the police station in Sabinov:

Several policemen came to my house around 5:00 AM and threw me to the ground. Then they beat me and when I asked why, they wouldn't answer. I wasn't even allowed to ask why, they just beat me. Then they took me in a police van to Sabinov and interrogated me. They asked me who the thief was and I told them that I didn't know and that they couldn't beat me without a reason. The police called us thieves.⁶⁹

At the beginning of the raid, Ján R. also recognized some local police officers, whom he saw leading the other officers to various Romani homes.

A police officer threatened to kill 21-year-old Aladdin K., who told the *ERRC* that:

There were about seven of them [policemen], all of them masked. They took us, but I didn't steal. I told them that I didn't do anything. I was bleeding from my mouth after they punched me. Then they beat me really hard on my back and my feet. They used electric shock prods on me. One officer even took a rope and he wanted to hang me. It was cold outside and the police were beating us brutally. My cousin saw how the police wanted to hang me. In the end, they didn't hang me, but they kept threatening that they would.⁷⁰

Another young Rom, 16-year-old Marek K., was slashed with a knife twice by a police officer. He told the *ERRC* that women and children were beaten as well. He, too, was handcuffed and taken to the police station, where he was subjected to beating and intimidation by police officers.⁷¹ Beginning on noon of that day, the detained Roma were released one by one from the Sabinov station.

One local Romani leader, 47-year-old Vojtech Červeňák, described the raid to the *ERRC*:

It was a horror film like on TV. Actually, TV is nothing compared to the reality here. My son was beaten, I was beaten and my son's eight children were beaten. A one-year-old girl in our family was beaten so bad I thought she would die. The police beat her on her feet and put a blanket on her face, trying to suffocate her. The poor child had already had an operation, and when we took her out of the house, she lost consciousness. Then the police tied her up, grabbed her hair and yanked her head down.⁷²

The *ERRC* observed the same girl in March and then again in August of 1996 and noted her weak medical condition. Mr. Červeňák further stated:

There was a big fear in the village. The police took my furniture, my camera and my video camera, claiming that it was stolen property. The story about the stolen video equipment is not true, it was just a pretense for the police. A member of the Jarovnice Town Hall came to investigate the incident. A representative from the local police came, as well as an investigator from District Prešov. Nothing

ever came of these steps by the authorities. There was no reason for this police action. I wrote to Bratislava, to President Michal Kováč's office and to the Ministry of Interior, describing everything about how the police were beating and robbing me, but nothing has happened as a result.⁷³

Though Mr. Červeňák's private property was returned to him by the police, his appeals to Bratislava have thus far not resulted in any disciplinary action against the police. In addition, Mr. Červeňák stated that he had seen the mayor of Jarovnice, Milan Kropuch, showing the policemen several Romani homes immediately before the raid.

On August 23, 1995, in an interview with the Prešov daily, *Prešovský Večerník*, Mayor Kropuch stated that he was "satisfied with the results of the raid" and that:

One action every two to three years is not enough if we realize what this [Romani] settlement means for its surroundings. Our citizens reacted very positively towards this action.⁷⁴

When the *ERRC* questioned Mayor Kropuch about the raid, he provided the second public explanation for the raid. Mayor Kropuch made no mention of video thieves, but instead stated that the police action had been the result of an alleged attack on police by Roma. He added:

There was no other way. We had to organize this action. In a family, you have children, some of which are bad and some of which are good. Similarly, we have good Roma and bad Roma and with the bad Roma we have no other way to control them. We have to keep order in the town and maintain a stable situation.⁷⁵

Contrary to what the Roma of Jarovnice had been told about the raid, the *ERRC* believes that the raid was intended to collectively punish the Roma of Jarovnice and that it was a show for the benefit of the non-Romani community. Evidence indicates that the raid on this community was conducted by local police with cooperation from the district police in Prešov and a special unit from Košice, suggesting that it had high-level authorization.

In August 1996, the *ERRC* sent a letter of concern to the General Prosecutor of Slovakia, to protest the fact that no results of the investigation had been made public nearly one year after the raid, and urging him to do so. The letter additionally requested an investigation into the role of Mayor Kropuch.

The *ERRC* received a response to the letter on September 12, 1996 from Dr. Roman Mat'ášovsky of the General Prosecutor's Office of Slovakia, who stated that our request would be sent to the Ministry of the Interior. In a separate fax response to the *ERRC* from the Chief of the National Police of Slovakia, Jozef Holdoš, dated September 5, 1996, Slovak authorities claimed that the police action was carried out according to Article 73 of Law nr. 171/1993 on police powers and that the steps taken by the police in Jarovnice were legally sanctioned.

In this exchange, however, Police Chief Holdoš had decided that the raid had not at all been about extracting information concerning the theft of video equipment by unidentified perpetrators, nor about reacting to Roma violence against the police, but had instead been intended to arrest identified criminal elements in the village.⁷⁶

A similar explanation for the raid was offered to researchers from the *Nevice Foundation* by the vice-mayor of Jarovnice, one week after the raid. In this explanation, however, the criminal elements they had gone to arrest were no longer video equipment thieves, but Roma who had failed to return from prison furlough. The vice-mayor additionally told the *Nevice Foundation* that Mayor Milan Kropuch had personally gone with two other village representatives with the police to the homes of the Roma being raided.⁷⁷

Independent sources having access to information within the police department told the *ERRC* that Mayor Milan Kropuch himself requested the raid at Jarovnice in order to "keep the peace".

Two separate letters were received by the *ERRC* from the Ministry of the Interior, the first dated September 11, 1996 and the second dated October 1, 1996. In them, Minister of the Interior Gustáv Krajčí asserted that the purpose of the "security action" in Jarovnice was to arrest persons who had outstanding

warrants for their arrest and for check-ing the residency papers of suspected illegal residents. Minister Krajčí further stated that the action was a success and that the residents of Jarovnice and adjoining areas reacted positively to it.⁷⁸

The *ERRC* regards Interior Minister Krajčí's judgement that the raid was a success with scepticism; it is not at all clear what the criteria for success or failure were in this instance. It is also doubtful whether, if such criteria were ever made explicit, they would conform to the international norms on police conduct and the scope of police powers, contained in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials. The actions of the police additionally indicate disregard for the Slovak Charter of Fundamental Rights and Human Freedoms enshrined in the Constitution of Slovakia.⁷⁹

While the *ERRC* acknowledges the swift response by Slovak authorities to our queries on the police raid in Jarovnice, it continues to urge the Office of the General Prosecutor to investigate the event independently, as the evidence points to police torture and misconduct.

Taken together, all of the explanations offered by the Slovak authorities for the raid, although more-or-less coherent on their own, form a fragmented picture of *post factum* reasoning. It seems that the event of the raid preceded any serious deliberation about law enforcement methodology. The sum of these explanations is incoherence. In order to achieve plausibility, the entire construct needs to be supported by the complex mythology of Roma crime.⁸⁰ The official version is a retrospective mosaic, a description of domination supported by racist beliefs about Roma.

The police action in Jarovnice, which culminated in violence against Roma, was not the first one to which Romani communities in Slovakia have been subjected. A previous raid allegedly took place in Jarovnice in 1994; two raids occurred in the eastern Slovak village of Svinia (also District Prešov), one in 1994 and one in the summer of 1996⁸¹; a raid in May 1992 in the village of Lomnička was described above in chapter 3.3.

3.6. CONCLUSION: THE DENIED—ROMA IN SLOVAKIA

Through the various mechanisms of denial delineated above, specific cases involving Romani plaintiffs are blocked from achieving legal remedy. There is, moreover, a wider societal denial that Roma have a legitimate claim on human rights in Slovakia. This denial has created them: Roma have become the denied in Slovakia. Cut off from access to legal remedy, Roma behave accordingly. The denied respond to their situation as people who expect further denial.

In November 1995, J.B., a 25-year-old Rom who resides in a housing block in Košice was attacked by a group of young Slovaks who assaulted him several meters from the door of his home, breaking two of his ribs. Carefully closing the curtains in his home, the young father of two recounted his reception at the police station to the *ERRC*:

The police were very angry with me when I told them that I wanted to file a complaint. They questioned me as to whether I was making a complaint in order to get money from the insurance company. I told the police that I didn't come for money for the injuries, but to seek protection for us Roma. Then the police officers wanted to know whether, if they arrested these men, I would have the courage to tell them to their face that it was them who beat me. I told the police that I didn't care whether they arrested them or not, I just wanted a police car to patrol the area because the bus station where I was attacked is their meeting point. Well, in the end, the police didn't do anything. They didn't make a protocol and they didn't send a patrol vehicle either. It was useless to go there.⁸²

J.B. spent one week in a hospital and several more recovering at home. Despite the fact that he was offered legal assistance from the *ERRC*, he admitted that he was too afraid to pursue the case and wanted to remain anonymous. He told the *ERRC*:

In last Friday's *Magazín košický večer*, there was a statement from the skinheads saying that they were very happy with the police cooperation in Košice. Whites frequently make jokes about Roma not being free and being too afraid to go out. On almost every wall outside pubs and housing blocks, it is written

“White Slovakia!”, “Gypsies to the Gas”, “Black Dogs”, etc. Sometimes we feel like it is a war which we can’t escape. We live in constant fear. It is really bad for our children; they are so full of energy, but they can’t go outside to play when they want. Dogs have more freedom than us; at least they are not afraid to go outside.⁸³

On February 15, 1995, in the west-central Slovak town of Nitra, Jaroslav B. was visiting the labor office in order to sign some papers to document his unemployment status. He explains what transpired that day:

Between 11:00–11:30 AM, I was walking in the center of the city and many others were near me. All of a sudden, a skinhead approached me with his dog and punched me in the face. He hit me in the eye and he also ordered his dog to bite me. He didn’t say anything, he just punched me... it was all so unexpected. There were many other people on the street who just ignored what was happening and didn’t come to my aid.⁸⁴

Jaroslav B. never went to the police because, “I didn’t know the name of the skinhead.”

In Prešov, the *ERRC* interviewed two young Romani women, 21-year-old Erika K. and her sister 19-year-old Beata, who were assaulted in August 1995. Erika described the incident:

We went to the city center in the evening for a walk near the fountain close to Saint Nicholas’ [the main church]. Around 6:00 PM, eleven skins approached us, including one girl skinhead. She went directly to Beata and asked her why she was walking in the city and that maybe she should go home. She then grabbed my sister, swore at her and stomped on her with her big shoes. Luckily, we were able to run away and come home safely.⁸⁵

The sisters also observed a police car close to the church and they are certain that the police heard the commotion of the skinheads but did not interfere. Nor did they come to the aid of another Romani girl whom the sisters saw being attacked by the same group as they ran away. The K. family, like the majority of Romani families who have been in this situation, never filed a complaint because they assumed that they needed to know the names of the perpetrators prior to seeking police assistance.

In February 1996, 22-year-old Dezider Poholodko from the town of Mirkovce near Prešov was attacked by skinheads while walking with his sister Elena in the railway station in Košice around 9:30 PM:

About 6 or 7 skinheads approached us at the railway station. They came up to me and punched me in the face. Then they beat and kicked me all over my body. After I was beaten, a policeman came and asked me if I wanted first aid. I told him no, because I first wanted to report the incident. When I went to the policeman in the car and told him that I was beaten by skinheads, they replied, “How can we help? We’re afraid of them too.”⁸⁶

The *ERRC* witnessed the effect skinheads have on the public atmosphere in Slovakia: many Roma now hide in their homes after nightfall, afraid to go outside. Racist groups target Roma indiscriminately, without regard to age or gender. Dezider Gábor, a 31-year-old Rom who lives in the eastern Slovak village of Mirkovce, was attacked on February 1, 1996. He, his wife, and their 16-year-old daughter Rusenka were visiting Košice that day:

Last Friday we left for Košice. It was around 6:00 PM and we entered the tram from the railway station. There were eight skinheads on the tram, and some of them had metal truncheons with spikes. One of the skins grabbed my arm. He hit me with a truncheon. I became afraid and I tried to protect my family from them. My girl Rusenka was terrified. One elderly *Gadji* came to our defense. She told the skinheads to leave us alone because we were good Roma. When the tram finally stopped, I told my wife to take my daughter and run from the tram. Before I left, I saw that one of the men had nunchucks with the words “Death to Gypsies” written on it. Luckily, we were able to get away.⁸⁷

Dezider sustained only minor physical injuries; the psychological damage and fear caused by the attack is more significant. When questioned by the *ERRC* as to why he did not file a police report, he repeated the sadly

common refrain, “they wouldn’t have helped us, and whites are with whites anyway.”⁸⁸

Romani suspicions that governmental institutions are often against them are well-founded, since members of the ruling coalition are not uncomfortable making anti-Romani statements. According to a press review made by the *Nevípe Foundation*, Slovak National Party Chairman Ján Slota commented on a Slovak National Radio broadcast, “I love roasted meat Gypsy-style very much, but I’d prefer more meat and less Gypsies.”⁸⁹

Additionally, on June 1, 1993, a directive on the “Reduction of Criminality” was adopted by the mayor’s office of Spišské Podhradie enforcing a curfew for “citizens of Romani origin and other suspicious persons” from 11:00 PM to 4:30 AM. It allowed law enforcement officials to arbitrarily enter the homes of Romani citizens and prohibited the Romani population from leaving their residence at night. Approximately ten other neighboring villages and towns in the Spiš region subsequently adopted similar anti-Romani directives. It was not until vocal protests were lodged by the Romani community and human rights activists that these measures were discontinued over one month later when the Slovak Parliament declared them unconstitutional on July 15, 1993.⁹⁰

Prime Minister Mečiar himself has used anti-Romani sentiment to powerful effect in maintaining his at times tenuous grasp on power or recovering from seemingly total political defeat.⁹¹ Referring to the higher birthrate among Roma than among “whites”, Mečiar told a crowd in the town of Spišská Nová Ves in central Slovakia in September 1993 that:

...the prospect is that this ratio will be changing to the benefit of Romanies. That is why if we don’t deal with them now, then they will deal with us in time..⁹²

By eliding the idea that Slovakia is under threat (here by a deluge of Romani children) with a hint that drastic measures are necessary, Mečiar played on the fear of unfavorable demographics. He then added:

Another thing we ought to take into consideration is an extended reproduction of the socially unadaptable population... Already children are giving birth to children—poorly adaptable mentally, badly adaptable socially, with serious health problems, who are simply a great burden on this society.⁹³

This pointed the crowd rhetorically toward the idea that “in order for the tree to be healthy, a few branches might have to be pruned.” The populist trump card was, however, that after the speech was greeted by overwhelming negative reaction abroad, Mečiar’s office denounced the Czech and international press, demanded a printed apology in all of the Czech papers which had quoted from the speech, threatened a suit for slander against all papers which did not apologize and then released a copy of the “real” speech, quoted from above, which seemed nearly identical to the one quoted in the press the day before. The concrete result of Mečiar’s populist rhetoric was a local surge in popularity and heightened community tensions.

Anti-Romani rhetoric was used by Prime Minister Mečiar as recently as October 30, 1996, when he rejected in a televised debate the increased demands from the Hungarian minority, stating that half of them were actually Roma.⁹⁴ Being tainted by Gypsedom is, evidently, according to Mečiar, suitable cause for having ones political demands rejected.

Anti-Romani statements are extremely effective politically because most Slovaks simultaneously hold two beliefs. One is that Roma are bad (criminal, degenerated, stinking, too rich, too poor, ill-adapted, disgusting) and the other is that they are treated too well by the state and other Slovaks. Continuing tensions with Hungary over the situation of the ethnic Hungarian minority in southern Slovakia and the belief that Slovakia was not treated as benevolently as its neighbors by the international community have given rise to a classic pattern of scapegoating Roma.⁹⁵

At the same time, 85% of Slovak citizens polled believed in 1994 that there was no discrimination against Roma in Slovakia.⁹⁶ It is precisely this combination—anti-Romani sentiment and the belief that the state does not discriminate against Roma—which makes anti-Romani spectacles an extremely effective (and therefore common) strategy for garnering public support in Slovakia. Coded anti-Romani statements are combined with hints that racist action would be tolerated; major politicians flirt with extremist right-wing imagery, implicating the state in anti-Romani violence. Many political parties in Slovakia have resorted to rhetoric of this kind at

one time or another, and Prime Minister Mečiar has used it best and most convincingly. This is a significant factor in his enduring popularity.

In such an atmosphere, Roma are increasingly desperate. One young Rom told the *ERRC* that he believes that:

Roma need to organize their own militias to fight racists. The skinheads are well-armed, but Roma boys have nothing. We need a car in order to patrol the area in the evenings and when they attack us, we should attack them. They (skinheads) are not the children of ordinary citizens, they are the sons of officials. One skinhead's father is working in the police station. We should confront them and ask them why they want to beat us. I am sure these skins have a leader... he should speak to us.⁹⁷

The desperate situation of Roma in Slovakia and the frustration of Slovak Roma at the inability of Slovak police to provide adequate protection force Roma to search for alternative sources of self-defense, such as militias. Since skinheads have publicly expressed their desire to rid Slovakia of Roma, and Slovak authorities have still failed both to protect Roma from racially-motivated attack and then to apply stiff penalty for racially-motivated crimes, many Roma regard the situation as close to a state of war with white society, in which the Slovak police and legal system are simply powerful weapons wielded by the other side. The failure to enforce anti-racism legal provisions supports this belief.

Another problem is that the penalties provided for by most of the provisions on racially-motivated offenses are not strong enough to make it clear that a racially-motivated offense is a socially more dangerous one. The most commonly invoked provision, if a racially motivated crime provision is invoked at all, is Article 196 (2)--racially-motivated assault on an individual or group. This article provides a maximum sentence of only 2 years in prison, and is therefore woefully inadequate as a legal commitment to combat hate-crime in Slovakia.

As we have seen, however, prosecutors often do not bring the charge even where racial motivation seems apparent, and officials as highly placed as the Minister of the Interior have supported these lower level decisions. Vincent Dániel, a Rom who is vice-chairman of the *Slovak Helsinki Committee*, expressed the frustration felt by most Roma at the inactivity of the authorities while skinheads daily terrorize Roma with impunity:

The attacks of skinheads against Roma and foreigners are excused by the fact that the offenders are boys, 15 or 16 years of age, and their crimes are classified as minor offenses or rioting. For this reason, the punishment of these crimes is totally inadequate, and this reflects silent agreement with the acts of skinheads.⁹⁸

The inability to deal with right-wing racist violence and the inability of the Slovak state to take significant measures to secure the rights of Roma has implications for the distant future; Etela Gáborová, a 16-year-old Romani schoolgirl lives in the village of Mirkovce, and used to commute to school in Prešov until she was verbally and physically threatened by skinheads in November 1995:

I was shopping for groceries at a store around 2:30 PM after school, close to the central post office and Hotel Dukla when seven skinheads came up to me, shouting at me. They yelled "black snout" (*černa huba*). Then they grabbed my bag and ripped it. I ran away as fast as I could to the other side of the square, but I stopped because sometimes when skinheads see you are running away frightened, they follow you. After a while, they left the square.⁹⁹

Etela, who is very dark, described another incident which she witnessed around the time she was attacked:

Only two weeks before the skinheads attacked me, I saw another incident at the Prešov central bus station. Two skinheads, one of whom had on boxing gloves, approached a Romani father and his son, who looked to be about 11 years old. In order to protect myself, I hid in a crowd of *gadje*. The skinheads shouted abuse at the father and the son. Then they beat the father so badly that his face bled. The only bystander who reacted was an elderly woman who shouted at them, "Why are you beating him if he didn't do anything?"¹⁰⁰

Attacks such as these are now common all over Slovakia. The violence does not, however, harm only the Roma who are attacked, but also causes a ripple effect of social damage; Etela's mother, who was fearful of another, more serious attack on her child, requested her removal from school, despite the fact that she was one of the best students in her class.

The director of the local school board, Mr. Pavol Hermanovsky, decided to accept her withdrawal. This expedient act was designed to alleviate an uncomfortable situation and perhaps prevent bad press coverage for the school. In Director Hermanovsky's decision,¹⁰¹ violence and the threat of further violence therefore won out and the victim was punished. Displaying an unjust and short-sighted approach to the problem of skinhead violence, the headmaster and teachers granted permission to Etela to stay at home as a way of diffusing racial tension.

Numerous Romani families in eastern Slovakia told the *ERRC* that skinheads are also present in their children's classroom and at times threaten them during the schoolday itself. The *ERRC* is disturbed by the number of attacks on Romani children that are on the rise in Slovakia, effectively demoralizing Romani youngsters and blocking school attendance for those children who already face disadvantages in the educational system.

On September 5, 1996, Chief of the Slovak National Police Jozef Holdoš wrote that on April 1, 1996, he had initiated a department of "moral criminality and extremism" in order to deal with extremist groups such as skinheads. In addition, he indicated that he had submitted a directive to the Ministry of the Interior in which police tasks are defined in the field of the fight against extremism and criminal acts by extremists. According to Mr. Holdoš, the proposal also directs the police to cooperate with other institutions and organizations to prevent such crimes before they happen, and to investigate and document them when they take place.¹⁰² The *ERRC* values these governmental initiatives and urges the Slovak authorities to make public the results of their monitoring efforts as well as the records of crimes committed by skinheads and other extremists.

As we have seen, however, Roma in Slovakia report that they are not receiving adequate protection from the state. The directives on moral criminality and extremism seem, therefore, to be either as yet unimplemented or ineffective.

Additionally, the *ERRC* continues to press for a more comprehensive governmental approach to the problem of racism and racist violence in Slovak society. Repressive measures which are not part of an anti-racist policy might sometimes add an element of exciting taboo and the enticement of the forbidden to the act of public expression of racial hatred. The Slovak state therefore bears the responsibility for initiating community awareness programs and facilitating educational projects aimed at lowering the level of anti-Romani sentiment among the populace.

4. EXCLUSION

The first sections of this report have attempted to delineate instances in which Roma are denied rights in Slovakia and how such concrete events indicate the contours of regular patterns of discrimination and mistreatment by the authorities. The subsequent chapters aim to describe a much deeper underlying exclusion of Roma from Slovak society.

First, Roma are excluded through the uncertain legal status of Romanes (the Romani language) as well as through legal efforts to exclude from use in official communication all languages other than Slovak, in the new Law on the Official Language of the Slovak Republic. Secondly, three aspects of the physical exclusion of Roma are explored: blocked migration, the “Gypsies destroy their flats” myth, and the expulsion of Romani populations. A wider approach of this kind will, hopefully, bring the full magnitude of the rights situation of Roma in Slovakia into view.

4.1. LINGUISTIC EXCLUSION: THE LAW ON THE OFFICIAL LANGUAGE OF THE SLOVAK REPUBLIC

Roughly 70% of all Roma in Slovakia speak Romanes (the Romani language) as their mother tongue. Since the late 1980s, numerous books and periodicals have been published in Romanes and there has been a great interest in the codification of the language as a literary language, translation of important works into Romanes, and bilingual education of Romani-speaking children.

Nevertheless, despite an unending debate in Slovakia concerning the right to the use of one’s mother tongue in official settings kept constantly at the center of public concern by the Hungarian minority, the issue of the use of Romanes as a legitimate language in bureaucratic and judicial situations or as a schooling language is not regarded as a serious issue.

Before even a fledgling debate on the subject of Romanes as a legitimate official language has had a chance to begin, however, the legal underpinnings by which such rights could be claimed may already be threatened in Slovakia.

The right to use languages other than Slovak in official communications is guaranteed by Article 34 (2), subsection b, of the Slovak Constitution.¹⁰³ However, this provision of the Constitution is not self-executing and is conditioned on provisions “set down by law”.¹⁰⁴ Such provisions, although not sufficiently comprehensive, were established by Article 6 of Law nr. 428/1990 on the Official Language. This text stipulated that if persons belonging to a national minority constitute at least 20% of the population of a town or a village, they have the right to use their language in such towns in official communications.¹⁰⁵

On November 15, 1995, the Slovak Parliament adopted a new Law on the Official Language of the Slovak Republic. The new law proclaimed the previous Law nr. 428/1990 on the Official Language null and void.¹⁰⁶ There is, however, no text in the new law which would make the constitutional right set forth in Article 34 (2) enforceable, since Article 1 (4) of the new Law on the Official Language expressly states that the regulation of subject matters related to the use of other languages in Slovakia will be dealt with by other legislation.¹⁰⁷

The new law took effect on January 1, 1996. This new law is not meant to establish substantive and procedural rules related to the usage of minority languages in official communication. That is, it contains no provisions on how large a minority must be to use a language officially, what documents may appear officially in the minority language, what proceedings may be held in the minority language, or any other of the related issues often addressed by legislation on official languages. Nevertheless, the new law has a strong negative impact on the effective enjoyment of the right to use languages other than Slovak in official communications.

The adoption of the new Law on the Official Language was criticized both domestically and internationally. On January 18, 1996, presidential spokesman Vladimír Štefko declared that if the implementation of the law leads to any infringement of minority rights, president Michal Kováč would request the Constitutional Court to decide on its constitutionality.¹⁰⁸ In February 1996, the Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities Max van der Stoep sent a letter of concern to the then

Slovak Minister of Foreign Affairs, Juraj Schenk, urging the Slovak authorities to abide by the political commitments enshrined in Recommendation 1201 (1993) of the Parliamentary Assembly of the Council of Europe with respect to individual and human rights.¹⁰⁹

There is now a state of uncertainty on the subject of the right to use languages other than Slovak in a bureaucratic setting. The nullification of Law nr. 428/1990 and the lack of legal regulations that would substitute Article 6 of the nullified law has created a legal vacuum making the constitutional right to the use of minority languages in official communications practically unenforceable. In addition, this legal vacuum leaves the door open for arbitrary decisions by officials who may easily interpret the provisions of the new law restrictively.

Taken together, the above considerations raise serious concerns that, with the passage of the new Law on the Official Language, Slovak authorities have effectively abandoned their commitment to the right to the use of minority languages in official settings. If this is so, Roma will remain linguistically excluded in Slovakia and Romanes will continue to be regarded as a quaint pidgin, unworthy of any status beyond colloquial speech.

4.2. GEOGRAPHIC EXCLUSION

Most Roma live on the outskirts of villages, towns and cities in Slovakia. Rural Roma tend to live on the edges of villages in hovels; the Mikloš family of Hontianske Nemce, for example, has no water or electricity in their home. The water used by the family is brought from a local cooperative farm one kilometer away and is not intended for human consumption. The water is filthy, and the family's children regularly contract infections. In 1992, *Helsinki Watch* estimated that there were 300–400 Romani ghettos concentrated on the outskirts of Slovak villages for the most part lacking electricity, fresh water, sewage systems, toilets, and paved roads.¹¹⁰

Where Roma live near cities, their housing conditions tend toward *de facto* ghettoization. One such ghetto which received international publicity is the housing project called Lunik IX, on the edge of the eastern Slovak city of Košice. The population of Lunik IX is 70% Roma, and representatives of the Košice city council have proposed creating a 25–30,000 person ghetto by moving the remaining Romani population of the city there.¹¹¹

Three post-communist trends have significantly exacerbated the already ghettoized situation of Roma. First of all, Roma are now blocked from joining new patterns of migration toward potential employment through the use of location-specific residence permits. Secondly, mythic beliefs about Roma and housing lead to discriminatory practices by local housing authorities. Finally, Roma are expelled from their homes or live under the threat of expulsion by local and regional authorities. The subsequent sections sketch each aspect of this universe.

4.2.1. BLOCKED MIGRATION

In Slovakia, official permanent residence determines where children may register for school and where one's welfare benefits are due.¹¹² Every Slovak citizen must have an official identity card which certifies his or her legal domicile in a particular municipality. On the surface, this appears to be a fairly standard regulation, whose requirements one can easily fulfill. In practice, however, the process is made difficult by the various documents (landlord's approval, health certificates, etc.) which have to be completed. For Roma, ethnic bias on the part of local officials and their fellow Slovaks poses an additional barrier. According to *ERRC* information, landlords often refuse to sign forms certifying Roma as official residents. Local housing authorities frequently do not grant Romani families who have migrated from villages the right to permanent residency in their chosen municipality.

In early February 1994, two Romani families, the Čonkas and the Dunkas, decided to move from the eastern Slovak village of Zehra to seek better job opportunities in the city of Trnava (western Slovakia).¹¹³ They had several relatives who were already resident in Trnava.

Both families stayed at the Hotel Trnavan after receiving certified permission from the owner to use his hotel as permanent accommodation. This permission is required under Slovak law for purposes of declaring permanent residence. The families then registered as residents of Trnava at the municipal housing authority, in accordance with guidelines under Law nr. 135. Following this, they signed a 6-month lease for their rooms at the hotel and on February 15, 1994, they received local residence permits.

As a result of their departure from Zehra, the district office in Zehra discontinued their social benefits (including unemployment support). As they were legally entitled to this support, both families subsequently applied for it at the district office in Trnava. However, the Trnava office informed them that they had been denied social assistance as a result of the cancellation of their residence permits in Trnava by the municipal office. This was the first time either family had heard of such a cancellation. Pursuing the matter, the families discovered that their lease at the hotel had been terminated.

The families then lodged an appeal against the decision taken by the district office in Trnava. The owner of the Hotel Trnavan told investigators from the *International Helsinki Federation* that the mayor of Trnava and the chief of control from the Trnava municipal office had visited him after the families had applied for legal residence in Trnava and put pressure on him to revoke his certified permission. The city officials allegedly told the owner of the hotel that providing accommodation to Romani families was wrong and that “it is not in the benefit of the town of Trnava to let any other Gypsy families settle in the area of the town.”¹¹⁴

Despite several attempts made by the *International Helsinki Federation* in cooperation with *Charter 77* to assist the Dunka and Čonka families, including an official letter requesting a reversal of the cancellation of the residence permits, the decision stood. The two Romani families were forced to return to Zehra.¹¹⁵

Article 23 (1) of the Slovak Constitution states, “freedom of movement and residence is guaranteed.”¹¹⁶ In reality, however, this freedom is frequently denied to Romani citizens. Additionally, as we have seen at Jarovnice, police have used checking residence permits as a pretext for raiding Romani communities.

The Čonkas and the Dunkas, like many Romani families residing in rural Slovakia, sought enhanced employment opportunities by moving to a city. Compelled to move back to Zehra, the families continue to face poor job opportunities there; the unemployment rate of the primarily Romani village is close to 80%. By means of a system of mandatory local residence permits applied in a discriminatory manner at a local level, Roma in Slovakia are being blocked from migration into cities, towards jobs and better opportunities. Their continued impoverishment is thereby ensured.

The *ERRC* deplores this tendency to create special “Gypsy-free zones” to quarantine Roma from the non-Romani population. In the long run, this policy can lead to the creation of Romani reservations which would guarantee the continued degradation, poverty and ruin to the Slovak Romani population.

4.2.2. THE “GYPSIES DESTROY THEIR FLATS” MYTH

By the early 1990s, it had become a widespread prejudice in most Eastern European countries that “Gypsies destroy their flats.” When asked about Roma, a nearly universally known “fact” was that they tore up the floors of the state flats they were given and used the boards as firewood. Variants of this idea included the story that Roma made these fires on the floor of the flats.

The origin of this myth is unknown. At first, it probably spread by word of mouth. Later, when the new press freedom gave rise to a popular sensationalist tabloid press, flats ruined by Roma were a part of the formula for high newspaper sales; in countries such as Czecho-slovakia, where housing shortages often meant that newlywed couples had to live with their parents for up to ten years before receiving a flat from the state, the myth that Roma destroy their flats had social resonance.

When a very narrow social event, such as a fire in the flat of a Rom, attains a kind of universalizing social significance, myth is at play.¹¹⁷ A fire in the flat of a Rom has a kind of rich meaning in Eastern Europe which goes wildly beyond that of a fire in the flat of a non-Rom; it calls up the whole menu of Communist-era injustices, favoritism and policies hostile to the middle class.

Lodged at the center of this myth is the idea that Gypsies are all the same. But a myth of this sort not only describes past events. It also creates the present and future social relations; “myth has in fact a double function: it makes us understand something and it imposes it on us.”¹¹⁸ All Roma in Slovakia today are therefore saddled with the burden that their every interaction with the housing authority is pregnant with social meaning; the

housing authorities view every Rom as a real or potential flatburner and therefore the author of their woes.

As a result, housing officials often deny Roma adequate housing or refuse to regard the housing difficulties of Roma as anything other than their own making. They habitually prevent Roma from receiving decent housing and make them wait for long periods before offering them unattractive options. In Košice, some Roma also assert that in order to get a cooperative flat, a bribe of 20,000 Slovak crowns (approximately 660 US dollars) must be given to the mayor himself. In some cases, Slovak officials point to the deteriorated conditions of a small number of homes in historic city centers as a reason for not providing housing to Roma. Few choices remain and many Romani families are forced to squat in abandoned apartments which are either condemned or are publicly-owned buildings awaiting sale to private bidders. The following example will illustrate the real housing situation of many Roma in Slovakia today.

Situated five kilometers outside of Martin, the central Slovak town of Vrútky has a relatively small Romani population. The majority of the Roma live in block housing, or in a number of isolated streets on the outskirts of the town as squatters. The *ERRC* visited the Balog family in the condemned house they live in on one of these streets. 30-year-old Vojtech Balog explained his housing situation and its impact on his family:

My mother had fourteen children, three of whom are in an orphanage today. In October 1994, my father committed suicide. He was always in and out of prison. We used to live in the house across the street, which was also condemned, but then in May of this year, the roof caved in and that's how my mother died. For the past five years, we have been requesting new housing from the local authority, but they just make us wait. Last week, I went again to the mayor's office and spoke to an official there.¹¹⁹ When I requested accommodation, she told me, "you will not get a flat, because you destroy flats." I have been going every ten days, but it's useless. I can't do anything about it.¹²⁰

Vojtech Balog used to work in a factory until he was laid off in the early 1990s. The family has no independent means of obtaining a home and is therefore at the mercy of the local officials, who are ultimately responsible for providing low-income families with a roof over their heads. Moreover, the death of Mrs. Balogová could have been avoided had the local authorities taken appropriate action earlier and provided safe, alternative housing for the Balogs.

One Romani leader from the Martin branch of the *Romani Civic Initiative* (ROI), Zdena Lacková, has also been to the local housing office on several occasions in an attempt to assist the Balogs. She told the *ERRC*:

There are twenty people living in that house. Water leaks in through the roof whenever it rains. I go to city hall once a week, but to no avail. The family's situation is disastrous, but the local officials don't really care.¹²¹

4.2.3. EXPULSION

ERRC field investigations revealed that Slovak authorities have, in many areas, begun to crack down on individuals and families without legitimate local residence permits for the flats in which they live. The targeted group is predominantly Roma. One example of this is the imminent eviction of 35-year-old Valeria Badová and 29-year-old Vojtech Bado, a Roma couple who live in a flat in the city center of Košice.

On June 16, 1995, Mrs. Badová wrote a letter to the city housing authority in which she requested that they allow her to continue residence at Bencurová 8/b and to legalize her family's status there. In response to this request, the housing office investigated the condition of the flat, whereupon they reached the conclusion that the Bados had destroyed the flat.

The *ERRC* obtained a copy of a letter sent to the 1st District Court in Košice by the mayor of Old Town Košice, Jan Šuli, on February 5, 1996. The letter claimed that the Bado family's bad behavior toward other inhabitants prevented the city authorities from accepting their application for continued residence. It alleged damage to the flat (which is municipal property) and requested the issuance of an enforcement order by the court for the eviction of the Bados. The letter also stated that the Bados had no right to ask for another apartment from the city in place of the flat on Bencurová.¹²² The *ERRC* knows of twenty families which have,

thus far, been expelled by the Košice city authorities. A further 100 families are threatened with the same fate.

Expulsion is not an isolated urban phenomenon. In a tourist magazine for English speakers entitled “Spectacular Slovakia”, *Slovenský Raj* (Slovak Paradise) is described as a sylvan nature retreat with abundant pine and yew trees. This region, close to the town of Spišská Nová Ves, was designated as a national park in 1986, long after the establishment of a Romani *tabor* situated on the crossroads between the villages of Letanovce and Spišské Tomášovce. The village of Letanovce has 2,000 inhabitants, out of which about 525 are Roma.

In the Romani village, separated by railroad tracks and three kilometers of poorly paved road, there is no electricity, water, or sanitation. There has not been a regular source of water for the inhabitants ever since a pump was broken by children in 1993. Despite an infection from the water, which led to the hospitalization of twelve Romani children several years ago, a new pump was not built as it would have cost the state 60,000 Slovak crowns (approximately 2000 US dollars). When an *International Helsinki Federation* delegation questioned Mayor Michal Urban about the situation, he claimed that he would provide materials for the building of personal village wells. He also added that “like the whites, the Roma, too, have to take responsibility for building their own wells.”¹²³

In September 1996, the Roma from this village were scheduled to be resettled, as it was decided that they could no longer live on national park lands. No local official knows where the Roma will be moved, and no municipality wants to receive them as their residents. According to the mayor of Letanovce, a project to build a new Romani village was presented to the Council of Europe, but since a guarantor for the loan could not be found, the project stalled in the planning phase. The mayor of Spišské Tomášovce does not recognize the local Roma as legitimate inhabitants, while a request made to the town of Spišský Stvrtek has remained unanswered. Apparently, the Slovak government is to provide 750,000 crowns (approximately 25,000 US dollars) for the resettlement project alone, while the mayor of Letanovce claims that the Council of Europe will provide money from the Social Development Fund to move out the Roma.¹²⁴ The Roma of *Slovenský Raj* face homelessness caused by the state. While project proclamations are made about building new homes for them, the state continues to remain ambivalent about their implementation.

Where, then, should Roma go? The prospect of expelled populations of Roma arriving in communities where local Roma already live under threat of expulsion and in a state of rights deprivation prepares the groundwork for a renewed and massive performance of the “eternal Gypsy” myth: wayward travelling Gypsy, why are you so restless? Both the expulsion and forced settlement which Roma presently face in Slovakia degrade them in a way which will have social consequences for generations to come.

5. CONCLUSION: THE PATRONIZING STATE

The history of Roma and the state on the territory of what is now Slovakia is the continuous shift between policies openly hostile up to murderous toward Roma on the one hand, and policies disguised as assistance which actually degrade, on the other.

The earliest attempts at modern state-building on the territories of the Hungarian Crown-lands which make up present day Slovakia involved elements of both open violence and racist patronization of Roma. Under Maria Theresa (1740–1780), an early attempt at the expulsion of “Gypsies, vagrants, and foreign beggars” was followed by an attempt to convert Roma wholesale into something else.¹²⁵ Assimilation policy included education, “Christianization”, forced settlement and a kind of early proletarianization. Playing music was forbidden in several edicts and beatings for non-compliance with the new approach were encouraged. Other decrees from the mid-18th century included bans on horse-dealing, community selection of leaders and speaking Romanes. Romani children were forcibly separated from their parents and sent to non-Romani foster homes for “civilizing”. This comprehensive program was designed to render Roma into “New Farmers” (*Neubauern*) or “New Hungarians” (*újmagyarok*).¹²⁶

The “New Hungarian” did not emerge. Those Roma who buckled to state power and “assimilated” continued to wear residual exclusion on their skin. For the rest, internal cohesion and group norms came periodically under concerted assault. By the end of the 19th century, as elsewhere in Europe, police and state organs began to register and keep “Gypsy files” on the group.¹²⁷

Slovak autonomist ideas spread first in the 1920s and, with them, pogroms and genocidal rhetoric about Roma. After a pogrom in which six Roma died in 1928, the daily *Slovák* ran an article which stated, “The case can be characterized as a citizens’ revolt against Gypsy life... the Gypsy element, such as it is today, is really an ulcer on the body of our social life which must be cured in a radical way.”¹²⁸ In the years before the Second World War, monitoring of Roma became increasingly “scientific”, featuring the skull measuring and taxonomies which were later stigmatized by the defeat of Nazi-style Fascism.¹²⁹

The first and only previous independent Slovakia came about through the processes which dismembered the First Czechoslovak Republic under the 1938 Munich Agreement and subsequent Nazi Germany-sponsored expansive policy directives. Under the radical Prime Minister Vojtěch Tuka, Nazi Nuremberg racial policy was rapidly implemented and between 1942 and 1943, most Slovak Jews were deported to Auschwitz and other death camps.¹³⁰ The Slovak government paid 500 Reich marks per person to the German government for the cost of deportation.¹³¹

Although the Romani Holocaust was not as intense in Slovakia as in the Czech lands,¹³² Slovak Romani memories are vivid enough; most Romani men had served in labor brigades paternalistically designed to instill discipline in the “unruly” Roma. Many Roma were expelled from settlements and Slovak fascists murdered hundreds of Roma in village pogroms.¹³³ Roma living among non-Roma were often forced to abandon their homes for segregated settlements elsewhere, a policy which directly resulted in isolated ghettos for Roma. Many of these remain today. Roma were permitted to visit towns only on specified days and were banned from theaters, restaurants, parks and public transport. After the occupation of Slovakia by the German army in 1944, many Roma were killed and some Romani settlements were liquidated. The number of Slovak Roma who perished during the Holocaust is in the thousands.¹³⁴

Following World War II, although the Czechoslovak state did not take the genocidal position that the wartime independent Slovakia had, bureaucratic mechanisms became more efficient and intrusion into the lives of Roma approached total. New patronizing approaches to Roma appeared in the form of policies of forced settlement aimed, again, at civilizing Roma. Ethnically negated, they were regarded by the first Czechoslovak Communist governments as a backward social class to be civilized. The nomadic way of life was banned again by Government Decree 74 (1958).¹³⁵ Policies of settlement, dispersion and urbanization were favored and implemented paternalistically.¹³⁶

In the period following the Warsaw Pact invasion of Czechoslovakia in 1968 and the subsequent period of “normalization”, during which thousands of experienced bureaucrats were removed from their posts and

replaced by party conformists, party idealism on the transformation of human types waned. Measures were sought in the 1970s to reduce the high birthrate of Roma. The Public Decree on Sterilization, issued by the Ministries of Health of the Czech and Slovak Socialist Republics in 1972, established sterilization as a means of population control. This policy had a disproportionate effect on Roma:

...the government reportedly took specific steps to encourage the sterilization of Romany women in order to reduce the “high unhealthy” Romany population and as a result, a disproportionately high number of Romany women were sterilized, often in violation of the existing safeguards and of their rights to non-discrimination on the basis of ethnicity or sex.¹³⁷

Charter 77 and *Helsinki Watch* both concluded that “high unhealthy” was simply a euphemism for Roma. Research conducted in eastern Slovakia revealed that 25.8% of women who underwent sterilization in 1983 were Roma and by 1987, the figure had increased to 36.6%. Many of the Romani women sterilized claim that doctors pressured them to sign consent forms without offering any explanation that the consequences of the operation would be a permanent inability to bear children.¹³⁸ By encouraging sterilization, the state intervened to decide for Roma how many children was the proper number of children.

In 1992, in the second free elections in Czechoslovakia following the changes in 1989, Czechs and Slovaks supported parties for their respective halves of the federation which stood for conflicting mandates. Czechs wanted a stampede of economic reform, fast harmonization with European legal and economic norms and integration into the European Union. Slovaks wanted self-determination, in a form only nebulously specified. While Czechs perceived the main task of the day to be reconstituting capitalism, abolishing state structures and ridding the field of collaborators and informers, Slovaks saw the proper course of reform as decentralization and de-colonization from Prague. The leaders of the two leading parties and prime ministers of the two halves of the federation, the Czech Václav Klaus and Slovak Vladimír Mečiar, either could not or would not resolve their differences (nor call a referendum on the subject) and on January 1, 1993, Czechoslovakia ceased to exist. The new nationalizing state of Slovakia came into being.¹³⁹

Independent Slovakia’s historical-genealogical connections with a Nazi collaborator state caused uneasiness among its neighbors and led to a generally negative treatment of the idea of an independent Slovakia in the international press.¹⁴⁰ The negative image of the new Slovakia abroad was not improved by the availability in the country of a newly reprinted edition of *Protocols of the Elders of Zion*, the high esteem in which the controversial wartime President Tiso was held by most Slovaks, the instances of desecrated Jewish cemeteries, the “outing” of politicians as Jews, nor by the steadily increasing incidence of skinhead attacks against Roma and a normative anti-Romani sentiment among the wider populace.

The government of nationalizing Slovakia was elected on a populist platform¹⁴¹ and at present, with most Jews gone, the real heat of Slovak nationalism is felt by Roma. Unlike the Hungarian minority in southern Slovakia, Roma have no state to intervene at an international level on their behalf. Most Roma therefore assume that the state is hostile and have little reason to do otherwise. When major Slovak politicians turn a blind eye to Romani murder victims of skinhead violence, the message conveyed to the Roma is that the state is partial and that it has sided with those militant elements among the ethnic majority who persecute Roma.

The spirit of paternalism also lives on in the new Slovakia. It emerged once again in an April 1996 policy paper drafted by the Ministry of Labor, Social Affairs and Family entitled, with obscurantist flair, “The Resolution of the Government of the Slovak Republic to the Proposals and Measures in Order to Solve the Problems of Citizens in Need of Special Care”.¹⁴² The directive, which inaugurates a department of the same name, contains provisions on schooling, employment, housing, “education and training”, “negative social expression” and “organization and material support” for “citizens in need of special care”. Each chapter of the Resolution defines the problem, measures to be taken, and the authority to be charged with implementing policy.

The “Citizens in Need of Special Care” are Roma. The euphemism is dispensed with by the middle of the “measures” section of Paragraph A on the first page, when the subjects of the Resolution become “Roma”, “Romani youth” and “Romani workers”.

And Roma are described as the state sees them: Romani families are “not interested in solving their own housing problems”; pregnant Romani women lead a “bad way-of-life”; and Roma are responsible for “the devastation of houses”. Certain mental diseases are caused by a “socially retarding environment”. Areas of Slovakia are characterized by “backward Roma, high unemployment, high criminality, etc.” Roma in general are named “socially unadaptable”.

The problems which the Resolution believes it is addressing are described in even more curious terms. For example, one problem, according to this document, is that in assessing the housing situation, “differential standards are not applied”. Elsewhere, the pernicious web of bureaucracy hindering legitimate migration by Roma is described as if it were somehow a problematic creation of Roma themselves: “frequent migration of a group of citizens and the problems of permanent residence registration.” (Notice that migration itself is defined as a social problem.)

Remedies for this are a renewed wave of exclusion: “alternative classes”, “special teaching”, and “special classes” emphasizing “crafts” and “traditional crafts”. Roma are to receive basket-weaving classes in exchange for their unemployment. The Ministry toys clumsily with contemporary politically correct language in a number of places, such as when it suggests “a re-evaluation of the mass-media practice of emphasizing the ethnic (Romani) origin of culprits” and “a widening of the net of field social workers who provide social help in natural social environments.”

In most places, however, the paper is forced to tiptoe around preferred vocabulary and call instead for “alternative programs” and “the organization of experimental investigation”. This is because “special schooling” all over Central and Eastern Europe means “schools for the mentally retarded”, which is where a significant portion of the Romani school-age population winds up, retarded or not.

The document is, in fact, a model of the patronizing attitude. Well-meaning sympathetic wind is generated over twelve pages. An appearance of pure sympathy is conjured, using the latest phraseology learned at international conferences. Meanwhile, every actual description of Roma in the paper oozes contempt and disgust.¹⁴³ Finally, the entire package asserts such a grand scope of world-altering initiatives that the document announces its own uselessness in advance through financial unfeasibility.

Finally, however, the Resolution treats Roma as if they are bad school children who need to be taught proper behavior and manners. They are seen as uncivilized moral incompetents who must be led by the hand by the beneficent state. In place of real consideration as to why negative media imagery degrades, in place of serious evaluation of the problem of exclusion and rights denial in Slovak society, the Ministry of Labor, Social Affairs and Family has failed to confront existing racial discrimination against Roma and is attempting to get away with a few handsome politically correct sentiments. The Resolution assuages the guilty conscience, but does not aim to remedy the situation.

Although the social situation of Roma in Slovakia is, in many areas, catastrophic, yet another distribution of special social goods for the poor Roma will not address the situation at its root causes. The historical experience of Roma with the state is negative and significant measures are needed to overcome the exclusion experienced by all Roma and to redress rights violations against Roma. The first steps in such a process involve providing Roma access to viable venues for legal redress and positive measures toward the empowerment of Roma.

For now, however, Roma in Slovakia are daily subjected to brutal attacks by skinheads who are not ashamed to proclaim openly that they desire to rid the world of Roma, while most Slovak Roma go about their lives believing something more-or-less like what 25-year-old J.B. told the *ERRC*:

If I am attacked again, I won't call the police. It would be like calling the skinheads.¹⁴⁴

6. A JUST SETTLEMENT: RECOMMENDATIONS OF THE EUROPEAN ROMA RIGHTS CENTER TO THE SLOVAK GOVERNMENT

The *European Roma Rights Center* regards the following points as critical for beginning the process of justice for Roma in Slovakia. The *ERRC* strongly urges the Slovak government to adopt all of the following policies:

1. Complete within a reasonable period of time all official investigations of incidents of racially-motivated attacks which have been committed against Romani individuals; bring to justice those persons responsible for the offenses committed against Romani individuals and their property.
2. Take significant steps to ensure that racially-motivated crime is defined and prosecuted as such, as it is relatively more dangerous to society.
3. Initiate programs on the prevention of racially-motivated crime among minors and programs intended to diminish racism among youth.
4. Investigate impartially all cases of alleged police misconduct; bring to justice those persons who have violated the law by exceeding their authority, or who have violated the rights of Roma persons in the course of duty.
5. Clarify the purpose and methods of police collective actions in Romani neighborhoods and ensure the strict legality of all police operations under Slovak law by introducing measures to improve oversight and accountability. Review thoroughly police practice in light of the guidelines for police conduct set down in the UN Code of Conduct of Law Enforcement Officials (1979) and the Basic Principles of its implementation adopted by ECOSOC in 1989, as well as in resolution 690 (1969) of the Parliamentary Assembly of the Council of Europe.
6. Develop a policy of employing more members of the Romani minority in the police force, as a strategy of building respect for and trust in the police in the Romani communities.
7. Amend Article 36 of the Criminal Procedure Code to the effect that free legal defense be provided, regardless of the alleged crime, to all citizens who cannot otherwise afford it.
8. Develop, alone or in cooperation with non-governmental organizations, programs of legal and human rights training for law enforcement officials, with an emphasis on the protection of the legal rights of individuals belonging to the Romani minority.
9. Develop, alone or in cooperation with non-governmental organizations, programs to inform the members of the Romani communities about their legal rights.
10. Adopt measures to facilitate access to justice by Roma; sponsor legal assistance projects aimed and legal training programs aimed at providing legal services to disadvantaged groups such as Roma.
11. Adopt, as soon as possible, legislation which will regulate the use of minority languages, in accordance with the principles laid down in the Framework Convention for the Protection of National Minorities.
12. Undertake a critical review of Slovak legislation regulating local residence permits. Review laws whose purpose or effect is to restrict the right to freedom of movement of Roma.
13. Take a clear stand against all cases of discriminatory policies by local authorities, arbitrary administrative decisions which are aimed at affecting negatively the rights of Roma, or decisions which deny them administrative support for the enjoyment of their rights.
14. Investigate incidents of housing discrimination. Create a review board with Roma as members for all persons seeking remedies to discrimination in housing.

15. Initiate programs to involve Roma in housing decisions and housing policy aimed ultimately at eliminating *de facto* segregation of Roma.
16. Publicly acknowledge that racism is a problem in Slovak society and initiate programs to diminish racial tension and heighten inter-ethnic understanding.

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THE RESOLUTION OF THE GOVERNMENT OF THE SLOVAK REPUBLIC TO THE PROPOSAL OF THE ACTIVITIES AND MEASURES IN ORDER TO SOLVE THE PROBLEMS OF CITIZENS IN NEED OF SPECIAL CARE.

(Uznesenie vlády SR k návrhu úloh a opatrení na riešenie problémov občanov, ktorí potrebujú osobitnú pomoc, na rok 1996), April 30, 1996, Ministry of Labor, Social Affairs, and Family, Government of the Slovak Republic.

Note: Each "problem" is followed by a series of "measures" and various Slovak ministries are charged with their implementation. The ministries are not listed in this unofficial translation by Vít Lukáš and Daniela Preúčková.

Paragraph A: Pre-schooling and Schooling of the Children of Citizens in Need of Special Care

Problems:

- lack of pre-school education in kindergartens, especially one year before entering elementary school
- irregular attendance at pre-school institutions
- children from families with low motivation have a bad command of the language of instruction
- children have a high drop-out rate in the lower classes of elementary schools
- irregular attendance at elementary schools
- poor success (weak results) at elementary schools
- parents are not interested in the education of their children
- pedagogues and teachers are not prepared to face the specific problems of children from families with deprivation and low motivation

Measures:

1. Introduce zero-level classes at elementary schools for children from linguistically disadvantaged family backgrounds.
2. Introduce alternative programs for teaching Romani children with an emphasis on better Slovak language instruction.
3. Organize special classes for Romani girls in Levoča.
4. Work out basic pedagogical documents and to secure the organization of experimental investigation of curricula focused on the teaching of traditional Romani crafts in secondary school for Romani pupils.
5. Continue in the future in organizing recreational camps for children from dysfunctional families (unemployed parents, refugees, immigrants), misbehaving children, children from special social institutions, and for children from socially disadvantaged backgrounds.
6. Review the activities of the nurseries in municipalities whose conditions are good enough for maintaining them.
7. Organize preventive educational programs for children and youth from socially pathological families, or for children dependent on alcohol, drugs, casino games, gambling, committing offenses, or are jeopardized by crimes.
8. Organizationally and legislatively resolve the question of the legal status of orphanages. Prefer complexity and conceptuality when solving these problems.
9. Propagate employment centers for children between the ages of 15–18 who are not preparing for

employment and use proper motivation to encourage the youth to work in these centers.

10. Within the framework of the transformation of the social sphere by means of social and employment policy, focus on motivational tendencies which would lead to professional education (the achievement of a degree) for children from disadvantaged family backgrounds.
11. Include issues of the education and disciplining of children from non-supportive and socially pathological families in the curricula of the pedagogical faculties of institutions of higher education.

Paragraph B: Employment of Citizens in Need of Special Care

Problems:

- due to the lack of work opportunities, employers are not interested in hiring unqualified citizens
- low work ethic of these citizens
- a number of these citizens are not interested in public service jobs
- lack of work opportunities, especially in districts with a high population of Roma

Measures:

1. Work out projects of regional policies for employment, especially in districts with a high concentration of unemployed citizens in need of special care.
2. Organizationally secure the creation of consulting centers for the unemployed, especially for Romani citizens in those regions with a high Romani unemployment rate.
3. Employ qualified Romani workers, in the employment offices of regions characterized by a high concentration of unemployed Roma to help solve the problems of unemployed Roma.
4. Organize re-qualification training and teaching programs for unemployed Roma and introduce them to crafts, particularly in those cases where they are not educated. Organize educational courses for youth who have been sentenced to time in prison, in order for them to complete their education. In organizing these courses, take into account the job market and job opportunities.
5. Through the organization of the activities of employment clubs, enhance the participation of Romani youth in the programs.
6. Analyze the reasons for unemployment. In those regions where there is a high unemployment rate, implement a program for the development of employment through socially contributing work possibilities and in public work. At the same time, cooperate with local authorities and municipalities in organizing public work and establish relations with those who have not shown interest before. Systematically monitor, regularly analyze and adopt measures for the resolution of the policies of unemployment by means of public work, with the cooperation of local mayors.

Paragraph C: Housing Needs for Citizens in Need of Special Care

Problems:

- inappropriate social situation and insolvency of the citizens
- lack of interest, by families, in solving their own housing problems
- devastation of apartments by citizens
- arrears in paying rents and utilities (gas, electricity, etc.)
- a differential approach is not applied when allocating housing
- frequent migration of a group of citizens and the problems of permanent residence registration

Measures:

1. Provide municipalities in Slovakia with simplified project documentation which should be worked out as a model on how to solve the housing problems of socially unadaptable citizens. Use this documentation in the process of considering and permitting the building and consequently, for the inspection of new flats, including the establishment of a model for financial security.
2. Expand the current net of social security institutions and provide homeless citizens with accommodation. These institutions should be founded especially in those regions where deficiencies in these fields are found, especially where there are no such facilities.
3. Complete lists of localities with Romani villages in each individual district. Specify their size, the need for technical infrastructure, and estimate a number of houses to be built. These measures should be passed by the Ministry of Labor, Social Affairs and Family aiming at further coordination with state authorities for preparing, implementing, and beginning construction.
4. Prepare suitable projects for inclusion in the PHARE program, in the field of housing construction for citizens in need of special care.
5. Review the present situation and, if needed, suggest powerful legislative measures in solving the problems of citizens who do not fulfill their duties as apartment users (devastation of apartments, not paying rent or utilities, etc.). These citizens should be treated individually, based on the reasons why they are unable to fulfill their duties (paying rent, etc.).
6. After the State Fund for the Development of Housing Support has been approved, offer support to applicants for the building or rebuilding of Romani settlements.
7. Work out a draft proposal of the subsidizing policy principals from the extra funds of the Slovak Government in order to solve the acute and special social and housing problems of citizens in need of special care.

Paragraph D: Education and Training of Citizens in Need of Special Care

Problems:

- not making full use of traditional Romani crafts
- inconsistent work with respect to talents
- lack of well-prepared short education programs for adults (courses, training, etc.)
- lack of capacity for implementing life-long education, especially in smaller municipalities
- lack of experts working in the framework of their own community or ethnic group

Measures:

1. Put into practice a project for preparing Roma for the professions and for traditional crafts. After analyzing its results and further aims, write a report for interested parties.
2. Work out programs and secure cultural-educational short-term courses, aimed at the Romani population, especially in those regions with a high concentration of Roma.
3. Secure organizationally training courses on cooking, sewing, and essential household chores for citizens with special needs. Courses should be organized in cooperation with local authorities and Romani organizations and other educational organizations in the region.
4. Secure coordinated, flexible, and effective cooperation between areas focused especially on the prevention of torture, sexual abuse, and the neglect of children's education.
5. Create conditions for the work of satellite workshops at universities to train pedagogical and social workers in regions where citizens with special needs are concentrated.

Paragraph E: Hygiene and Health Standard of Citizens in Need of Special Care

Problems:

- unacceptable sanitary conditions in large Romani settlements
- absence of drinking water and sewer systems
- devastated environment
- no garbage collection
- no social amenities
- higher rates of disease
- pregnancy of minors
- bad way-of-life of pregnant women
- overall nutrition and care of children below the standard
- high rate of mental retardation due to socially retarding environments
- bad health conditions of the population, high number of partially or fully handicapped citizens

Measures:

6. The State Fund for the Environment of the Slovak Republic allows for financial measures to be taken to improve the environment in those regions where citizens in need of special care live in contaminated areas (especially, Romani villages without drinking water, garbage disposal, etc.).
7. Devise a training program aimed at the health conditions and state of the citizens in need of special care. These programs should be aimed at family planning, information and ways of contraception, and at the same time secure accessibility to the socially weaker strata of the population.
8. Secure the vaccination of Romani children. Within the framework of the fight against prevention of infectious diseases, systematically monitor groups of Romani populations, especially in those localities where there is a higher incidence of disease.
9. Set up a professional committee to deal with medical, socio-economic, ethical, and legal aspects of population policy.

Paragraph F: Negative Social Behavior of Citizens in Need of Special Care

Problems:

- high level of participation in criminal actions
- unsatisfactory financial conditions of the citizens
- high level of unemployment
- low level of juridical consciousness
- low effect of punishment
- absence or lack of prevention
- high number of citizens (especially teenagers) dependent on using drugs, playing on pinball machines, casinos and gambling

Measures:

1. Support the existence of active voluntary organizations and citizens' associations directed towards developing the social, economic, and cultural level of the concrete community in which the organization or association works.
2. Analyze the present conditions of education and training of soldiers and work out educational programs in the framework of intentional prevention.
3. Strictly control and fulfill juridical punishment of acts of law-breaking in specially protected nature reserves. Simultaneously, propose systematic rules for avoiding such phenomenon.
4. Bring the police into cooperation with organizations, organs, societal institutions and citizens' associations, which take part in the rising level of social, cultural, and juridical consciousness of Roma.
5. Provide methodical help for the organs of local state authorities and for other social organizations in preparing, realizing, and concluding the effects of prevention activities, especially those of a complex character.
6. Help organs of local government and local authorities in their preventative and educational work directed toward citizens of low juridical consciousness, especially towards children and youth. Cooperate with schools in increasing the intensity of juridical education and propaganda.
7. Within the framework of the amendment of Law 564/91 of the Slovak National Council with respect to community police, propose the creation of an institution called "civil police helper".
8. Re-evaluate the mass media practice of emphasizing ethnic (Romani) origin of culprits. The mentioned fact is not practiced in reporting about other ethnic minorities.
9. Consider the legislative possibilities for creating an institute for the supervision of repeat offenders and for persons returning from prisons.
10. Support positively and use the natural authority of leaders (*vajda*) in Romani settlements or in limited territories with the aim of progressive decriminalization of these communities and integration into the society.

Paragraph G: Organization and Material Support for Citizens In Need of Special Care

Problems:

- absence of scientific research following the socio-economic changes and the changing needs of social praxis
- lack of specialized institutions, officers and coordinators dealing with the problems of citizens in need of special care
- lack of qualification of social workers
- absence of financial means for solutions to acute problems of citizens in need of special care

Measures:

1. Present the situation of solving the problems of Roma in Slovakia at international fora.
2. Analyze and report on representative embassies on information from institutional and legislative solutions of the problems of Roma in individual states of Europe.
3. Suggest a system of social schooling and create the pre-requisites for the high professionalization of social workers for effective work with the specific problems of some groups of citizens.
4. Widen the net of field social workers who provide social help in natural social environments. For this activity, use workers even within the framework of public work.
5. Make use of the possibility of appointing a special personal recipient of social care allowance in cases where the former recipient could not make use of this allowance for the purpose for which it was intended.

6. Enlist non-governmental, non-profit organizations and church authorities to cooperate especially with Romani civic organizations in solving serious problems. A common meeting should be organized.
7. In districts where there are high concentrations of backward Roma, high unemployment, high criminality, etc., within the framework of local authorities, create a special coordinating center for the citizens who need special help. For this activity, hire suitable workers from the ranks of unemployed Roma within the framework of public work.
8. From the Reserve Fund of the Slovak Republic, grant 15 million Slovak crowns to the Ministry of Work, Social Affairs, and the Family for solving the problems of asylum accommodation for homeless citizens, and especially those who arrive from prisons and other institutions (penitentiaries, mental hospitals, etc.).
9. Solve legislatively the allocation of permanent residence permits in connection with the new socio-economic conditions in society (orphans, migrants, etc.).
10. Prepare scientific research on the influence of changes of new socio-economic formations in some groups of citizens, especially Roma. This task should be undertaken by research groups within various government ministries.
11. Set methodological guidelines for workers of new institutions within the framework of local authorities in regions dealing with citizens who need special help.
12. Within the framework of newly prepared regional divisions and local authority divisions of the Slovak Republic, propose the creation of offices, financially secured, which would help to solve the problems of citizens in need of special care.

ENDNOTES

1. Liégeois, Jean-Pierre and Gheorghe, Nicolae, *Roma/Gypsies: A European Minority*, London: Minority Rights Group, 1995, p. 7. This figure is contested; according to the Slovak census of 1991, the figure is as low as 75,802. The 1980 census counted 199,853 Roma in Slovakia, so if the state's present figures are to be believed, the Romani population of Slovakia has shrunk by almost two thirds in the past 15 years. A study carried out by city councils throughout Slovakia in 1989 reported that approximately 254,000 Roma lived in Slovakia at that time. See Šedivy, Vladimír and Maroši, Viktor, *Position of National Minorities and Ethnic Groups in the Slovak Republic*, Bratislava: Minority Rights Group-- Slovakia Nadácia, 1995, p. 14.
2. See, for example, Bačová, Viera, "Vzûahy obyvateľ'ov Slovenska k Rómom" in Mann, A. B. (ed.), *Neznámi Rómovia*, Bratislava: Ister Science Press, 1992, p. 29–38 and Bačová, Viera and Zel'ová, Alena, "Ethnic Minorities in Slovakia", Košice: Institute of Social Sciences, Slovak Academy of Sciences, 1994.
3. Helsinki Watch, *Struggling for Ethnic Identity: Czechoslovakia's Endangered Gypsies*, New York: Human Rights Watch, August 1992.
4. TASR (Press Agency of the Slovak Republic), July 24, 1995; *Romnews* (a Roma National Congress news service), August 16, 1995; *Romano L'il Nevo* (a Prešov-based Romani newspaper), January 1–28, 1996; *SME* (independent Slovak daily), "V priebehu ôsmich mesiacov – tri vytržnosti skínov v okrese Žéiar nad Hronom", February 13, 1996 and "Skínske podsvetie v Žéiari nad Hronom údajne stále funguje", February 29, 1996. See also *SME*, "Situácia v Žiari nad Hronom je údajne stabilizovaná a problému sa venuje systematická pozornosť", August 14, 1996.
5. In May 1995, a 43-year-old Rom, Tibor Berki was killed in his southern Moravian home by four young men who entered his home violently and attacked him with a baseball bat. Following Mr. Berki's death, the Czech Penal Code was amended to provide for stiffer sentences for racially-motivated crimes.
6. TASR, August 2, 1995. Mr. Slota is the mayor of the central Slovak town of Žilina, a member of Parliament and the chairman of the far right Slovak National Party (*Slovenská Narodná Strana*). The Republic of Slovakia is a parliamentary republic with a single-chamber legislature called the National Council of the Slovak Republic (Parliament). The Slovak National Party has nine parliamentary deputies and is a member of the governing coalition with the majority HZDS (Movement for a Democratic Slovakia) and the ADS (Association of Workers in Slovakia).
7. *European Roma Rights Center* interview with Attorney Bohumír Bláha, legal representative for Nadežda Borošová, the mother of Mario Goral, March 5, 1996, Bratislava.
8. TASR, February 1996.
9. Article 202 (1) states, "He who commits a gross indecency publicly, or at a place accessible to the public and causes a disturbance, in particular by attacking someone else, defaming an historical or cultural monument, tomb or other memorial site, or he who in a gross manner disturbs the public meeting or ceremony of citizens, shall be punished by up to two years imprisonment, or by fine." Article 202 (2) states, "He who commits the offense referred to in paragraph 1 as a member of an organized group shall be punished by up to three years imprisonment." Article 219 (1) states, "he who deliberately kills somebody shall be punished by imprisonment of ten to fifteen years." Article 219 (2) states, "Imprisonment from twelve to fifteen years, or an exceptional punishment shall be meted out to the perpetrator who commits the offense referred to in Paragraph 1, a) against two or more persons; b) in a particularly brutal or tormenting manner; c) repeatedly; d) against a person under fifteen; e) against a public servant while performing his duty or because of it; f) with the intention of obtaining property benefit or with the intention of concealing or facilitating a criminal offense or by reason of any other despicable motive." Article 235 (1) of the Penal Code reads, "He who forcibly, under threat of violence or threat entailing any other grave harm, coerces somebody else to do, omit or ignore something, shall be punished by up to three years' imprisonment." Paragraphs 2 and 3 of Article 235 and Article 29 provide conditions under which stiffer penalty may be handed down. Article 196 (1) states, "He who threatens a group of individuals with killing, bodily harm, or with inflicting large-scale damage, shall be punished by imprisonment of up to one year." Article 196 (2) states, "He who resorts to violence against a group of inhabitants or individuals or threatens them with killing, bodily harm or with

inflicting large-scale damage on account of their political conviction, nationality, race, religious affiliation or for their lack of religious affiliation, shall be punished by imprisonment for up to two years.” Unofficial translation for the *European Roma Rights Center* by Vít Lukáš. Unlike their accomplices, the murderers themselves were not charged under any of the Slovak racially-motivated crimes provisions. The texts on murder in the Slovak Penal Code do not contain any special qualifications on racial motivation. It remains to be seen whether the Slovak court will accept that the attack against Mario Goral was racially motivated and view this as an aggravating circumstance in determining the penalty for the skinheads.

10. *Inforoma* is a Bratislava-based NGO which documents Roma-related issues and provides legal counseling for Roma.
11. Information made public by Bohumír Bláha at *European Roma Rights Center* Symposium on Legal Defense of the Rights of Roma, January 13, 1997. Article 44 (2) states, “In the proceedings held in respect of crimes subject to the jurisdiction of regional courts, Article 17 (1), the court shall rule on the participation of the injured on the basis of the nature of the case being heard.” Unofficial translation of the Slovak Penal Procedure Code provided by *Charter 77*.
12. *SME*, August 14, 1996, op. cit.
13. *Ibid*.
14. *Prešovský Večerník*, “List od prešovských skínov-- ‘Keby ste o nás vedeli’”, March 15, 1995.
15. *European Roma Rights Center* interview with Erika Godlová, March 7, 1996, Prešov.
16. Information provided by *Nevipe Foundation*, March 1996, Prešov. *Nevipe Foundation* is a Romani NGO which publishes the periodical *Patrin*.
17. *SME*, “V Košiciach osemnásť skínov prepadlo mladú Rómku”, November 26, 1996, and information provided by *Legal Defence Bureau for Ethnic Minorities in Slovakia*.
18. *European Roma Rights Center* telephone interview with social worker Amalia Pomprová, November 2, 1996.
19. Information provided by attorney Pavol Zavacky on December 17, 1996.
20. *Práca* “Skíni prepadli byt Rómov v Prievidzi”, November 12, 1996.
21. *SME*, “Popaleny Rom tvrdí, že ho napadli skíni”, November 27, 1996.
22. *SME*, “Dnes v Handlovej, pochovajú 43-ročného Róma, obeť útoku osemnásť ročného skinheada”, December 27, 1996 and information provided by *Legal Defence Bureau for Ethnic Minorities in Slovakia*.
23. On the concept of the denial of human rights violations see Cohen, Stanley, *Denial and Acknowledgement: The Impact of Information About Human Rights Violations*, Jerusalem: Center for Human Rights, 1995.
24. *European Roma Rights Center* interview with Žofia Žigaová, August 12, 1996, Spišský Štiavnik near Poprad, Central Slovakia.
25. Unofficial translation of Poprad District Police Department report (CTS: PZ-208/96, 14.5.96) on the death of Ondrej Žiga, by Claude Cahn and Milan Nič. The original states, “Z výsledku súdnolekárskej pitvy, ktorú vykonalo Oddelenie súdneho lekárstva NsP Poprad, je ako bezprostredná príčina smrti nebohého Ondreja Žigu pomliaždenie mozgu a vnútrolebečné krvácanie pri zlomenine klenby a spodiny lebečnej nárazom na tupý predmet v opilom stave, kde menovaný v deň nájdenia mal po odebratí krve na oddel. CP NsP Poprad v tejto 1,96 g/kg etylalkoholu, čo znamená stredny až ťažky stupeň opilosti.”
26. *Ibid*.
27. Not the real name of the witness. Where requested, or where the *ERRC* believes that publicity can endanger the victim or witness, names have been withheld.
28. *European Roma Rights Center* interview with Miroslav Lacko, March 29, 1996, Košice.
29. *European Roma Rights Center* interview with Miroslav Lacko, March 29, 1996, Košice.
30. *European Roma Rights Center* interview with A.B., March 9, 1996, Mirkovce. “Gadje” “Gadjí” and

“Gadjo” are the plural, female singular and male singular words for non-Roma in Romanes, the Romani language.

31. *European Roma Rights Center* interview with A.B., March 9, 1996, Mirkovce.
32. *European Roma Rights Center* interview with Mrs. B.B., March 9, 1996, Mirkovce.
33. *European Roma Rights Center* interview with Amalia Pompová, August 12, 1996, Poprad.
34. *European Roma Rights Center* interview with Amalia Pompová, August 12, 1996, Poprad.
35. A nunchuck is a weapon consisting of two sticks (metal or wood) joined by a chain.
36. From letter sent to Mayor Pavol Segeš by Dominik Čerman, Director of the Topoľčany Special Boarding School.
37. *SME*, “Len si tak Udriet”, April 13, 1996. Dr. Moleková treated the children for their injuries, and the medical certificates are in her custody, at the hospital in Topoľčany.
38. *SME*, May 10, 1996, op. cit.
39. For full text of Article 202 (1), see footnote 9 above.
40. *European Roma Rights Center* telephone interview with Dominic Čerman, director of the Topoľčany Special Boarding School, September 3, 1996.
41. For full text of Articles 196 (1) and 196 (2), see footnote 9 above.
42. Article 222 (1) states, “Whoever intentionally seriously harms another shall be punished by prison terms of between three and eight years.” Article 222 (2)(b) states, “Three to ten year imprisonment shall be handed down in cases where the aforementioned act was committed against another on account of his or her political conviction, nationality, race, religious affiliation or for their lack of religious affiliation.” Unofficial translation for the *European Roma Rights Center* by Claude Cahn.
43. Young, John, “Rule of Law in Eastern Europe? The Story of Mr. P.”, *Promoting Human Rights and Civil Society in Central and Eastern Europe*, International Helsinki Federation Newsletter, No. 5/6, 1994/1995, pp. 1–3. The *ERRC* withholds the name of the victim.
44. One serious flaw in the Slovak legal system, particularly for citizens who cannot afford private attorneys, is that the Slovak Criminal Procedure Code does not guarantee the right to an attorney for crimes punishable by a maximum sentence of less than five years. As a result, Roma who are charged with petty crimes generally go without legal defense.
45. *Charter 77* was a prominent dissident group formed in 1977 in Czechoslovakia, the members of which signed a declaration in favor of human rights and freedoms and were very active in calling for reforms to the communist regime. After the split of Czechoslovakia in 1993, successor groups continue to exist in both republics.
46. Young, op. cit., pp. 1–3.
47. Amnesty International, “Alleged Ill-treatment of Roma in Lomnička”, *Amnesty International Concerns in Europe: May–December 1992*, p. 12.
48. *European Roma Rights Center* interview with Amalia Pompová, August 12, 1996, Stara Ľubovna.
49. *European Roma Rights Center* interview with Amalia Pompová, August 12, 1996, Stara Ľubovna.
50. Letter to *Charter 77* from the regional prosecutor’s office of Stará Ľubovňa, January 8, 1993. In 1992, *Charter 77*, the organization of former dissidents associated closely with Václav Havel had some of the highest moral credibility of any non-governmental organization in Europe and, since many of its members were actually in government, an intervention from the group met, at that time, with subservience by the police.
51. *European Roma Rights Center* interview with Anna Koptová, March 6, 1996, Košice.
52. *SME*, “Zapálenie rómskej chatrče, v ktorej uhorel 11-krát trestany recidivista, údajne nemalo rasovy motív”, May 10, 1996. In a letter to the *European Roma Rights Center* dated October 1, 1996, Minister of

the Interior Gustáv Krajčí referred to the same unconfirmed rumors when commenting the incident.

53. Information provided to the *ERRC* by attorney Pavol Burák of the *Legal Defence Bureau for Ethnic Minorities in Slovakia*, Košice.
54. *Nový Čas*, “Rómska polievačka na majeri s ohnivým koncom”, April 10, 1996.
55. Information provided to the *ERRC* by attorney Pavol Burák of the *Legal Defence Bureau for Ethnic Minorities in Slovakia*, Košice.
56. Information provided to the *ERRC* by attorney Pavol Burák of the *Legal Defence Bureau for Ethnic Minorities in Slovakia*, Košice.
57. *SME*, “Uhoreny Róm v chatrči bol v nezvyčajnej polohe”, April 16, 1996.
58. *SME*, May 10, 1996, op. cit.
59. Articles 179 and 238 of the Slovak Penal Code do not contain a qualification which adds the racial motivation to the elements of the crime and brings to a stiffer punishment of the perpetrator. The Slovak Penal Code in its general part lacks a principle which would provide for stiffer punishments for racially motivated crimes. Nevertheless, the investigating authority, if it chooses to add “racist motivation” charges, can do so by referring to more than one offense.
60. Letter from the Slovak Prosecutor’s Office to the *ERRC*, September 11, 1996.
61. Letter from Minister of the Interior Gustav Krajčí to the *ERRC* on October 1, 1996.
62. Information provided to the *ERRC* by attorney Pavol Burák of the *Legal Defence Bureau for Ethnic Minorities in Slovakia*, Košice.
63. Information provided to the *ERRC* by attorney Pavol Burák of the *Legal Defence Bureau for Ethnic Minorities in Slovakia*, Košice.
64. Information provided by *Nevipe Foundation*, who investigated this incident one week after it occurred.
65. *European Roma Rights Center* interview with Ján B., March 9, 1996, Jarovnice.
66. *European Roma Rights Center* interview with a witness who requested anonymity, August 15, 1996, Jarovnice.
67. *European Roma Rights Center* interview with Ján B., March 9, 1996, Jarovnice.
68. *European Roma Rights Center* interview with Vacláv K., March 9, 1996, Jarovnice.
69. *European Roma Rights Center* interview with Ján R., March 9, 1996, Jarovnice.
70. *European Roma Rights Center* interview with Aladdin K., March 9, 1996, Jarovnice.
71. *European Roma Rights Center* interview with Marek K., March 9, 1996, Jarovnice.
72. *European Roma Rights Center* interview with Vojtech Červeňák, March 9, 1996, Jarovnice.
73. *European Roma Rights Center* interview with Vojtech Červeňák, March 9, 1996, Jarovnice.
74. See *Prešovský Včerník*, “Príbeh Takmer Hororovy“, August 23, 1995.
75. *European Roma Rights Center* telephone interview with Mayor Kropuch, August 15, 1996.
76. Letter from Chief of the National Police in Slovakia Jozef Holdoš to the *ERRC*, September 5, 1996.
77. Information provided by *Nevipe Foundation*, Prešov, March, 1996.
78. Letters from Interior Minister Gustáv Krajčí to the *ERRC*, September 11, 1996 and October 1, 1996.
79. Article 16 (1), “Inviolability of the person and his or her privacy is guaranteed”, (2) “No one may be subjected to torture, or to cruel, inhuman, or degrading treatment or punishment”; Article 17 (5), “No one may be taken into custody except for reasons set down by law and on the basis of a judicial decision”; Article 19 (2) “Everyone has the right to protection against unwarranted interference in his or her private and family life”; Article 21 (1), “The sanctity of the home is inviolable. A residence may not be entered without the consent of the person living in it”, (2) “House search is permissible only in

connection with criminal proceedings, on the basis of a written and substantiated court warrant.” Constitution of the Slovak Republic (official translation).

80. On the mythology of Roma crime, see Russinov, Rumyan, “‘Roma Crime’-- Emblematic of Ethnic Stereotyping?” *Human Rights and Civil Society: International Helsinki Federation Newsletter*, Vol. 2, No. 3, 1996, pp. 1–2. Police attitudes in Slovakia toward Roma lead to nearly constant harassment for ID papers; Roma, and especially Romani men, are automatic suspects of all crimes, including those not yet committed. According to Pavol Burák of the *Legal Defence Bureau for Ethnic Minorities in Slovakia*, on August 13, 1996, 18-year-old M.T. was walking with his friends D.B. and T.B. in the city of Košice around 8:00 PM, when they were stopped by local police and asked to produce their identification cards. When they could not produce them, all three were taken to the police station for questioning. T.B., who was more fair-complexioned than the others, was released while the other two were detained. After being fingerprinted and photographed, the two Roma still in custody were subsequently subjected to three hours of beatings by the police. Both men were released without being charged with any crime.
81. The information on police raids in Svinia made public by A. Červeňák, at “Languages and Cultures of Peoples and Minorities: Individual and Collective Rights, Bases for Pluralist Democracy, and Factors of Harmonious Relations All Over Europe” symposium, Prešov, August 22–23, 1996.
82. *European Roma Rights Center* interview with J.B., April 1, 1996, Košice.
83. *European Roma Rights Center* interview with J.B., April 1, 1996, Košice. The newspaper-article referred to by the interviewee is *Magazín košický večer*, “Vykradnuté holé lebky”, March 22, 1996.
84. *European Roma Rights Center* interview with Jaroslav B., March 8, 1996, Michalovce.
85. *European Roma Rights Center* interview with Erika K. and Beata K., March 6, 1996, Prešov. Romani teenagers do have one option for fun in Prešov: a disco which is held on Fridays from 2:00–6:00 PM at the Dom kultury ROH. According to the *International Helsinki Federation* representative in Bratislava, on April 10, 1994, this Romani children’s disco was attacked by a group of 60 armed skinheads who approached nearly 200 children (most of them under fifteen years of age). Despite the fact that the Prešov police had been warned in advance of their intentions, two Romani children sustained injuries. Six skinheads were checked, disarmed, and taken into custody by the authorities. One hour later, all of them were released. Daggers, baseball bats, and other weapons were confiscated. Shortly after the incident, police officials in Prešov released a statement to the press claiming that “there are no skinheads registered in the town.” See *International Helsinki Federation, Bratislava office*, “Report on the Attack of Skinheads Against Roma in Prešov on April 10th, 1994”, April 30, 1994 (unpublished).
86. *European Roma Rights Center* interview with Dezider Poholodko, March 9, 1996, Mirkovce.
87. *European Roma Rights Center* interview with Dezider Gábor, March 9, 1996, Mirkovce.
88. *European Roma Rights Center* interview with Dezider Gábor, March 9, 1996, Mirkovce.
89. Nevipe Foundation, “Press Rrom News Agency Report”, 1995 (unpublished). “Gypsy roast” is a common style of roast pork in Slovakia as well as elsewhere in Central Europe. Ján Slota’s comments aired on August 23, 1995.
90. Šedivý and Maroš, op. cit., p. 17. See also Fisher, Sharon, “Romanies in Slovakia”, *RFE/RL Research Report*, Vol. 2, No. 42, October 22, 1993.
91. Mečiar was removed by the Slovak National Council’s Presidium in April 1991 for “political mistakes”. He returned at the head of the new Movement for a Democratic Slovakia, which won 37.3% of the public vote in the March 1992 elections. He was again removed from power as prime minister through a parliamentary vote of no confidence against his party on March 11, 1994, but again received 35% of the popular vote on October 1 of the same year. He managed to form a government in December and has been prime minister since then.
92. *Associated Press*, September 8, 1993.
93. Ibid.
94. *Open Media Research Institute Daily News Digest*, October 31, 1996.

95. The position that nobody understands Slovakia has become so widespread among the Slovak political elite that on July 6, 1996, while on a visit to Bratislava, United States Ambassador to the United Nations Madeleine Albright felt compelled to say publicly that the U.S. administration “does not see Slovakia’s image through a distorting mirror” and that the Slovak people should not succumb “to the erroneous idea that others do not understand them.” See Fisher, Sharon, “Domestic Policies Cause Conflict With the West” in *Transition*, Vol. 2, No. 19, September 20, 1996, p. 59.
96. FOCUS Agency, “Current Problems in Slovakia”, Bratislava, December 1994, p. 84.
97. *European Roma Rights Center* interview with 20-year-old Rom who chose not to be identified on March 9, 1996, Mirkovce.
98. *SME*, “Skíni nie sú novinka na slovensku”, July 31, 1995.
99. *European Roma Rights Center* interview with Etela Gáborová, March 9, 1996, Mirkovce.
100. *European Roma Rights Center* interview with Etela Gáborová, March 9, 1996, Mirkovce.
101. That the decision was based on the incident was confirmed by an official letter from the school to the Gábor family, dated February 14, 1996. The letter states that the principal’s decision was based on the request of the family and a report by the Prešov police that had been filed on the case on December 13, 1995.
102. Letter from Chief of the National Police Jozef Holdoš to the *ERRC*, September 5, 1996.
103. Article 34 (2) of the Slovak Constitution states, “In addition to the right to learn the state language, citizens belonging to national minorities or ethnic groups are also guaranteed under conditions set down by law: a) the right to education in their language, b) the right to use their language in official contacts, c) the right to participate in the solution of matters concerning national minorities and ethnic groups.” Official translation.
104. *Ibid.*
105. According to Czech lawyer Klára Samková, Romani clients were allowed to testify in Romanes in Czechoslovak courts.
106. Article 12 of the Law on the Official Language of the Slovak Republic entitled “Voidance Statement” states “The Law No. 428/1990, set of Laws, of the Slovak National Council, on the official language in the Slovak Republic, is made void.” Unofficial translation.
107. Article 1 (4) of the new Law on the Official Language reads, “The law does not regulate the use of the languages of national minorities and ethnic groups. Usage of those languages is regulated by separate laws,” Unofficial translation.
108. *TASR*, January 18, 1996.
109. See Article (7) of the Parliamentary Assembly of the Council of Europe Recommendation 1201 (1993) on an Additional Protocol on the Rights of National Minorities to the European Convention on Human Rights. The additional protocol was adopted on February 1, 1995. Max van der Stoep’s letter made several references to the rights of the Hungarian minority in Slovakia, though on the questions of linguistic rights, he referred to no specific minority.
110. See Helsinki Watch, *op. cit.* p. 58.
111. See *Council of Europe Newsletter Activities on Roma/Gypsies No. 4*, January 15, 1996, and *Council of Europe Newsletter Activities on Roma/Gypsies No. 7*, November 7, 1996.
112. Law nr. 135, the Law on the Announcement and Evidence of Residence of Citizens, in effect since 1982.
113. This case was investigated by the *International Helsinki Federation* Bratislava office. For a more detailed account, see International Helsinki Federation, Bratislava office, “Report on the Matter of Cancellation of Permanent residence of Two Roma Families in Trnava”, February–March 1994 (unpublished).
114. Statement of the mayor of Trnava, cited in International Helsinki Federation, Bratislava office, February–March 1994, *op. cit.*

115. In the summer of 1994, *Charter 77* legal consultant Dr. E. Valko sent a letter to the Mayor of Trnava, requesting a review of the decision.
116. The Constitution of Slovakia. Official translation.
117. “Every object in the world can pass from a closed, silent existence to an oral state, open to appropriation by society... A tree is a tree. Yes, of course. But a tree as expressed by Minou Drouet is no longer quite a tree, it is a tree which is decorated, adapted to a certain type of consumption, laden with literary self-indulgence, revolt, images, in short with a type of social *usage* which is added to pure matter.” Barthes, Roland, “Myth Today”, in *Mythologies*, New York: Hill and Wang, 1982, p. 109.
118. *Ibid.*, p. 117.
119. The *European Roma Rights Center* withholds the name of the official.
120. *European Roma Rights Center* interview with Vojtech Balog, March 31, 1996, Vrútky.
121. *European Roma Rights Center* interview with Zdena Lacková, March 31, 1996, Martin.
122. Letter provided by Jan Kompuš, member of *Romani Civic Initiative* and Košice branch officer for the Office for Citizens in Need of Special Care, Ministry of Labor, Social Affairs and Family, August 1996.
123. International Helsinki Federation, Bratislava office, “Mission to Eastern Slovak Settlements” 21–24 April, 1996 (unpublished).
124. *Ibid.*
125. Fraser, Angus, *The Gypsies*, 2nd ed., Oxford: Blackwell, 1995, p. 156. See pp. 157–159 for a more detailed account of Habsburg policies towards Roma.
126. See Guy, Will in Koudelka, Josef, ed., *Gypsies*, London: Aperture, 1975.
127. See Lucassen, Leo, *Zigeuner: Die Geschichte eines polizeilichen Ordnungsbegriffes in Deutschland, 1700–1945*, Munich: Böhlaus Verlag, 1996, especially Chapter 5, on the period 1890–1945, pp. 174–206.
128. Quoted in Novaček, J. “Cikáni včera, dnes a zitra”, Prague: Socialistická Akademie, 1968, pp. 25–26. *Slovák* was the official organ of the nationalist and strongly anti-Semitic party, the Slovak National Party (*Slovenská Národná Strana*) which, from the 1920s onward, regularly won between 25–40% of the popular vote.
129. Bačová and Zelová, *op. cit.*, p. 17.
130. Recent publications such as Stanislav J. Kirschbaum’s *A History of Slovakia* (London: Macmillan Press, 1995) have attempted to dilute the idea that the government appointed by President Tiso acted willfully and gladly in the Nazi project by assertions such as, “According to Milan S. Durica: ‘although accurate figures are not available, it would seem that anywhere from 30,000 to 40,000 Slovak Jews were saved through the application of Presidential exceptions’” (p. 199). Milan S. Durica is left unidentified in the text and the whole passage tends toward manipulation and obfuscation. Approximately 100,000 of Slovakia’s 125,000 Jews died in the camp system. See Gutman, Israel, ed., *Encyclopedia of the Holocaust*, New York: Macmillan, 1990, p. 1368.
131. Gutman, *op. cit.*, p. 1367.
132. Almost the entire Czech Romani population of the time was wiped out by the Nazi regime in cooperation with Czech officials. See Kenrick, Donald and Puxon, Grattan, *Gypsies Under the Swastika*, Hatfield: University of Hertfordshire Press and Gypsy Research Centre of the University René Descartes, Paris, 1995, pp. 58–59 and Fraser, *op. cit.*, p. 266. For a more detailed account of Czech concentration camps, see Nečas, Ctibor, Andr’oda Taboris, *Vybor protifašistických Bojovníku*, Brno: 1987 and *Ceskoslovenští Romové v Letech 1938–1945*, Brno: Masaryk University, 1994.
133. Kenrick and Puxon, *op. cit.*, pp. 120–123.
134. Scholars such as Ctibor Nečas, Milena Hübschmannová and Bartolomej Daniel are presently in the process of documenting the treatment of Roma in wartime Slovakia. This may, soon, hopefully rectify the dearth of accurate post-war scholarship on the Slovak Romani Holocaust. Since some Romani activists in Slovakia speak of family who died in Auschwitz, the idea that there were no Slovak

transports of Roma may have to be revised.

135. Bačová and Zelová, op. cit., pp. 14–18 and Šedivý and Maroši, op. cit., p. 18. For an explanation of the rationale behind communist policies, see Sus, Jaroslav, *Cikanská otázka v ČSSR*, Prague: Statní nakladatelství politické literatury, 1961.
136. See especially Government Decree 502/1965. The three major areas in which the Communist regime focused its assimilation policies were housing, employment and education.
137. Helsinki Watch, op. cit., p. 19.
138. Ibid., pp. 26–30. The last case of sterilization based on monetary inducement documented by *Helsinki Watch* was in Poprad in 1990.
139. The sociologist Rogers Brubaker uses the term “nationalizing” to connote that what states do, and what new states do with particular vigor, is the active process of “nationalizing” its citizens, not merely the passive embodiment of nation-statehood. See Brubaker, Rogers, “Nationalism Reframed: National Minorities, Nationalizing States, and External Homelands in the New Europe”, Budapest: Collegium Budapest/Institute for Advanced Study Discussion Papers No. 10, April, 1995.
140. Prime Minister Mečiar has regularly used the idea that outsiders do not understand Slovakia as political capital; at one point he sponsored the creation of a new and loyal press agency called Journalists for a True Picture of Slovakia. See Kettle, Steve, “Slovakia’s One-Man Band” in *Transition*, Vol. 2, No. 17, August 23, 1996, p. 13.
141. See Fisher, “Domestic Policies...”, op. cit., p. 59.
142. A full text of 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” is provided in the Appendix.
143. A more authentic version of the Ministry's perspective was presented by Minister of Labor, Social Affairs and Family Olga Keltosová at a lecture at the School of Slavonic and East European Studies in London on November 15, 1996. According to an article in the British daily *The Observer*, Minister Keltosová claimed that, “They (Roma) simply do not want to work” and went on to imply that Roma were thieves who stole state benefits intended for their children. *The Observer*, “Hold on a minute...,” December 1, 1996.
144. *European Roma Rights Center* interview with 25-year-old J.B., April 1, 1996, Košice.