

ROMA RIGHTS

QUARTERLY JOURNAL OF THE EUROPEAN ROMA RIGHTS CENTRE



Perceptions

Number 3, 2007

ER
EUROPEAN ROMA
RIGHTS CENTRE
RC

Contents

EDITORIAL

Pictures in Our Heads <i>Sinan Gökçen</i>	1
--	---

NOTEBOOK

The Unseen Powers: Perception, Stigma and Roma Rights <i>Claude Cahn</i>	3
In the Eye of the Beholder: Contemporary Perceptions of Roma in Europe <i>Larry Olomoofe</i>	9
Research and the Many Representations of Romani Identity <i>Adrian Marsh</i>	17
The Perception of Gypsies in Turkish Society <i>Suat Kolukirik</i>	31
Roma and Law: A Semi-Pessimistic Overview <i>András Kádár</i>	37
Anti-Romani Speech in Europe’s Public Space – The Mechanism of Hate Speech <i>Henry Scicluna</i>	47

NEWS ROUNDUP: SNAPSHOTS FROM AROUND EUROPE

Bulgaria ✦ Czech Republic ✦ European Union ✦ Finland ✦ France ✦ Greece ✦ Hungary ✦ Ireland ✦ Italy ✦ Macedonia ✦ Romania ✦ Serbia ✦ Slovakia ✦ Spain ✦ Sweden ✦ Turkey ✦ United Kingdom	56
--	----

INTERVIEW

“Law is Key But Attitudes Are Just As Important” <i>Interview with Dr Jenő Kaltenbach</i>	77
--	----

ADVOCACY

ERRC Advocacy Action Around the UN Committee on Economic, Social and Cultural Rights’ Review of Hungary <i>Larry Olomoofe</i>	89
--	----

HUMAN RIGHTS EDUCATION

ERRC Training for Kosovo Officials Highlight the Difficulties of International Human Rights Treaties <i>James Duesterberg</i>	95
--	----

LEGAL DEFENSE

Positive Duties to Combat Violent Hate Crime After Šečić v. Croatia <i>Constantin Cojocariu</i>	101
Between Litigation and Freedom of Speech <i>Leonid Raihman</i>	105

MEET THE ERRC

New Legal Director Highlights Opportunities Under Anti-Discrimination Law to Challenge Racism Against Roma <i>Geraldine Scullion</i>	109
---	-----

ROMANI LANGUAGE PUBLICATION

Socialo Inkluzia Maškar Sociale Servisura	111
--	-----

CHRONICLE	117
------------------------	-----

Editor-in-chief: Vera Egenberger

Coordinating editor for this issue: Sinan Gökçen

Executive editor and news co-ordinator: Tara Bedard

Design and layout: Dzavit Berisha

© October 2007 *European Roma Rights Centre* ISSN 1417-1503. The opinions expressed in authored pieces are not necessarily those of the *European Roma Rights Centre*. The contents of this journal are free from all copyright restrictions on condition that the source is mentioned and reproduction is not for commercial purposes. The *ERRC* requests that three copies of the reproduced text be sent to the editors.

Roma Rights is published quarterly in Budapest, Hungary, by the *European Roma Rights Centre*.

Address: 1386 Budapest 62, P.O. Box 906/93, Hungary

Telephone: (36-1) 413-2200

Fax: (36-1) 413-2201

E-mail: office@errc.org

Internet: <http://www.errc.org>

Cover Photograph: Rich Adkin © 2007, www.radkin.com

Printed by: Westimprim bt. in Budapest, Hungary.

SUPPORT THE *ERRC*

The *European Roma Rights Centre* is dependent upon the generosity of individual donors for its continued existence. If you believe the *ERRC* performs a service valuable to the public, please join in enabling its future with a contribution. Gifts of all sizes are welcome, bank transfers and checks to the *ERRC* account are preferred. Please send your contribution to:

Bank name: Budapest Bank
Bank address: Báthori utca 1, 1054 Budapest
Bank account holder: European Roma Rights Centre
USD bank account number: 99P00-402686
(USD IBAN: HU21-10103173-40268600-00000998)
EUR bank account number: 30P00-402686
(EUR IBAN: HU54-10103173-40268600-00000307)
SWIFT (or BIC) code: BUDAHUHB

ER RC

Pictures in Our Heads

Sinan Gökçen

ROMA ARE A diverse minority group, with members residing in different countries under similar and dissimilar circumstances, with one thing in common – they are among the most discriminated group in all societies to which they belong. They endure, in some cases, extreme economic, social and political marginalisation. Abused, bullied, discriminated, disliked, scorned, segregated, uneducated, and unemployed are the conditions that the majority of Roma happen to be familiar with. Integration into society is a hard process for Roma. The vicious circle of negative stereotyping and marginalisation, if not deprivation, is likely to cast them out of the social integration course. They are not alone in that sense: Arabs, Asians, black people, dark skinned people, ‘Easterners’, immigrants, Jews, Muslims, and many others have accompanied them in the same boat of racial discrimination for decades or for centuries.

According to journalist Walter Lippmann who coined the term, a stereotype is a “picture in our heads.”¹ Lippmann also contended that our imagination is shaped by the pictures seen; “consequently, they lead to stereotypes that are hard to shake.” When reflecting on stereotyping, Lippmann was referring to the rising power of the media for manufacturing consent in the 1920s. Glancing over the volumes of academic research on the history of ethnic and racial stereotyping, it is possible to state that stereotypes are sometimes centuries old. Media is a powerful agent in the creation and maintenance of racial stereotypes, but many other social factors shape the perceptions seeping into everyone’s minds to slowly galvanize the pictures in our heads.

Stereotypes have a life of their own once they emerge from Pandora’s box. Jane Elliot, a primary school teacher, decided to conduct an experiment on prejudice in her third grade class in response to Martin Luther King Jr.’s assassination in 1968. She divided her class into two between those with blue eyes and those with brown eyes. Elliot then went on to tell the class that children with brown eyes were inherently inferior to the children with blue eyes and because of that they should be subject to differential treatment in certain ways, such as verbal degradation, denial of access to class equipment and social segregation. The next day the roles were reversed, with the brown-eyed children treated as the ‘superior group’. The group that was defined as ‘inferior’ had less enthusiasm and less success and showed more aggression.

Distorted perceptions are mirrored onto ethnic and racial groups and inflict psychological wounds on individuals that are cast as belonging to those groups. The end result is collective marginalisation or collective oppression.

In Charles Taylor’s words, “Our identity is partly shaped by recognition or its absence, often by the misrecognition of others, and so a person or a group of people can suffer real damage, real distortion, if society mirrors back to them a confining or demeaning picture of themselves.”² It can be argued that in our contemporary societies, human rights advocacy, civic campaigns, equality laws and legal defense of rights measures have made racism less tolerated.

It is all the more ironic then that the last two decades have been the heydays of multiculturalism and

¹ Lippmann Walter 1992; *Public Opinion*. Available at: <http://www.gutenberg.org/etext/6456>.

² Taylor Charles 1992. *Multiculturalism and the Politics of Recognition* Princeton: Princeton University Press, p. 25.

identity politics. In some ways, belonging to a minority group has never been as accommodated and institutionally managed as it is nowadays. Indeed, there are especially relentless institutional, political and social efforts all over Europe to eradicate ethnic and racial discrimination. Nonetheless, there seem to be new discriminatory responses produced for each step taken towards more equal societies.

In this issue of the Roma Rights, the ways in which Roma are perceived by others are discussed from various angles. Claude Cahn debates the implications of the perception of being Roma, and the stigma of being regarded as 'Gypsy' for the Romani communities in relation to addressing human rights issues in the article *Unseen Powers: Perception, Stigma and Roma Rights*. András Kádár looks at the legal sphere, analysing the way Roma and their specific problems are reflected in legislative norms. He specifically looks into legislative examples from the Hungarian legal system in the article *Roma and Law: A Semi-Pessimistic Overview*, but his case has implications for Europe in general. On the other hand, Suat Kolukırık presents a geographically focused approach in *The Gypsy Perception in Turkish Society* by depicting the way Roma are perceived in Turkey, historically

and in the present day. Discussing Roma in Turkey is a novelty because Turkish Roma's past and present have become sources of academic interest only recently. As far as the academic research front is concerned, Adrian Marsh confers that there are as many definitions of who the Roma are and which groups might be categorised as 'Roma' as the studies themselves. In *Research and the Many Representations of Romani Identity*, Mr Marsh also touches upon the historiography of the Romani past.

Climbing down from the 'ivory tower' of academic research and a discussion of the state of the art, Larry Olomoofe delves into a meticulous questioning how Roma are perceived in today's Europe as an everyday social reality. Mr Olomoofe carves deep into the heart of the matter in his article *In the Eye of the Beholder: Contemporary Perceptions of Roma in Europe* and hands us a mirror in retort to the quandary regarding what or who is to be held responsible for the 'pictures in our heads'. Meanwhile, Henry Scicluna discusses a very practical and very tangible side of prejudices and perceptions in *Anti-Romani Speech in Europe's Public Space: The Mechanism of Hate Speech*. Some quotes provided in his article are quite shocking but nevertheless very real.

The Unseen Powers: Perception, Stigma and Roma Rights

Claude Cahn¹

THIS essay looks briefly at several aspects of the impact of the perception of Roma – and the stigma of being regarded as “Gypsy” – on human rights issues. It notes that post-1989 Europe has produced a distinctive phenomenon of massive efforts to “pass” as non-Romani by major segments of the Romani community. It observes first of all that these efforts tend to fail, and secondly that this failure has painted the way for the first generation of Roma rights ethics. Finally, it examines in cursory form the problem that anti-Romani stigma poses for addressing human rights issues prevailing in traditional Romani communities.

I Am Not the Person You Say I Am

Approximately 11,000 people told census-takers that they were Romani for the purposes of the 2000 census in the Czech Republic. This was a decline of around 22,000 people from the previous count; in the 1990 census, around 33,000 people had claimed to be Romani in the Czech Republic. The 1990 census was the first Czech census carried out in democratic conditions, following the collapse of communism in Czechoslovakia, as elsewhere, in 1989. It followed singly and solely the principle of self-identification; in 2000, Roma were those people who told the census-taker that they were Romani. The observations of the census-taker as to who was a “Gypsy” were irrelevant.

The 1990 census itself had recorded a massive drop in the number of Roma in the Czech Republic. In the previous census, undertaken in

1980, 88,587 persons told the census-taker that they were Romani, Gypsy or were otherwise recorded as “citizens of Gypsy origin”. The conditions of communist Czechoslovakia were however, for many reasons, wholly different from those prevailing in 1990 or indeed today. Annual records were also kept regionally by the National Committees (*národní výbory*). These went out primarily from a blend of various policy-loaded considerations including identifying those persons who remained un-integrated for the purposes of absorption into an undifferentiated, homogenised communist polity. They were not indifferent to the observations of the state registrar. The National Committees identified 107,274 individuals in 1980, rising to 145,711 by 1989, who were “citizens of Gypsy origin” and therefore in need of special “social and re-educative care”.

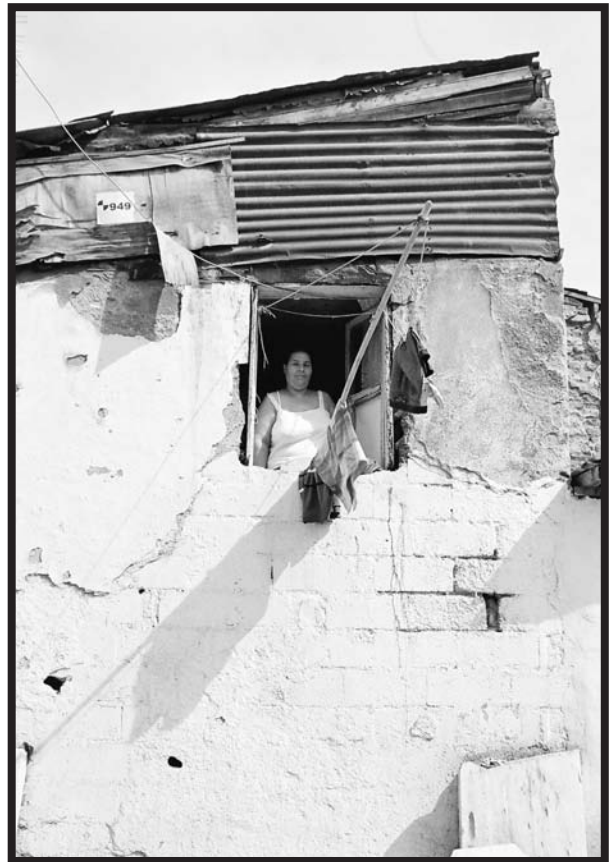
The gap between persons identifying themselves after 1989 as Romani for official purposes on the one hand, and the evidently much larger number of persons who were Romani in the Czech Republic posed genuine policy dilemmas, such that by the late 1990s, part of the Czech government itself was rejecting its own data. Thus, a 1997 Czech government Council for Nationalities Report accepted “unofficial, qualified estimates” of 200,000 Roma in the country. Although not always consistent, the government bodies working on Romani inclusion issues in the Czech Republic have continued the tradition of grounding work in unofficial estimates to today.

A number of explanations have been offered for the drop in the numbers of persons claiming to be Romani for official purposes in the Czech Republic between 1990 and 2000. Some inadequate

¹ Claude Cahn (claudecahn@cohre.org) is Head of Advocacy Unit of the Centre on Housing Rights and Evictions. He previously worked for 11 years for the European Roma Rights Centre. The author is grateful for the comments of Valeriu Nicolae on a draft of this essay. All errors are solely those of the author.

suggestions have included the idea that around 22,000 Roma had actually emigrated during the period, or had been expelled by Czech authorities to Slovakia, and so the data was purported to be possibly accurate or at least close to accurate. A more nuanced explanation has been proffered by several Czech officials, who have suggested that the difference reflects confusion as to the nature of the question. On this account, since the break-up of Czechoslovakia in 1993, citizenship in the Czech Republic has for the first time been contiguous with ethnicity; Roma previously lived in a multi-national federal state. The Romani assertion that they are “Czech” for the purposes of the official data is, on this account, in fact an assertion of loyalty to state and public in a highly charged ethnic environment where pressure for conformity is intense. This assertion is especially over-produced in light of the 1992 Czech Act on Citizenship which, through a series of coded provisions, attempted to preclude great numbers of Roma from having access to Czech citizenship. The adoption of the Act on Citizenship was accompanied by a number of dramatic expulsion episodes of Roma in the Czech Republic to Slovakia.

These and similar explanations, although interesting, are at best partial and ultimately unsatisfying. At minimum, they need to be supplemented by a recognition that the very powerful stigma associated with being “Gypsy” in post-communist Czech Republic has driven large numbers of persons ethnically “underground” for the purposes of official information and registry. The eruption of anti-Romani sentiment in the Czech Republic post-1989 – which included a vibrant anti-Romani skinhead movement, vicious killings which went unpunished, coercive sterilisation practices unchecked by any authority, systemic racial discrimination in a range of areas, regular anti-Romani pronouncements by high-ranking Czech officials, and a widespread view that Roma deserved abuse – has been met by a collective response in which tens of thousands of persons have attempted literally to leap from their own skin and assert that they are not the persons they are accused of being. And this tendency has grown more pronounced over time. It was already an issue in 1990 – early post-communism. However, the full impact of intense anti-Romani



A Roma woman overlooking her house's window in Sulukule district of Istanbul, Turkey. Stigmatization has been a major problem of Roma in Turkey, but the advocacy for their rights is just flourishing since a few years.

PHOTO CREDIT: NAJLA OSSEIRAN

hostility in the post-communist period was not seen clearly, in this context, until 2000.

There were a number of ironies arising from the results of the 2000 Czech census. The census had been preceded by a campaign by Romani civil society organisations and others in the Czech Republic to “trust the system” and declare their ethnicity in the census. This was noted to be important for policy and, in particular, funding purposes. Judging by the results, Czech Roma apparently thought little of this effort. The census therefore constituted a fairly resounding rejection by non-activist Roma of Romani civil society and political leadership.

The 2000 census also fell in the first period of genuine post-1989 Czech government engagement on Romani issues, and following the first sparks of engagement by general civil society groups

and journalists to make inroads into anti-Romani antipathy in the Czech Republic. It was a measure of the limited impact of these actions that, weighing the strength of the power of the “Roma-friendly” forces on the one hand, and its nasty counterweight on the other, most Roma in the Czech Republic decided that the latter were far more powerful.

Twentieth century Czech Romani history is in some ways unique. By 1945, the genocidal policy implemented by the German occupying powers and their Czech collaborators had proved almost completely successful; most Czech Roma were killed in Auschwitz or in the camps established in Bohemia and Moravia, where conditions were established to encourage inhabitants to die. This situation differed from that prevailing in Slovakia, where the collaborator regime had pursued a policy primarily of forcing Roma to undertake slave labour. In 1945, the Slovak Romani community, although massively abused, was still for the most part intact. Following World War II, the Czechoslovak government resettled Roma from Slovakia to Czech lands, and many Roma also joined many Czechs in taking over properties in the Czech Sudeten border territories, from which circa three million ethnic Germans had been expelled in 1945-1946. Movement from Slovakia into the Czech lands continued throughout the communist period. Amongst other things, this meant that: (i) in 1989 most Roma in the Czech half of Czechoslovakia were either directly from Slovakia or had very recent family ties there; (ii) as distinct from the predominantly rural Slovak Romani community, where community structures remained intact, Czech Roma lived predominantly in urban and often ghetto conditions, where

communal structures had broken down; and (iii) the combined force of the first two matters gave rise to the fantasy amongst Czech officials that they might design policies forcing Roma to go “back” to Slovakia, hence among other things the 1992 Act on Citizenship noted above. These issues are to be taken into account in explaining the 2000 census data and their wide divergence from “reality”.

That said, however, differences between the numbers of Roma recorded by the census and “real” numbers of Roma as asserted by other modes of documentation and assertion by civil society are a region-wide issue.² The Czech 2000 census is only a particularly extreme example. Thus, for example, in Hungary, although the 2001 census documented 205,720 Roma in Hungary,³ the most recent report by the Hungarian government to the United Nations Committee on Economic, Social and Cultural Rights does not even mention this fact, but states instead that, “Professional estimates claim the size of the Roma population to be approximately 450 to 600,000.”⁴

Hungary and the Czech Republic are also similar to the other countries in the region in that some Romani civil society organisations would put the figure even higher. In the Czech Republic, estimates of up to 300,000 Roma are heard, while some in Hungary would put the number of Roma in the country at 800,000-1,000,000, or up to 10% of the total population of Hungary. Estimates by Romani organisations have in common with government estimates the following: They attempt to count (or at least estimate) the “real” number of Roma in the country, overriding self-identification (or at least self-identification to the census-taker⁵),

² *Although actual decline over several post-Communist censuses is not an absolute trend region-wide. For example, the 2002 Romanian census documented 535,140 Roma, up from circa 450,000 Roma in the 1992 census. The figure of 535,140 is nevertheless around 1,000,000 persons less than some estimates and 2,500,000 persons less than the estimates at the upper end of the range.*

³ *See: http://www.nepszamlalas.hu/eng/volumes/24/tables/loadcig2_1.html. Elsewhere in the same official site, the figure is 189,984 (See: http://www.nepszamlalas.hu/eng/volumes/24/tables/load1_2.html). Similar to the Czech Republic, the Hungarian census also counts persons speaking Gypsy languages (Romani or Beash) by “mother tongue”. In 2001, this was 142,683 persons.*

⁴ *E/C.12/HUN/3, para. 78.*

⁵ *The power of the census-taker in this equation should not be under-estimated, however. In Hungary, the 2000/2001 census was carried out via in-person surveys. The census authority used extensively local volunteers or contracted persons. These were not always above putting pressure on respondents to provide agreeable and pleasing answers (including ones which would downplay the total Romani population in Hungary).*

and adding unspecified other criteria. These are presumed to include descent, cultural practices, or other criteria. These efforts to derive a “real” population of Roma legitimately aim to compensate for the evident failings of the census data for matters of policy and resource allocation, and in some cases they possibly illegitimately inflate the data for reasons of heightening prestige (or threat), or other nebulous reasons. However, their common feature is an inability or unwillingness to say clearly what is meant by the term “Roma”.

The absolute maximum estimates of “Gypsies” in Hungary however emerge from the Hungarian police. A survey by sociologists György Csepeli, Antal Örkeny and Mária Székelyi, published in the Hungarian daily *Magyar Hírlap* on 28 March 1998, solicited the opinions of 1,530 police officers. According to the survey, 80% of the interviewed considered Roma violent and 54% stated that they believed that a criminal way of life is a key element of the Romani identity. Only 11% of officers questioned disagreed explicitly with the statement. Seventy-eight percent of officers surveyed in the 1998 study responded that they believed there is a direct connection between crime and ethnicity. The study also found that police officers tend to drastically overestimate the size of the Romani population of Hungary, with officers estimating that “Gypsies” comprised up to 1/3 of the total population of Hungary. Apparently, a certain segment of the Hungarian police see Hungary as awash in deviants and miscreants of all stripe, and these share the qualities they consider to be typically “Gypsy”.

Some Implications

This cursory overview has been a prelude to the following series of conclusions:

First of all, Roma everywhere in Central Europe are attempting, on a massive scale, to “pass” as non-Roma, for official purposes. The reasons for this are complicated and numerous, but central to them are the stigma and shame associated with being regarded as “Gypsy”. This stigma and shame are in a number of cases deeply internalised.

Secondly, non-Romani Central Europeans reject these efforts by Roma. Everywhere, Gypsies are “outed” – quietly or publicly – as Gypsies. The effort to “pass” is exposed where attempted, if the person concerned is not “white” enough to pass. Or, more likely, it is not openly exposed, but the person is quietly treated differently: Denied work, rejected school placement, excluded from various benefits. Of course, some efforts to “pass” are successful. But many are not.

One secondary implication is that the accusation levelled by some Romani activists that the media are singly and solely to blame for anti-Romani sentiment in Central and Southeastern Europe is not accurate. Media have indeed actively incited anti-Romani sentiment on occasion in the region. However, far more frequent in media practice is a coded nod to pre-existing anti-Romani sentiment. Public hostility towards Roma pre-exists any efforts by the media to activate it. The high numbers of persons clambering to be listed as anything but Gypsy are the most powerful litmus test of how society treats Roma and others regarded as Gypsies.

The foregoing is a vindication of anti-discrimination challenges as an appropriate response in the current circumstances. In an environment in which the public overrides the free will of the individual in determining herself and imposes a strong, negatively loaded stigma, as a mode of or with the effect of diminishing her humanity, stripping her of entitlements, and relegating her to a pariah existence (or, alternately, elevating her to a status of surreal, inhuman fetish, to similar effect), anti-discrimination measures, such as vigorous challenges of unequal treatment and proactive efforts to design and implement policies to redress systemic exclusion are one appropriate – if not the most appropriate – response. In challenging different treatment – the single most evident tangible expression of disadvantage produced by the imposition of stigma – an individual or community mobilises to reclaim dignity, to the best extent possible.

At first blush, the material presented above would seem to undermine hope for a minority rights-driven approach to addressing Romani

issues. How, one might ask, might Roma claim the goods typically offered by the minority rights regime – own-language place names, media and education in the mother tongue, etc. – in a situation in which the vast majority of persons purported to be Romani or “Gypsy” do not feel sufficiently comfortable to present themselves to the public authority as such? However, this conclusion must be regarded sceptically; in the present circumstances, in which the stigma “Gypsy” acts as a magnet for the cumulative frustrations and hypocrisies of the wider society, there is a duty imposed on the public authority to undertake measures to heighten the prestige of the identity itself. In that sense, minority rights measures – themselves in any case inextricably intertwined with the anti-discrimination *acquis* – present themselves as an available mode for beginning the project of restoring honour to Roma. The minority rights regime offers opportunities for partnership between government and minority elites, as well as public recognition of minority cultures and values, in addition to the intrinsic goods of minority expression which constitute among its primary purposes. But these issues would be the subject of a different essay.

Stigma and Internal Community Issues

It is not immediately apparent from the foregoing, but on the level of Roma rights activism, amongst the most evident impacts of the powerful force of stigma is in the frequent victory of the “challenging stereotypes” priority over vigorous human rights engagement. This is perhaps most evident in the field of women’s rights, despite the existence of multiple formal and informal networks of Romani women’s rights activists at European level, as well as extensive public and private funding focused on supporting Romani women’s initiatives.

First of all, there are relatively few major organisations in a broad field to have taken a consistently women’s rights approach to Romani

women’s issues. Recent ERRC and Open Society Institute reports take a balanced approach to human rights issues facing Romani women, for example focusing on violence against women, while eliding the issue of who constitutes the perpetrator. However, these are minority voices in a field also featuring major international and European players. Few major organisations have taken steps to examine human rights issues in the community.⁶

Secondly, despite the existence of many Romani women’s activists, there is yet to emerge a vocal and unequivocal articulation of Romani women’s priorities in the language of human rights. Many of the prominent players in Roma rights can be heard quietly acknowledging that there are serious human rights issues facing women and children in the community but that: (i) one should downplay any view that they may derive from patriarchal values particularly prevailing in the Romani communities (or any which might be different from those prevalent in the wider society); and/or that (ii) “one should not speak about these things in public” because of the danger of “heightening stereotypes”. There is something disingenuous about a critique of the treatment of Romani women that hones in on the treatment Romani women face at the hands of non-Roma, but at the same time speaks only obliquely about forces oppressing Romani women at home. One might similarly question whether a “violence against women” approach equating physical abuse by the police with domestic violence does sufficient justice to examining the dynamics behind the two issues; they may in fact be distinct. The combined force of these issues have conspired to result in the fact that data on internal community human rights issues, such as domestic violence and child marriage in Romani communities, is missing or of very poor quality.

Finally, as a result of prevailing fears of “inflaming stereotypes”, facts are regularly suppressed; victims are ignored or pressured into silence; and those making public uncomfortable news about internal community human rights issues are criticised.

⁶ *One example is the European Roma Rights Centre document “Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe: Submission by the European Roma Rights Centre (ERRC) to the United Nations Special Rapporteur on Trafficking in Persons, Especially Women and Children, as part of deliberations toward the next annual report of the Special Rapporteur to the UN Human Rights Council, according to Commission on Human Rights Decision 2004/110 and Human Rights Council’s decision 2006/102”, 15 November 2006.*

The denial of internal community issues is problematic because it: (i) unjustly suppresses legitimate claims by victims of human rights abuse; and (ii) rejects as untrue issues which are patently demonstrable. However, the denial of internal community human rights issues based on a claim centred around the danger of “inflaming stereotypes” is also inadequate as a response to the problem of negative stereotypes, because of the particular nature, dynamic and force of stereotypes about “Gypsies” (similar to all pariah groups). The nature of the suspicion falling on the pariah is such that adjustments of conduct in response to the accusation encompassed in the stereotype is *sui generis* humiliating capitulation to the force of the unfair stereotype. Individuals falling under the pariah suspicion are compelled to act from an original position of unfreedom. On the one hand, efforts to beat back the stereotype fail; seem quixotic; ricochet back onto the contesteer. On the other hand, the accused pariah has little hope of hiding – passing – without severe compromises to dignity. The individual accused/suspected of being of the pariah category is faced with a dilemma in which the most evident path of dignity leads out through a ringing affirmation of the identity of which she is accused, one which claims the accusation and endeavours to render it “owned” and positive.

Conclusion

The primary purpose of the latter half of this essay has been centred around the following claim: Roma rights benefits when high-profile Romani activists and organisations take on internal-community human rights issues, jointly with their anti-discrimination and anti-racism efforts. Roma rights is harmed when we – the now broad and growing coalition of groups working to end racism against Roma in Europe – avoid these issues. Roma rights has reached the stage in which, when these issues are actively addressed publicly – and jointly with efforts to name and redress problems of intense racism and racial discrimination – all can benefit. The opposite approach – challenging racist abuse while equivocating on internal community issues – is a dead end.

Roma have made very significant advances in recent years, by advancing justice claims. Indeed, Roma rights itself is established on justice claims, claims that resonate deeply and across otherwise insurmountable divides. The justice and equality agenda pursued by Roma in recent years has the potential over time to transform and alter the societies of Europe for the better, and to improve the lives of all persons – Romani and non-Romani – living in them. These justice claims – and with it Roma rights itself – are undermined by efforts by prominent Roma to deny legitimacy to the idea that there may be particular human rights issues arising from and in Romani communities. Roma rights advances are cut short, frustrated and reduced by a discourse which seeks justice on the one hand, but argues for exemption from culpability on the other.

Some of the refusals to address human rights issues in Romani communities are motivated by defence of traditional community practice; there are many segments of the community that do not want to give up the practice of child marriage for example, and ground this refusal in a defence of community norms. This essay does not address the legitimacy or illegitimacy of such defences. But the silence and equivocation – and indeed even hostility – on the part of many activists to the scrutiny of internal community human rights issues derives heavily from a blanket response to negative stigma. And this indeed constitutes the victory – for the time being at least – of stigma and oppression over human rights.

Finally, this essay is not a defence of those who would seize upon human rights issues amongst some segments of the Romani community to promote racial hatred or other evil ends. Thus, for example, on 7 July 2007, the European Union Fundamental Rights Agency (FRA) distributed a public release distancing the Agency from information apparently distributed by Italian MEP Roberta Angelilli imputing to the FRA a report that “mainly Roma children” were involved in the “200-million-Euro business” of child begging. In the highly-charged anti-Romani atmosphere in Italy, the information was evidently primarily intended to heighten moral outrage for anti-immigration purposes.

In the Eye of the Beholder: Contemporary Perceptions of Roma in Europe

Larry Olomoofe¹

“Therefore, when we speak of ourselves as divided into Barbarians, Philistines, and Populace, we must be understood always to imply that within each of these classes there are a certain number of aliens, if we may so call them, – persons who are mainly led, not by class spirit, but by a general humane spirit, by the love of human perfection; and that this number is capable of being diminished or augmented. I mean, the number of those who will succeed in developing this happy instinct will be greater or smaller, in proportion both to the force of the original instinct within them, and to the hindrance or *encouragement* [emphasis added by author] which it meets from without.”²

“My propositions are elucidatory in this way: he who understands me finally recognizes them as senseless, when he has climbed out through them, on them, over them. (He must so to speak throw away the ladder, after he has climbed up on it.)”³

IN THIS ARTICLE, I intend to present an analysis of current perceptions of “Roma” that are being deployed in a variety of ways and occasions to explain particular “cultural”, “social”, “political”, and “behavioural” trends associated with contemporary Europe’s many Romani communities. This analysis will employ theories and perceptions of “difference” and “otherness” expressed in other societies such as the United Kingdom (where there is a visible, if not significant, ethnic minority presence), in order to apply a critical lens to the situation developing regarding Romani individuals and communities across Europe. In proceeding in this fashion, the focus will be split between conducting an internal enquiry, i.e., Romani self-perceptions as well as an external one, i.e., perceptions of Romani people amongst non-Romani communities. The challenges in composing a piece on this subject are manifold. I run the danger of sliding into a purely academic discussion about perceptions and for some this would be no more than pseudo-psychobabble. I also run the danger of offending many sensibilities, both Romani and non-Romani, in the process since I will be critiquing their [self] interpretations of the

social, economic, cultural, and political world they inhabit. More pertinently, I face the challenge of producing an enquiry that is not solely an abstract pontification about concepts of identities, but one that can be informative to the reader and lead to a more pronounced involvement in the struggle for social justice and equality for “Roma”. In order to do this, I will rely upon some anecdotal insights that I have accrued over the past eight years as well as deploy a series of academic arguments/positions alluded to above in my introductory paragraphs. I hope to rise to these challenges and produce a piece that succinctly presents the core issues as well propose suggestions aimed at addressing the ongoing, pervasive facile and spurious perceptions of Roma in Europe and their deleterious impact upon these oftentimes desperate people.

The Chimera of Identity

At this incipient phase, I would like to posit that the lines of distinctions that demarcate the relative dynamics of influence in this process between “Roma” and “non-Roma” are arbitrary

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

² Arnold, Matthew. *Culture and Anarchy*. McMillan Company: 1925, p. 107.

³ Wittgenstein’s, [Ludwig] Ladder Introduction, Marjorie Perloff found at: http://wings.buffalo.edu/epc/authors/perloff/witt_intro.html.

and become blurred when one accepts that the continuum of perceptions that I am assessing here is indeed contingent upon the symbiotic relationship between the two categories.⁴ The aim of this exegesis is to provide insights into what sociological and phenomenological factors have an impact on the variegated realities of Europe's Romani communities. To this extent, the current article will aim to address the hitherto now accepted "common-sense" notions of Roma and their attendant cultural practices and behaviour. Many examples of unreconstructed perceptions of Roma litter our daily lives and it is incumbent upon us to ask why this somewhat unreflected, retrogressive view of Roma continues to persist. It must be accepted that what I am talking about here is not an epiphenomenon that occurs at the sidelines of contemporary social and political life, but is in some cases the *raison d'être* behind why millions of Romani people experience egregious forms of discrimination and eke out contingent lives at the margins of many European societies.⁵ I have witnessed the alchemy of race and ethnicity being used to inform policy and behaviour toward Roma in many countries by public officials and the general public alike. In

many instances, I have often been shocked at the rampant racist doctrinal attitudes being expressed by people who would nominally be considered as "liberal" minded.⁶ On the flipside, I have also been shocked by the apparent Fetishistic attitudes displayed by those who are allegedly "sympathetic" toward Romani peoples who romanticise the experiences and "traits" of Roma into an abstracted, ethereal, profoundly definitive core that should be appreciated and deployed when developing policies and practices aimed at assisting Romani people.⁷ This mysticism gains currency when Roma also express these traits as inherently "Romani" and becomes the salient point of interest in Roma Rights discursive fields. Whilst gliding along the edges of the argument of the right to self-determination, we would also have to assess to what extent these expressions of "self-determination" by Roma are valid ones and how Roma fit into the overall social matrix of understanding that informs people's opinions of Roma in Europe.

All of the issues elucidated above crystallise around the broader social cognitive processes that ascribe value to particular behavioural practices

⁴ *By this, I am alluding to the many self-perceptions of Romani people in Hungary, for example, who often refer to themselves as "Roma/Gypsy" and to non-Roma as "Hungarian", and in other instances say that they are Hungarian themselves, indicating a process of elision that is dependant upon the contextual framework in which this self-ascription by Roma occurs. Therefore, simply accepting a "common-sense" linear, one-dimensional process of ascription, by Roma and non-Roma, would be to overlook the many nuances and layers of identity formation that this process necessarily depends upon.*

⁵ *See, for example: Zoon, Ina. 2001. On the Margins. Roma and Public Services in Romania, Bulgaria and Macedonia. New York: Open Society Institute.*

⁶ *This was the main point behind my article "Why are you working for the ERRC", wherein I articulate the mystifying contours of liberal minded people expressing avowedly, dogmatic racist epithets when talking about Roma, explicitly suggesting that their opinions were not racist since Roma themselves – because of their "cultural" traits of begging, stealing, lack of hygiene, etc – are to blame for these recidivist attitudes held by the mainstream, non-Romani population. Article available online at: <http://www.errc.org/cikk.php?cikk=2466&archiv=1>.*

⁷ *Any number of people may balk at my opinion here but this is based upon formal and informal discussions with interested people and other stakeholders within the Roma Rights sphere. On these occasions, I have been astounded at the banal reassertion of racist dogma. Perhaps more worryingly, these events to which I am alluding took place in the context of discussing equal access to education for Romani children in many Central and Eastern European countries. At these fora, people would openly say that "Roma culture does not value education" or that it is "part of Roma culture to beg." The most popular remark I have encountered in many of these settings is that "Romani people like to sing and dance so we should concentrate on developing programmes allowing them to do this." Surely, this preposterous line of argumentation should have nothing to do with developing policies for equal access to education, even it were true. However, I am sure that Romani people are not the only ones who like to sing and dance and casting this fact as intrinsically (perhaps "innately" is a better way of describing things) Romani is flabbergasting.*

and traits. For many Romani people, the long history of discrimination and marginalisation that they have had to endure has generated a counterfactual process within their communities, putatively in defiance to the discrimination they regularly encounter. Therefore, particular practices that are considered “traditional” and therefore central to Romani generic identity become more important due to the fact that Roma are seldom accepted by their non-Romani social peers and counterparts in society. Roma also become almost exclusively dependant upon the internal “in-community” processes of affirmation since they feel that they will never be accepted as equals by broader non-Romani society. Indeed, when Roma are invoked in the perceptions of wider society, it is almost always in oppositional terms through the positing of a juxtaposition of “them” and “us”.⁸ This myth of definite distinctions between Roma and non-Roma sustain the manifold discriminatory practices that prevail in contemporary society and is subsequently internalised by both sets of participants thereby allowing this process to accrue efficacy and establishing the symbiotic push and pull in both directions that I mention briefly above. This is then normalised over time and becomes the *modus natale operandi* that governs the patterns of social interaction between the two groups. This explains why in 2003 a Romani parent at a local conference on the education of Romani children in Nis, Serbia, responded to my question about the staggeringly high rate of non-participation by Romani children in education with the words, “Romani children do not go to school. This is normal for us.” Normal!?!

The statement above by the Romani parent in question indicates that widely-held perceptions of Romani participation in mainstream “conventional” society directly affects the expectations of Romani people themselves. The fact that she felt that this statement helped to both explain and justify the

chronic non-participation of Romani children in the sphere of education indicates the deep-rootedness of their alienation. It also indicates the self-imposing mechanisms of cognition that Roma perennially place upon themselves. Due to the practicalities of combating discrimination with pragmatic, rational choices, Roma inadvertently (in my opinion) replicate the very same debilitating processes and patterns of discrimination within their own communities, restraining the ambitions of successive generations who end up mimicking “what Roma are supposed to do/be.” Those fortunate enough to break the shackles of discrimination often find themselves isolated, stuck between two worlds but not really straddling either one particularly well.⁹ Interestingly enough, whenever I encounter racist attitudes towards Roma by some people and counter with the examples of those Roma who do not fit the stereotype, the normal riposte is that these Roma who do not beg, steal, read fortunes, dance and have many babies are exceptions to the rule. They are not “real” Roma. Sadly, this view is pervasive and once again highlights the complex, belligerent stubbornness of an asymmetrical symbiotic process that ascribes, proscribes and at times *prescribes* meaning and value to particular acts and behavioural traits.

Visible Invisibility

The last point above hints at an interesting social psychological process related to our cognitive faculties. The processes of elision that we continually deploy in our interpretation of our social environment is heavily dependant upon our capacities to recognise and categorise signifiers and what is being “signified”. Therefore, when people invoke the term “Roma”, what does this really signify for them? Does it signify the old stereotypical nomadic chancer who is happy with her/his meagre existence? Perhaps the headscarf-wearing, wild-eyed fortune-telling

⁸ Which is based upon the premise of asserting an identity that revolves around the notion that “I am what I am because I am **not** you”; i.e., black and white, men and women, Romani and non-Romani, etc.

⁹ This is particularly true of young educated Romani women who are increasingly excelling in the mainstream social sphere but are often alluded to by their Romani peers as having lost their “true” Romani identity. This sentiment is not confined to Romani women alone, but the outcry is far louder with regard to young Romani women due to the perceived loss of their true, “traditional” Romani identities as home-makers and mothers.

banshee of lore? The welfare cheats who simply procreate exponentially and await hand-outs from social services? The smelly, unwashed nuisances who have the temerity to demand equal access to education, housing, healthcare and employment? The modern, educated, politically- and socially-aware Romani men and women struggling to get a fair opportunity to improve their life-chances? All of the above? In my experience, “all of the above” seems to fit the bill here. The reason why I say this is down to the oxymoron that is the heading of this section of my exegesis. I contend that many Romani people are rendered invisible by their audience (individually and collectively) because the observer refuses to see what is *exactly* in front of them and I will outline this concept in greater detail below.¹⁰

In many cases, I have observed people explicitly “denying” the Romani person standing in front of them by claiming that these people are not really Roma and that they are unrepresentative of Romani people generally. By way of illustration, please allow me to recant a personal anecdote that succinctly captures what I am saying here. During a social event in Budapest in 2003, I was in attendance with a number of Hungarian Romani friends including four Romani women. During the course of the event, a non-Romani man approached me and started making idle conversation about the venue and some of the people present there. During this conversation, he mentioned that he found one of the Romani women particularly attractive. I concurred with his view and he went off but came by every so often to repeat that this woman was beautiful. After about an hour, he came rushing back to me and said, “She is a Gypsy. I cannot believe it. Be careful.” I responded by asking him, “So now you know she is a Gypsy, she is no longer beautiful?” He simply muttered something under his breath and walked away. Once again, I was somewhat shocked by his response to this particular woman’s Romani identity and the effect her ethnicity had had on his allegedly objective aesthetic judgement of beauty.

¹⁰ This concept of “invisibility” is taken from the African-American writer Ralph Ellison and his book *“The Invisible Man”*. Vintage Books: New York, 1947.

¹¹ Petrova, Dimitrina. “The Roma: between a myth and the future.” In *Roma Rights 1/2004*. Available online at: <http://www.errc.org/cikk.php?cikk=1844>.

Over time, I have analysed this peculiar encounter attempting to interpret its meaning and concluded that the man in question, once he recognised that the woman was Romani suspended his objective faculties and deployed his pre-determined notions of Roma to categorise this woman. All he saw after this revelation was a “Gypsy” and he could not see beyond this. Despite being an educated professional, this woman may as well not have existed for this man. She was an apparition who did not exist. She only existed when he decided to invoke the various technologies of racism and anti-racism, which informs the way she (Gypsies/Roma) is perceived and received by mainstream society. In this event, Roma still do not exist because ‘Roma’ that non-Roma see in their mind’s eye are “Roma” they have constructed without the participation of the Roma themselves in the process. The sheer presence of Roma (and I mean this literally) is the only thing they contribute to the ‘dialogue’ which the non-Romani observer(s) conduct within/amongst themselves.

Flux of Identity: Roma or Gypsy?

“In the Romani language, the word “Roma” means “people” in the plural masculine gender, with a connotation of “us” as opposed to “them”. Outsiders are referred to by the general term gadje (also a masculine noun in the plural). It is my impression that calling all “others” by one name, “gadje”, is a strikingly frequent conversational practice when Roma speak with Roma. This frequent reference to a generalized “other” is generally not found in any other insider ethnic discourse. This certainly reflects a high degree of “us/them” opposition that has been historically reinforced by centuries of internalized oppression and isolation.”¹¹

Ever since its inception in the mid-1990s, Roma Rights discourse has generated a number of internal critiques amongst Romani communities across Europe about the efficacy and the

accuracy of the term “Roma”.¹² Prior to the mid-90s, the term “Roma” was not widely used to denote or refer to Romani communities. The term “Gypsy” was widely accepted as the generic term to refer to Romani communities, and due to its long, historical deployment, is a loaded term. However, currently “Roma” has increasingly gained currency as the *lingua franca* and is widely perceived by many as the politically correct way to refer to those people previously characterised as “Gypsy”. In mentioning this, I have to stress that the term “Roma” is not wholly accepted by the group as the correct reference for them and many people still prefer to refer to themselves as “Gypsy” since this term has deeper, historical, socio-cultural roots than the term “Roma”, and for them is a far more accurate and legitimate cipher for their people. I have observed on a number of occasions heated discussion between people who we would nominally refer to as “Roma” about the deployment of the term in the place of “Gypsy”. Invariably, these discussions would hinge upon the legitimacy of the phrase “Roma” on the one hand, and the perceived ignorance of those who continued to call themselves “Gypsy” on the other. My thoughts while observing these differences of opinion between the two sets of protagonists was that these discussions shared similar traits with the ongoing debate across the African Diaspora about the continued promulgation of the term “Nigger” or “Nigga” by those (mainly African Americans) who insist that they do so as a mark of defiance.

Putatively, black people have stripped away the negative connotations once inherent in the derisory usage of the term and, through reappropriation, have applied a more positive sanction to it, with one proviso: They are the *only* ones allowed to refer to

themselves as “Nigger”. The use of the term can be seen as a “badge” of defiance, which they can use as a “shield” against/in [white] mainstream society, a verbal reminder of the crimes committed against them.¹³ What was striking in the discussions that I have alluded to earlier is the emotional import displayed by those who rejected the deployment of the term Roma to characterise members of this group. This, I feel, was imbued with an intrinsic class dynamic which distinguished those who preferred to be called “Romani” from the others who still use the term “Gypsy”. This internal schism in the self-perception of Roma/Gypsies indicates the vexed nature of identity ascription amongst a variegated ethnic group with nuanced and, at times, differentiated histories. Those who refuse to use the term “Roma” apparently do so simply because for them it is an “empty reference” and is mainly the result of some “educated Roma and gadje” who were struggling to develop a politically correct term for this group of people popularly known as “Gypsies”. These clashing self-perceptions are further complicated by cross-cutting themes such as region, religion, gender and, increasingly, sexuality which accentuates the notional differences amongst Roma/Gypsies even further. The aetiology of this internal dichotomy (which is also affected by recidivist banal external processes) is clear for those who take an interest in the plight of this group. Many years of marginalisation from mainstream activity has allowed a reactionary, counterfactual process to persist, underpinned by various claims to cultural continuity and difference.

The two trajectories intersect in the ascriptive process by mainstream participants who deploy unreconstructed, stigmatised, racist stereotypes to refer to Romani/Gypsy communities in their

¹² Petrova, Dimitrina. “The Roma: between a myth and the future.” In *Roma Rights 1/2004*. Available online at: <http://www.errc.org/cikk.php?cikk=1844>.

¹³ This is allegedly emblematic of the “post-modern” identity politics wherein a previously oppressed and/or marginalised group reappropriates the language and the symbols of their oppression and deploys them against their “oppressors”. Therefore, homosexual men have reappropriated the term “jaggot” and deploy it amongst themselves, in the same way that many women (feminists) refer to each other as “bitches”. This practice is consonant with the theory of “overuse” expounded by Randall Kennedy in his book, *Nigger! The strange career of a troublesome word*, published by Random House in 2002 where the apparent overuse of a hither-to-now acknowledged pejorative is neutralised by the “overuse” of the phrase in many cases by the group putatively oppressed by the phrase itself. This process apparently “empties” the vitriol inherent in the original deployment of the phrase and therefore becomes a signifier for/of the group which only **they** can use.

midst, which is subsequently internalised by the group and deployed in a caricature of itself, reaffirming much of the stereotypical perceptions that the mainstream hold of Roma.¹⁴

Common-Sense Understanding: Societal Affirmation of the Hermeneutical Circle

“On October 31, 2002, the Slovak government passed a bill, which limits family allowance benefits to 10,500 Slovak crowns (approximately 250 Euro) per month, according to a report by Radio Free Europe/Radio Liberty (RFE/RL) on November 20, 2002. The bill was reportedly passed in an effort by the state to save money. While the bill is prima facie neutral, in effect, it is discriminatory towards Roma who tend to have larger families than ethnic Slovaks. RFE/RL reported that the bill was passed following racist statements made by Mr Robert Fico, a member of Smer, an ultra-right wing party. Mr Fico reportedly stated that “The Roma found out it was profitable to have children due to family allowances. We cannot turn a blind eye to this. I would pay allowances only for up to three children. If we let it be as it is now, I can guarantee that in ten years we will have one million Roma here.” Slovak public discourse frequently features similarly alarmist statements about the “threat” to Slovakia of increasing numbers of Roma.”¹⁵

“The Chairwoman of the Czech Senate Human Rights Committee is under pressure to resign over her comments about Romanies, according to Prague Daily Monitor. Liana Janackova (Independents) was recorded on tape declaring herself a “racist.” Speaking about plans to house Roma, she justified the choice of a certain town by stating that she opposed integration: ‘I disagree with the integration of

Gypsies so that they would live across the area. Unfortunately, we have chosen the Bedriská (colony) and so they will stay there, with a high fence and with electricity... I don’t care, I’ll openly shout this to the whole world,” she was recorded as saying.

Ms. Janackova had initially denied that the recorded voice was hers, claiming that it was a forgery and part of a political attack by an opponent, she now admits, “I should naturally have not reacted in such a way, it is careless and it is silly. If I insulted or harmed any Romany from Mariánské Hory I will personally apologise to him.” However, she rejected calls to resign, which came in the form of a letter to the Human Rights Committee from the central Bohemian coordinator for Romany issues, Cyril Koky. For Janackova to remain in a government post dealing with minority issues, Koky said, would “ridicule of the entire work of the committee.”¹⁶

Bearing all of the above in mind, where does this leave us now? Having posed a number of questions and provided a layered and at times confounding account of perceptions, what now? The exegesis above is not simply an abstract, intellectual exercise aimed at postulating a series of precepts and then simply abandoning the process once expressed. The account I present here is one that is deeply rooted in societal praxis and norms. The scourge of stigmatised perceptions held by “mainstream” actors is a real and tangible problem. It manifests itself in all spheres of social spaces and action. The quotes at the beginning of this concluding segment clearly bear testimony to the fact that unreconstructed, stigmatised perceptions of Romani people infiltrate the highest echelons of social, civil, and political life in many European societies. This is a sad fact and one that needs to be clearly defined and challenges must be mounted to arrest this insidious “social practice”. This is especially tragic since the continued negative perceptions and labelling of Europe’s Romani communities is an anachronistic

¹⁴ Fabri Showder infamously did a show about “Gypsies” called “Roma Showder” in 2003 in which he presented a series of caricatured images of Roma/Gypsies portrayed by Roma/Gypsies themselves.

¹⁵ Available online at: <http://www.errc.org/cikk.php?cikk=1394>.

¹⁶ Czech Press Agency, Prague Daily Monitor.

process which is putatively out-of-step with the prevailing current of plurality that underpins much of the expansion of the European Union that has recently seen the inclusion of Eastern European countries in its membership.

At the recent follow-up to the World Conference Against Racism (WCAR) meeting in Geneva in August, 2007, the United Nations High Commissioner for Human Rights, Mme. Louise Arbor expressed her concern that contemporary forms of racism were of a particularly virulent nature which at times form the “*raison d’être*” of some forms of actions. This was noted to be particularly so in political discourses wherein she states that;

“Tragically, racist and xenophobic views are dangerously acquiring renewed legitimacy and vigor when they are invoked to bolster the political platforms or are even the very ‘raison d’être’ of political leadership in some countries”.

Once again, the quotes at the beginning of this section are salient examples of the very “tragic” practices Mme Arbor is alluding to in her speech. Whilst the current critique focuses upon the role played by political leaders, we should also pay attention to the role played by mainstream media agencies in perpetuating and at times peddling these stigmatised caricatures of Romani peoples. Mainstream popular television shows have propagated stereotypes of Romani “culture”, “tradition”, and people. Recently, The Finnish Roma Forum, an umbrella organisation for Romani advocacy groups in the country, called for the cancellation of *Manne-TV*, a satirical show aired biweekly by the Finnish Broadcasting Company (YLE). The show was created as a collaboration between British director Richard Stanley and Romani actor Santeri Ahlgren, who plays the main character. In the show, Ahlgren’s character laughs raucously, plays cards, repairs old cars, plays music and rarely works. Mr Ahlgren defended the show as revealing prejudice, saying

to the French newspaper France 24: “These stereotypes are what the rest of Finns think of us.”

Mr. Ahlgren’s comment accurately reveals the warped aetiology of racist logic that underpins the continued construction and maintenance of stigmatised perceptions of Romani peoples across Europe. The fact that a Romani man was caricaturing the group allegedly means that it is OK. We are not supposed to consider our social responsibility to confront the harmful promulgation of racist accounts of particular minority groups simply because the “actor” is from the group? The potential harm to the group needs to be assessed by the production company which has a responsibility not to promote racist rhetoric or acts. In this case, YLE Programme Director Harri Virtanen defended the show, noting that most of the cast and producers were themselves Roma.¹⁷

Through explicating the myriad mainstream “social” and “cultural” processes that collude to undermine the existence of Romani peoples in European societies, I hope to draw attention to the fact that we are all guilty of sustaining these mendacious practices. For many of us, the reflex is to resort or refer to these “common-sense” perceptions of “Roma”. We consume and internalise the cultural products of this process and, through this, maintain the hermeneutical circle that at the same time both informs and acquires from us its valency. Increased vigilance is required to address this problem since simply pointing fingers from afar is apparently unproductive. The process of introspection and vigilance needs to occur in both Romani communities and non-Romani communities. The fact that Romani people at times promulgate these stereotypes does not legitimise the fact or absolve us of our social (civil) responsibilities. The sooner we acknowledge this duty of ours, then perhaps these unreconstructed perceptions of “Roma”, “Gypsies”, “Gens Du Voyage”, “Traveller”, “Maxhup”, and “Manouche”, *inter alia*, will begin to have a hollow echo and disappear.

¹⁷ Mr Virtanen said that the show would prompt people to question their views about others: “The target of the series is the population at large and its prejudices. If someone watching the series thinks ‘is that how I think?’, or ‘do I have attitudes like that?’, then we will be fairly close to the aim of the series.” According to the Finnish newspaper Helsingin Sanomat, changes were, however, planned for the show, including a more critical focus on revealing the country’s prejudiced views about Roma.

Research and the Many Representations of Romani Identity

Adrian Marsh¹

*“The dust of many crumbled cities
Settles over us like a forgetful sleep,
but we are older than those...”*

THIS epigram from Mevlana Celaladdin Rumi² leads me to the consideration of Romani identity in scholarship and research,³ and suggests one of the principle phenomena that appear in these, namely the construction of *Gypsies*⁴ in the imagination of the observer. Like beauty, the image of the various peoples described as *Gypsies* is frequently to be found in the eyes of the beholder. The repetition of various attributes of Rom, Dom or Lom⁵ that are the subject of research,⁶ concerning all manner of behaviour that is defined in ‘ethnic’ or cultural terms (both of which are often thinly disguised alternatives to the less acceptable term ‘race’), is another. To the extent that these represent consistent concepts applied or implicit in the research findings, they are the dust of Mevlana’s

“crumbled cities”, or as Italo Calvino might suggest, the “imaginary cities”⁷ that academia has in the past, and continues in the present in some cases, to construct as the sites for their interpretations of who and what are *Gypsies*. Within these carefully (or not so carefully) built edifices, *Gypsies* are positioned, assigned the role of players in the drama of symbolic action that constitutes the attempt to portray an understanding of their lives. This is ‘smoothed’ over almost inevitably to ensure a degree of consistency (and those of us engaged in field research will know that one contradiction is worth a great deal of smooth consistency) and provide what are in the end, a series of conclusions often designed to demonstrate the necessity for intervention, or strategies almost always defined by a wider socio-cultural and institutional context, what Acton has recently termed the “[...]”

¹ *Adrian Marsh is of Romanichal (English Gypsy) and Irish Traveller origins. He is a researcher in Romani Studies at the University of Greenwich, London – romanistudies@mac.com – and has been living and working amongst the Romanlar, Domlar and Lomlar in Turkey since 2002. He has taught Romani Studies at the American University in Cairo, Istanbul Bilgi University and Greenwich University and lectured at the Uppsala University and Södertörns Högskola in Stockholm, Lund University, Malmö Högskola and Malmö Museer in Sweden, and Trondheim Technical University in Norway. He has carried out research in parts of Egypt, northern and southern Cyprus, Bulgaria, Norway, Sweden, Scotland, England, Spain and the majority of Turkey. His PhD thesis “No Promised Land – History, Historiography & Ottoman Gypsies” is expected to be published in 2008.*

² *2007 is the international year commemorating this extraordinary mystic and saint.*

³ *Drawing upon my experience from the European Roma Rights Centre/Helsinki Citizens’ Assembly/ Edirne Roman Association project “Promoting Romani Rights in Turkey” and research carried out with the support of the Economic and Social Research Council UK (Project RES-000-22-1652), with Professor Thomas A. Acton, University of Greenwich.*

⁴ *As an imaginary construct the term is italicized.*

⁵ *Or the various ethnonyms by which groups are described as Travellers.*

⁶ *Lom and Dom appear all too infrequently in what is a predominantly Eurocentric discipline; for examples, see Nabil Sobhi Hanna. 1982. “Ghagar of Sett Guiranha; a study of a Gypsy community in Egypt.” In Cairo Papers in Social Science. Vol. 5/1, AUC Press; and Voskanian, Vardan 2003. “The Iranian Loan-words in Lomavren, the Secret Language of the Armenian Gypsies.” In Journal of Iran & the Caucasus. Vol. 6/1-2, Brill.*

⁷ *Calvino, Italo. 1978. Invisible Cities. Orlando, Florida: Harvest Books.*

shifting and uncertain sands of ‘citizenship’ and ‘social inclusion’ policies.”⁸ In more concrete terms, research often seeks to identify *Gypsies* according to an *a priori* set of criteria – frequently based upon previous academic research – before proceeding to observe the group, interview and collect data and subsequently establish a framework in which to construct narratives of ethnicity and identity with the prerequisite elements of music, dance, language, religion, and cultural practices.⁹

Other aspects often make their appearance in research, such as the notions that *Gypsies* represent a social ‘problem’ (or more euphemistically, a series of ‘challenges’) in terms of integration and what might be described as the citizenship or social inclusion paradigm (see the numerous reports considering this conception of the issues from largely uncritical [of the conceptions of social inclusion and citizenship] perspectives), such as this objective from the Government of the Principality of Asturias: “To approach real situation of gypsy [sic] community, its needs and their deficiencies [...] in order to jointly define proposals for the social incorporation of gypsies and to move from the social exclusion to the real citizenship [...]”¹⁰

The questions that underlie this kind of research are about how well or poorly *Gypsies* ‘fit’ into non-Gypsy societies.¹¹ There is also a clear concern about control of movement and migration, and in much research the question of crime and its relationship to Gypsy communities is at the heart of the inquiry, frequently viewed through the prism of statistics and quantitative data, or the distinctive gaze of the state.¹² The particular consideration here is how we as researchers, both Gypsy/Traveller and non-Gypsy/Traveller,¹³ choose to portray (or sometimes betray) the communities and individuals we are working amongst and how, in the context of this issue of *Roma Rights*, we as a community of scholars and researchers confirm, create or refute the prejudices, stereotypes and misconceptions that exist about *Gypsies*, through our [mis]representations. In the sense that research, as I suggested above, has a very direct bearing upon policy and practice (and most importantly government spending, NGO budgets and philanthropists’ donations), the responsibility of researchers is one that is often treated lightly, though mistakenly so. Representation through research is the primary means by which international and national policy-makers, advocates and activists perceive the peoples we describe as *Gypsies*, as if

⁸ Private communication from Thomas Acton dated 31 July 2007. See also Acton’s critique of the general approach and, in particular, the UNDP 2002 report “Avoiding the Dependency Trap” in Acton, Thomas. 2006. “Romani Politics, Scholarship and the Discourse of Nation-building.” In Marsh, Adrian and Elin Strand [eds.]. 2006. *Gypsies & the Problem of Identities: Contextual, Constructed & Contested Istanbul: SRII Transactions 17*, I.B. Tauris.

⁹ For his discussion on elements of Gypsy identities and the problem of terminology and definitions, see Mayall, David. 2004. *Gypsy Identities 1500-2000: from Egipcians and Moon-men to the Ethnic Romany*. London: Routledge.

¹⁰ Government of the Principality of Asturias. 2006. *Intervention with Ethnic Minorities*. Available online at: <http://www.asturias.es/portal/site/Asturias/menuitem.fe57bf7c5fd38046e44f5310bb30a0a0/?vgnextoid=30ce4eaa73010110VgnVCM10000097030a0aRCRD&i18n.http.lang=en>.

¹¹ With the concomitant notion that there is a homogeneous society against which they are measured and evaluated; see Swedish ethnologist Birgitta Svensson for an example of a social sciences approach. Svensson, Birgitta. 1993. *Bortom all ära och redlighet: tattarnas spel med rättvisan*. Stockholm: Nordiska museets handlingar; Nordiska museet. Its critique in Montesino, Norma. 2002. *Zigenarfrågan: intervention och romantik*. Lund: Lund University. And its antithesis in Hazel, Bo. 2000. *Resandefolket: från tattare till traveller*. Stockholm: Ordfront.

¹² See ethnologist Arnstberg, Karl-Olov. 1998. *Svenskar och zigenare – en etnologisk studie av samspelet över en kulturell gräns*. Stockholm: Carlsson, and the critique by Strand, Elin. 2001. “Swedes and Gypsies – an ethnological study of the interplay over a cultural boundary.” In *Romani Studies Journal*. Series 5, Vol. 11, no. 2.

¹³ To the best of my knowledge, there are as yet no Dom or Lom researchers working in the field at present, though it is to be hoped that the first young Dom university entrant in Diyarbakir will carry out his intention of investigating the history of Dom music and culture in the region during the course of his studies, and that a young Lom woman currently at university, from the Lom communities of north-eastern Turkey, will also examine some issues related to her background.

they were in fact real, and not the interpretation of the researchers who depict them in the pages of reports, in many cases debating over the representations as if they were, in and of themselves, a *totality*. These representations take the place of the actual people and come to stand for them as symbols or sometimes ciphers for a series of notions,¹⁴ related to the overall trope and *emplotment* being used by the researchers – the frameworks by which the research has been formulated.¹⁵

What are the assumptions present in our research that we use to *emplot* our narratives, and the tropes that we construct? Clearly the *Gypsy* in the social sciences imagination of much research is the major trope – in the case of the work of van de Port for example, *Gypsies* are understood to stand for ‘wildness’, ‘licence’ and a people ‘unbounded’ by what are perceived to be the conventions surrounding behaviour in the ‘majority’ society, in this case the Serbs of Novi Pazar.¹⁶ van de Port is, in this instance, using the trope of *Gypsies* as a means of examining Serbian people, emplotting his work through a narrative of tragi-comedy and post-modern irony. In many cases, the use of the imaginary *Gypsy* is a device to examine the non-Gypsy, to actually explore the psyche of the *gadje*.¹⁷ The 2002 UNDP report so deftly critiqued by Acton referred to above tells us more of the conception of police officers, social workers, local government administrators and UNDP researchers as to who

they perceive as *Gypsies* and what they understand or actually assume to be the criteria for defining them, than it does about *Gypsies* as individuals and communities experiencing the particular circumstances in which they live. This is a recurring problem with much of the research conducted by albeit (mostly) well-meaning individuals in the field of social sciences. It tells us about the people conducting the research, those funding it and the audience it is intended for, through re-presenting the *Gypsy* using tropes we have come to expect – excessively poor, often itinerant, ignorant and under-educated, disenfranchised politically and marginalised economically, socially excluded and culturally appreciated in a very narrow context. Research that offers other perspectives is far less prevalent though of course it exists; in a presentation at Istanbul Bilgi University in 2004, Elena Marushiakova and Veselin Popov provided examples of a counter-narrative from their recent (at that time) field work in the Crimean region and Ukraine that challenged the expectations of the audience significantly. Does research that brings us information about those *Gypsies* who may present alternative or contrasting perspectives to these dominant tropes have an impact upon the wider body of scholarship? Despite the fact that such research does go on,¹⁸ little of this finds a resonance within wider social policy research apparently. So it would seem to be the case that research, funded by academic scholarships or major NGO’s,

¹⁴ *Often graphically reinforced through accompanying photographs, reifying individuals even further “[...] in picturesque discussion with Roma and Dom in tea-houses, tents and elsewhere” in what Acton has recently remarked as “[...] a diversionary post-imperialist indulgence.” See Acton, Thomas and Adrian Marsh. “The Development of Roma/Gypsy/Traveller Identity during the candidacy for EU membership of the Turkish Republic.” Paper delivered to the Annual Conference of the Gypsy Lore Society. Manchester: 7 September 2007.*

¹⁵ *For his discussion of form as a powerful determinant of language and the mediator for knowledge, the prime constitutive element of constructing the ‘truth’ in scholarship, see White, Hayden. 1990. The Content of the Form: Narrative Discourse and Historical Representation. Baltimore: John Hopkins University Press.*

¹⁶ *van de Port, Mattjias. 1998. Gypsies, Wars & Other Instances of the Wild: Civilisation and Its Discontents in a Serbian Town. Amsterdam: University of Amsterdam Press. See also Onaran, Emine Incirlioğlu, “Where exactly is Çin-çin Bağlari.” In Marsh, Adrian and Elin Strand [eds.]. 2006. Gypsies & the Problem of Identities: Contextual, Constructed & Contested. Istanbul: SRII Transactions 17, I.B. Tauris.*

¹⁷ *Gadje (sing. gadjó, feminine gadjá) meaning non-Gypsy in many dialects of Romani; also ‘gorgio’ and ‘gadji’ in Anglo-Romani; ‘perv’ in Domari, and ‘aturba’ in Lomavren (as they are both spoken in Turkey where, curiously the feminine form of ‘gadjá’ is used by both Romani and Lomavren speakers).*

¹⁸ *Kinga D. Toth’s 2001 doctoral research at Manchester University about successful Romanichals in the UK or Nidhi Trehan’s doctoral exploration of the notion of international non-governmental organisation personnel as elites and their relationship to the Roma and Gypsy grassroots movements in Europe, are two examples I can think of.*

trans-national bodies or national governments is concerned with presenting Roma, Gypsies and Travellers as *Gypsies* – a set of notions surrounding the researchers' ideas of who these people are. As Brian Belton has remarked about research in a Czech radio programme, "It's an empire of written words. It's an empire of writing that exists separately from people [...]."¹⁹

However, the notion that all research is negative and pervaded by stereotyped representations of Roma, Gypsies and Travellers is itself something of a stereotype. Stereotypes are specific products of time and place that appear to offer simplistic and all-too-frequently negative explanations for specific phenomena, by generalising them and distorting them. Frequently following the word "but [...]", stereotypes are results of these phenomena. Discriminatory and prejudicial stereotyping about *Gypsies* is couched in these pseudo-explanatory terms, when in fact it is a product of exclusion and marginalisation, not an explanation of them. Obvious as this seems, the frequency with which these appear in both research and the responses to it is surprisingly high, and many critics of researchers or their research, perceive both to be inherently stereotypical in their portrayal of Gypsies, Roma and Travellers. As a recent conversation about a particular researcher amongst the Dom of south-eastern Turkey suggested, the stereotype of the unscrupulous, invasive and self-serving researcher is widespread enough to reach even these largely unappreciated people.²⁰ The explicit comparison being made was with the research I was carrying out as a Romani person (though as a thoughtful reflection on this mission made by one of the researchers with me pointed out,

despite a critical perspective regarding identity politics and the mobilisation of ethnicity as the prime factor in resilience and the continuing resistance of Gypsy communities to the demolition of their homes, marginalisation from education, employment and health services, and a score of other problems, my discourse during research is entirely bounded by the wider one of Gypsy politics in general). The stereotype of the 'bad' researcher is one that may be reflective of the very real negative experiences of people on the outside of the "empire of written words", but it nevertheless offers little in the way of explanation about why these should be so.

Research and researchers operate within significant constrictions during research projects or field missions, and these may be some of the reasons why they seem to reflect the stereotype of 'bad' researchers. The determinants of the research are frequently in the hands of the funding bodies of the programme, and as such this can have a negative, sometimes deleterious impact on the results (and thus the perceptions presented in findings and recommendations). Research criteria is often telescoped to view a very narrow set of questions, ignoring the wider considerations that might modify or radically alter the outcomes, and the question of funding is almost always a major criteria for how much, how long, how extensive or how frequently people are interviewed or who is being interviewed.²¹ In short, the funding and resources underlying any research will often determine the kind of limitations that researchers operate within, and affect the results.

This, of course, is not the only reason that researchers may present ambiguous or negative perceptions of Gypsies through their reports

¹⁹ Belton, Brian. 22 January 2005. "Telling Lies". Part of a radio programme produced by Evans, Simon and David Vaughan. *We Still Breathe The Air*. Radio Prague. Available online at: <http://www.radio.cz/en/article/62579>.

²⁰ Most frequently portrayed in terms of "lost" or "forgotten" Gypsies: See a recent article posted on the Roma Virtual Network by Mr Amoun Sleem, Director of the Dom Society of Jerusalem. Dated: 6 August 2007.

²¹ The UNDP report "Avoiding the Dependency Trap" illustrates the problems with this question, whilst the 2004 report "The Situation of the Roma in an Enlarged European Union", written by Focus Consulting Ltd, the European Roma Rights Centre and the European Roma Information Office, demonstrates that these can be overcome with careful research design and methodology. See European Commission. 2004. *The Situation of the Roma in an Enlarged European Union*. Luxembourg: Office for Official Publications of the European Community.

or publications; in some cases the agendas of researchers are apparent from the very outset in the titles for their publications (the example of the UK's Communities & Local Government Office 2007, "Gypsy and Traveller Task Group on Site Provision and Enforcement: Interim Report to Ministers", where the section entitled "Community leadership" states, "We have identified skill and people shortages in planning, enforcement and inspectorate agencies", clearly suggesting the importance of 'enforcement' with regard to Gypsies and Travellers). In other cases, the hidden assumptions behind the research that surface in the kinds of questions asked, the kind of material gathered and the conclusions drawn from it, tell us much about the views of those who conducted the research in the first place and their intended audience.²²

The impact of historical contingency in many studies is frequently subsumed under a generalised abstraction that is ultimately self-referential – *Gypsies* are a marginalised and socially excluded group because they have always been so. The relationship between modernity, the nation-state and exclusion is rarely examined as a context for much research,²³ possibly reflecting the perspective of the audience for much of the reports produced.

The concerns of the modern nation-state and trans-national, supra-states are to improve upon the model and ensure social inclusivity, rather than reflect upon the historical realities of nation-state construction as inherently exclusivist in the promulgation of 'the nation' and ethno-nationalist ideology.²⁴

All research is not restricted to the presentation of negative stereotypes or notions that reinforce common prejudices of course; in some cases academics and researchers are keen to present certain data in the context of their own agendas for mobilisation or organisation of Gypsies, or to support the arguments made elsewhere regarding origins, ethnicity and identity, for example. The research into Gypsy history is one such area where competing agendas and conflicting interpretations may reflect this to a much higher degree than in some others perhaps. In the sense that the audience of this kind of research may be broader (in that much social science research is directed at a non-Gypsy audience and intended to achieve change through mobilising it), it is an arena where a series of counter-narratives to the dominant themes of the nation-state, social inclusion and citizenship, have been presented as the historical experience of Gypsies.

²² See, for example, the work of Zoltan Barany (Barany, Zoltan. 2002. *The East European Gypsies: Regime Change, Marginality and Ethnopolitics*. Cambridge: Cambridge University Press) wherein the audience is clearly located in the realm of political science and Barany's construction of types of polity in his first chapter – "[...] regime type determines state policy explains change in the conditions of the marginal group [...] this is the text from a diagram" – reifies relationships between states and Gypsy groups within them in order to meet the perceptions of the audience, but then presents the "abundant variation" in minority policies between these various regime types as a result of a series of deviations from these ideal types. See also Thomas Acton's criticism of Barany in his "Romani Politics, Scholarship and the Discourse of Nation-building". *Op.cit.*

²³ The work of Ussama Makdisi about sectarianism and violence in Lebanon is a notable exception. See Makdisi, Ussama. 1996. "Reconstructing the Nation-State: the Modernity of Sectarianism in Lebanon". In *Middle East Report*. July-September Issue.

²⁴ For a reflective discussion of Roma 'nation-building' and its consequences, see: Horvath, Aladár. 2006. "Gadjo Nation - Roma Nation". In *Roma Rights 2/3 2006*. Quarterly Journal of the European Roma Rights Centre. For a discussion about the International Roma Union's Prague 2000 adoption of the Declaration of a Nation Without a Territory, see Acton, Thomas and Ilona Klimova. 2001. "The International Romani Union: an east European answer to a west European question." In Will Guy [ed]. *Between Past & Future: the Roma of Central & Eastern Europe*. Hatfield: University of Hertfordshire Press.

History, Ethnicity & Identity

History is identity, the primary means of acknowledging sameness, membership of the group and difference from others. It is always established, whether in part or wholly, through the sharing of a narrative of origins, of journeys of migration, or anti-migratory narratives of *autochthony*, and of 'present' as related directly to 'before'. Shared origins in the heart of northern Europe for a number of peoples, such as Swedes, Danes, Norwegians, the English and Germans may be acknowledged broadly, but it is the trajectory of the narratives of journey from this point, both geographically and conceptually, that begins the discourse of identities and ethnicities for these groups. There is no "geography of significance", as Maja Frykman has called it,²⁵ in defining this as a common point for Swedes, the English or Norwegians; in fact these narratives of journeys are frequently and positively *anti-diasporic* in their conception of origin. There is no appeal to the "folk-wanderings" of *proto* Anglo-Saxons, Jutes, Svea or Göta as a building-block of common identity, no attempt to create the sense of commonality, whatever the linguistic connections that patently indicate otherwise. Instead, notions such as the "cradle of Sweden", or dates (1066 CE in England), are treated as axiomatic in the narrative of identity. Ethnicity, as a central component of identity, is frequently established through what Siân Jones has called a process of "archaeology",²⁶ the attempt to demonstrate the existence of direct lines of inheritance from the present-day group to the past occupation of territory, and a common culture, echoes of which are to be found in the artefacts and cultural expressions of the modern *ethnos*. Again, notions such as the "ancient Britons" – the *Eceni*, *Brigantes*, *Trinovantes* or other pre-Roman groups, or the *Cwen* or *Kväner* (a minority group in northern Sweden and Norway that frequently adopt a counter-narrative to the Saami assertions of historicity in the Swedish case, arguably due to land-rights issues) – become integral to interpretations of modern ethnicity and to a direct lineage with an *ethnicised* past (thus effectively *ethnicising* all social, economic and political issues and actually undermining social equality within the discourse of equality of opportunity). Identity and ethnicity are then history, the narrative sum of the series of past events ascribed to particular groups, and given legitimacy through the "major [...] democratic contest" of defining culture, in what Edward Said described as "a disputed history of identity."²⁷ In a way that clearly transcends notions of identity and language as the fundamental nexus of identity, or a common culture, shared religion or other criteria, history as it is constructed in narratives of origins is the *major* conceptual framework for identity and ethnicity.

Is there a Gypsy history? A record of a whole series of past events associated particularly with people defined by themselves as Romani, Dom, Lom or Travellers (or a plethora of other associated terms), or more often by others, as *Gypsies*? The question may seem one that is self-evident to those scholars and researchers working in the field of

Romani Studies, but I would suggest here that it is a necessary one, essential even, especially in the context of who produces this research, who is it produced for and why. A great many words are produced purporting to describe, define and delineate what is suggested are histories of the Gypsies (and thus establish legitimacy through

²⁵ Frykman, Maja. 2005. "Balkan Connections: Towards An Ethnography of Immigrants' Transnational Practices" at Towards a New Balkan Cultural Studies Conference, Istanbul Bilgi University: 27-30 October 2005.

²⁶ Jones, Siân. 1997. *The Archaeology of Ethnicity*. London: Routledge. See also Seeman, Sonia Tamar. 2006. "Presenting "Gypsy", Re-Presenting Roman: Towards an Archaeology of Aesthetic Production and Social Identity." *Music & Anthropology the Journal of Musical Anthropology of the Mediterranean*. Number 11. Available online at: http://levi.provincia.venezia.it/ma/index/number11/seeman/see_0.htm.

²⁷ Said, Edward. September 2004. "US: a disputed history of identity." In *Le Monde Diplomatique*. Available online at: <http://mondediplo.com/2004/09/04history>.

ethnogenesis), sometimes by Romani authors themselves (although most frequently not), but as the poet David Morely writes, these are “[...] haunted by falsehood from the start [...]. Fiction was the poached life-history of travelling folk.”²⁸ We might take this as a *leitmotif* as we concede that what is presented as research about Gypsy peoples, what has been “poached” from them, in fact is more likely to be the record of contact between non-Gypsy people and their imaginative re-construction,²⁹ or fiction they define as Gypsies with their “[...] fantasies and longing for disorder.”³⁰ In this ‘history’, we can find a record of racism, the mechanisms of misconception, prejudice and exclusion, and attempts to construct narratives of journey as an explanatory device for discrimination (thus justifying the criminalising of mobility in sedentary nation-states and, of course, promoting the dominant trope of *Gypsies* as ‘wanderers’ or purposeless travellers), an exoticised and orientalist version of groups of people who have actually been in proximity to others for centuries, mostly through the experience of sedentarism. The idea of Gypsy identity being confusing or indefinable is posited with very little comparison to other identities, yet we may trace ‘Egyptian’ identity to Constantinople from the second half of the eleventh century,³¹ arguably earlier than the establishment of ‘English’, ‘Swedish’ or many other identities. The variation in origin myths that have abounded from quite

early periods, have ascribed the most banal or bizarre of explanations to the *ethnogenesis* of Gypsy people.³² Words then, are not to be trusted, are fictions; as Calvin Martin, the great American ethno-historian of native peoples and European encounters suggests, “[...] words. I have grown suspicious of them [...] and am growing increasingly distrustful of what I myself have been saying.”³³ History and historical research is then “[...] a discourse [...] cultural, cultivated, fabricated and thus ultimately arbitrary [...],”³⁴ a way of delineating the parameters of discussions about, in this case, identity and ethnicity.

The notion of Gypsy history is one that is not secure though, academia has not always been accepting of the legitimacy of such (much as other areas of study have been ‘ghettoised’). The ‘establishment’ in this instance might be defined as Historians, academic practitioners of writing History, and in ways similar to those contests that have marked the definition of other “hidden” groups in Sheila Rowbotham’s seminal phrase,³⁵ Gypsy history has been frequently suggested as ‘missing’, ‘lost’ or ‘forgotten’. The idea that Gypsies have little history has been extremely influential and is behind some of the misapprehension of non-Gypsy peoples about them. Ian Hancock notes what he describes as “[...] the vague understanding of Romani origins [...],”³⁶ and other writers have implied ambiguity,³⁷ or Gypsies as being without legitimacy, through

²⁸ Morely, David. 2007. “Fiction”, In *The Invisible Kings*. Manchester: Carcanet Press.

²⁹ Okely, Judith. 1983. *The Traveller-Gypsies*. Cambridge: Cambridge University Press.

³⁰ Malvinni, Dominic. 2004. “The Gypsy Caravan : from Real Roma to Imaginary Gypsies in Western Music and Film.” In *Current Research in Ethnomusicology 11*. London: Routledge. See also van de Port, *op.cit.* and Okely, *op.cit.*

³¹ See the many repetitions of the story of the *Atsinganoi* at the court of Constantine Monomachus in literature about Gypsies, originally from the *Life of St. George the Athonite* written in 12th century Byzantium.

³² For discussions of these, see Mayall, *op.cit.*; Hancock, Ian. 2002. *We Are the Romani People (Ame sam e Romane dzene)*. Interface Collection, Vol. 28: University of Hertfordshire Press; and Fraser, Angus M. 1992. *The Gypsies. Peoples of Europe Series*: Blackwell.

³³ Martin, Calvin Luther. 1992. In *The Spirit of the Earth*. Baltimore: John Hopkins University Press.

³⁴ Jenkins, Keith. 1995. *What Is History?* London: Routledge.

³⁵ Rowbotham, Sheila. 1992. *Hidden From History*. London: Pluto Press. For a recent example in Romani studies, see also Tebbutt, Susan. 1998. *Sinti and Roma: Gypsies in German-Speaking Society and Literature. (Culture & Society in Germany 2)*. New York & Oxford: Berghahn Books.

³⁶ Hancock, *op.cit.*

³⁷ Fonseca, Isabel. 1996. *Bury Me Standing*. London: Verso.

this lack of history.³⁸ In contradistinction to other histories, conceived of as the absent object of inquiry and signified by their remaining fragmentary traces, organised (produced) by professional historians, archaeologists, archivists, librarians and academics,³⁹ the Gypsy 'past' is a lack of history behind, as Hancock argues, the ability of non-Romani people to ignore or leave out Gypsies from many aspects of society, "in the absence of a well-recognised history and clearly understood ethnic identity."⁴⁰ Once more we might suggest that Brian Belton's phrase of a people outside of the empire of written words is apposite in this case.

Historical research however, may be argued to be irrelevant to some Gypsies themselves in this context. To know the family lineage, the relationships between groups and the status of those relationships, whether cordial or antagonistic, might be what is important though frequently absent from the kind of research that concentrates upon resolving 'problems' or 'challenges' to social inclusion. To know whose family one's own ancestors once travelled with, or married into, these things may have meanings, as Monica Kalderas of the Romska kulturcentret i Malmö [Romani Culture Centre of Malmö] told me on one occasion, and the idea of an abstract record of the events stretching back into the past, as a symbol of collective identity, seen to be of the non-Gypsy world. This is the language of nationalism, of imagined homogeneous communities tied to territories, of conceptions about when towns, farms, rivers, mountains and valleys stop being one's country, to become "one's un-country".⁴¹ In the perspective of national identities, what is Gypsy history? Is it a pan-European or even pan-global history? The demand for understanding the

past of particular groups, through constructing narratives of ethnicity and identity, is part of a discourse of resilience and authority, of claims to resources or rights based in linguistic conceptions charged with non-Gypsy notions of place and even time. The intellectual constructs of many non-Gypsy scholars are those that are employed in an attempt to encompass experience and events that are without the socio-cultural matrix of the academics and researchers producing research reports about *Gypsies*, for the most part. Those of us writing history should be constantly mistrustful of what we say, what we describe as we seek to elaborate the fragmentary glimpses of Romani people set down in non-Romani records, as we construct a narrative of events that links movement with meanings, time and what has transpired. Our desire to make a coherent picture of the past, one that we can refer to when faced with demands for explanations as to who, where and how is, in its very inception, an acceptance of the legitimacy of such logic, to agree with the notion that *authenticity* relies upon demonstrable chronologies, maps and recorded *evidence*.

Yet, are we in danger of creating a new kind of *essentialism*, one that suggests that this process is flawed and fraught because it has been produced by non-Gypsy people to non-Gypsy conceptions, and must be re-written by Romani scholars to be authentic and legitimate? The debate between scholars in the recent past has clearly been contested over this ground, and there are suggestions that in the interests of the Romani emancipation movement and political activism associated with securing rights for Romani people, this is the case.⁴² The notion of Romani history itself is an exclusivist approach, one that

³⁸ For his discussion of this as an aspect of perceptions by non-Gypsies and researchers in Romania during the Soviet period, see Beck, Sam. 1986. "Tsignani-Gypsies in Socialist Romania." In *Geissener Hefte für Tsignanologie*, 1-4.

³⁹ According to Tony Bennett's analysis of the "historical past". Bennett, Tony. 1991. *Outside Literature*. London: Routledge.

⁴⁰ Hancock, *op.cit.*

⁴¹ Phrase from *Le Guin, Ursula*. 1980. *The Left-Hand of Darkness (Remembering Tomorrow)*. New York: Harper Collins.

⁴² See the review of Ian Hancock and Zoltan Barany, in Matras, Yaron. December 2004. "A conflict of paradigms: The East European Gypsies (Zoltan Barany) and We Are the Romani People (Ian Hancock)." In *Romani Studies. Series 5, Vol. 14, Number 2*.

presupposes a unique Romani perspective that can be discerned from others at points in the past, elucidated from documentary evidence and textual sources. For a historically non-literate population for the most part, this is a position that is clearly open to question. The perspectives of those who recorded the encounters with Romani peoples historically are the dominant ones, even when they are directly quoting Gypsies themselves, as in Andrew Boorde's c.1547 "The Fyrst Bake of the Introduction of Knowledge, the wizyche dothe teache a man to speake parte of all maner of languages, and to know the usage and fashion of all maner of countreys. And for to know the moste parte of all maner of coynes of money, the whych is currant in every region. Made by Andrew Borde, of Physycke Doctor. Dedycated to the right honorable and gracious lady Mary daughter of our soverayne Lorde Kyng Henry the eyght", or Lionardo di Niccolo Frescobaldi's account of meeting Gypsies in the Morea, in 1384.⁴³ Gypsy historiography hasn't yet addressed the textual implications of the writing of that history, as it simply relies upon a nomological or narrativistic approach (frequently both), whatever the underlying ideological position of the authors. Scholarship about Gypsies has always been produced by non-Gypsies, and many works have been instrumental in defining much that we accept as the bedrock of Romani history and culture. Others have been significant in defining what many regard as the propagation of stereotypes and anti-Gypsy prejudices,⁴⁴ and their critics have challenged this aspect of their

works.⁴⁵ To challenge racism and discrimination is it inevitable that an essentialism based upon equally exclusive notions of belonging be created? That a counter-narrative of ethnicity and identity be constructed?

If the record of the past that exists is one that largely misrepresents this experience for Gypsy people, is there corpus of Romani historiography that addresses these misconceptions and misconstructions? Increasingly, the presentation of Romani histories is one that is being undertaken by Gypsies themselves, and there is a body of work that we can define as Romani historiography being added to the narratives of Gypsy people recorded and interpreted by non-Romani authors, especially around key recent historical episodes such as the experience under Stalinism, or Nazi atrocities against Roma and Sinti in occupied Europe.⁴⁶

What are the problems of a Romani historiography? And what are the issues that confront researchers and scholars writing Gypsy history or histories, at present? The notions that practitioners of history writing have attempted to address, particularly as a result of the challenges from postmodernism, post-colonialist theories and subaltern studies, challenging the legitimisation of a conceptual framework for professional historical enquiry, have been almost absent from many of the recent works engaged with Romani history.⁴⁷ As David Mayall notes in his study of Gypsy identities, this may be less a

⁴³ See Manzi, G. [ed]. 1818. *Viaggio di L. di Niccolo Frescobaldi In Egitto E In Terra Santa*. Rome.

⁴⁴ Arnstberg, *op.cit.*; and Svensson, *op.cit.*

⁴⁵ Montesino, *op.cit.*; Hazell, *op.cit.*; and Strand, *op.cit.*

⁴⁶ See Lewy's argument that Gypsies were not targeted by the National Socialist regime on the same basis as the Jews in: Lewy, Gunther. 2000. *The Nazi Persecution of the Gypsies*. Oxford: Oxford University Press. For an example of the process, see Hancock's earlier counter argument in: Hancock, Ian. 1989. *Jewish Responses to the Porrajmos*. Available online at: [http://www.chgs.umn.edu/Histories__Narratives_Documen/Roma__Sinti__Gypsies_/Jewish_Responses_to_the_Porraj/jewish_responses_to_the_porraj.html](http://www.chgs.umn.edu/Histories/_Narratives_Documen/Roma__Sinti__Gypsies_/Jewish_Responses_to_the_Porraj/jewish_responses_to_the_porraj.html). Domino Kai, Fred Taikon and other Roma in Sweden have adopted an alternative to the term "porrajmos", which they consider to be extremely offensive, using instead the phrase "Sa o Mudarimós" or "Sa o Mudaripén" ("the final killing"), which they consider more accurate in conjunction with a reconsideration of the mechanisms of exclusion, which they term "anti-Romaism". Private communication from Domino Kai dated 22 August 2007.

⁴⁷ See Incirlioglu, *op. cit.*, for a critical engagement with Foucault's concept of heterotopia as an example of research that has attempted to address wider conceptual issues; also Seeman, *op. cit.*, for a response to Gayatri Spivak's critique regarding the 'voice' of the subaltern being heard.



Dom from Kiziltepe, Mardin region in south-eastern Turkey. Tattoos are common amongst men and women and are originally an influence from the Christian Suriyani population, suggestive of changing religious identity amongst the Dom.

PHOTO CREDIT: IDAVER MEMEDOV

lacuna on the part of those writing Gypsy history and more to do with the relative absence of historians in Romani studies. The works of Gypsy history that have been published have often reflected a perspective that might be described as “a-historical”,⁴⁸ at worst as an exercise in myth-making, and yet the process of historical writing in general is one that has encompassed much of the latter in the development of national histories.⁴⁹ The shift away from nationalist

historiography of the nineteenth-century, to a more inclusive historiography in many instances (history-from-below in 1960’s Britain, for example), has been one that has not survived the dramatic changes in political complexity in south-eastern Europe, for example. As Milena Dragicevic Sestic has argued, the discourse of diversity in the region, fostered by international organisations and others in an attempt to address the results of the conflicts of the 1990s, stands

⁴⁸ *Mayall op.cit.*

⁴⁹ *I am reminded of Konrad Berkovic’s statement in his 1929 “The Story of the Gypsies” in which he writes “[...] every historian has lied when telling the story of his [sic.] own people, and lied again when telling the story of another [...].”*

in direct opposition to ethnically-based cultural policies and national cultures.⁵⁰ The significant others in this context are the neighbouring Serbs, Bulgarians, Albanians, and Romanians, but *Gypsies* are also part of the narratives of ethnicity throughout the Balkans, as van de Port has shown frequently as the ultimate ‘other’ against which ethnic identity in any of these instances is measured or ‘forged’.

There are then, a number of issues to be addressed by Romani researchers producing Gypsy historiography. Can these be seen differently for Romani writers of Gypsy history, as opposed to non-Gypsy authors? Here I have tried to reflect upon aspects of the writing of Romani history as an example of research and representation in a historiographical context, and argue the case that there are a number of significant issues to be addressed by Romani researchers themselves. The first is that Romani history (and research) *is* being produced differently by Romani and non-Romani authors, and that it is being defined through practice, whilst the debates concerned with questions of what history or research is, remain largely unacknowledged by the scholarship in Romani Studies. I am suggesting here that there are apparently competing demands between Gypsy activism in the political sphere and the desire to construct a coherent narrative of ethnicity and identity in the interests of addressing inequality, and the concerns of researchers attempting to examine the historical or contemporary experiences of Gypsy peoples. There is a relationship here, and the question is one of *complimentarity* or conflict. I would suggest that the necessary engagement with the theoretical implications of modern historiography, for Romani history writing, is one that must be undertaken, as part of the shift towards a more critical Romani studies. This shift

is one that the Romani writers of Gypsy history may be best placed to undertake, for reasons I shall discuss below.

From Angus Fraser’s seminal 1992 history of Gypsies, to Ian Hancock’s 2002 work, lies not only a temporal separation, but a paradigm shift in the approach to the writing of Romani history. The “grand narrative”⁵¹ of Fraser’s sweep through time has been replaced by the adoption of a thematic structure, suggesting an emphasis from the perspective of Gypsy people themselves, by a Romani author. The ‘traditional’ historicism of Fraser’s work maintains the fiction of the objective voice, reflecting something of his attitudes as regards aspects of various notions of origins, for example, and his characterisation of the movement of Gypsies into central and western Europe as ‘The Great Trick’ (*o xanxanó baró*). This, Fraser suggests, was “the greatest trick of all [...] played on western Europe in the early fifteenth century.”⁵² This strikes a chord that is echoed elsewhere in the work, one of roguish mendacity when it comes to claims made by Gypsy people about identity or belonging throughout the whole of the recorded history of the Gypsies. This is not the place for a review of the volume; the underlying trope is one of ironic scepticism, and the text is *emplotted* as a tragic and heroic journey, clearly defining the resilience and resistance of Gypsy peoples in the face of almost overwhelming oppression and suppression. The link with resilience and therefore *authenticity* is, however, slightly contradictory in view of the sceptical position adopted in Fraser’s analysis.

The challenge of the post-modernist Dutch school⁵³ has forced a recapitulation of the arguments about origins and identity that, to some extent, was left open by Fraser’s scepticism.⁵⁴ Ian Hancock’s most recent work has sought to define the question emphatically, and has brought strong reactions

⁵⁰ “*Balkan crossroads: for a new ethics in cultural policy making and international relations*” (2005). Paper presented at Towards A New Balkan Cultural Studies Conference, *op.cit.*

⁵¹ *Term from Lyotard, J. F. 1979. The Postmodern Condition: A Report on Knowledge. Manchester: Manchester University Press.*

⁵² *Fraser, op.cit.*

⁵³ *For example, Willems, Wim. 1998. In Search of the True Gypsy; from Enlightenment to Final Solution. London: Frank Cass.*

⁵⁴ *Acton, 2006, op.cit.*

from the social historian David Mayall⁵⁵ and, more particularly, Yaron Matras.⁵⁶ In his review article,⁵⁷ Yaron Matras challenges Ian Hancock's claims to present a convincing case, and argues instead that activism, rather than scholarship, is the driving agenda in this recent discussion of origins and

identity. Thomas Acton's response⁵⁸ suggests that the arguments are in the nature of "classic positivist" debates, familiar in Romani Studies since the speculative considerations of W. R. Rishi in 1983 (see text box on page 22 and 23), began to represent the modern *kshatriya* (Rajpūt warrior) position.

The kshatriya debate

The notion of a military origin of Gypsies is, of course, nothing new; Richard Burton writing on a number of occasions⁵⁹ suggested this from the 1840's onwards⁶⁰ and others followed for the next sixty years to repeat or develop this. W.R. Rishi's own discussions sought to draw new inferences from some surprising connections.⁶¹ The writing of Romani history remains a contextual and highly contested arena, where the discourse of "authenticity" and "resilience" jostles with that of "social isolation" and "marginality". Scholarship and activism are contrasted as two opposing poles, with the engagement in one argued by many as compromising the other.⁶² In this sense, Romani 'self-writing',⁶³ can be seen as the necessary corrective to *gadje* derived scientific criteria, and positivist notions of objectivity. In this context, Gypsy researchers' positions are very similar to that of other writers from minority ethnic backgrounds; it is the assumption that the activist agenda is always to be identified at the heart of the argument, the inability to stand 'objectively' above the debate. The problem that such a position also embodies (in that any attempt to pursue objectivity is seen largely as the product of an exterior, or unrepresentative perspective that cannot adequately supply us, the readers, with an insight from a genuinely *ethnic* voice) is, of course, the flip-side of this particular counterfeit (in the sense that notions of scientific objectivity have been undermined by the assault of post-modernism) coin.

In the wider Romani political movement, the 'traditional' approach to the history of Gypsies has largely maintained its teleological narrative, through the tropes of journey, persecution and the need for redemption through political and social emancipation, delivered by non-Gypsy institutions (European Union, Council of Europe, Organization for Security & Co-operation in Europe and the UN), as mobilised by Romani activism and influenced by research reports and studies. Web-sites dedicated to the dissemination of information about Roma of Europe frequently include varieties of historical background that continue to reflect the emphasis on mobility and marginalisation. Contemporary music, as an aspect of the reproduction of what one might term popular Romani history, constantly refers to the "Roads of the Roma", or the "Thousand Year Journey", reinforcing the separate nature

continued on next page →

⁵⁵ Mayall, *op.cit.*

⁵⁶ Matras, Yaron. 2001. "Typology, dialectology and the structure of complementation in Romani." In *Trends in Linguistics, Studies and Monographs* 153.

⁵⁷ Matras, 2004, *op.cit.*

⁵⁸ Acton, Thomas. Forthcoming. "Has Rishi gone out of style? Academic & policy paradigms in Romani Studies." In *Roma. Delhi*.

⁵⁹ For the most definitive presentation of his arguments, see Burton, Richard. 1898. *The Jew, the Gypsy & el Islam*. London: Hutchinson.

⁶⁰ As Ian Hancock himself made clear in a recent posting on the Roma Virtual Network dated 23 July 2007.

⁶¹ Rishi, W. R. 1983. "On the Indian love of buffalo milk." In *Roma. Delhi*.

⁶² Mayall, *op. cit.*; and Matras, *op.cit.*

⁶³ Phrase from a 2005 symposium at Umeå University's Department of Modern Languages. See: <http://www.eng.umu.se/raoul/Call.pdf>.

of Romani experience through alternative narratives of journey, or counter-structures of community governance and self-regulation, with collections of music by “Gypsy Queens” or “Kings”. Conversely, these seek to integrate this cultural expression under the general category of “world music”, again as an alternative to ‘mainstream’ (non-world?) music.⁶⁴ The possibility of Romani music that expresses more “conventional” forms, such as the Mozart, Brahms and Liszt played at concerts by Robbi Lakatos or Gabor Boros’ ensemble, finds only a limited market, whilst those musicians who work in a more nationally-defined genre, such as Swedish dance-band music, are not recognised as Romani or Gypsy at all (despite the fact that very many of the dance bands’ personnel are *Resande* (Travellers)). The extreme example of this is in the situation of English Romanichals, whose musical heritage has become almost wholly absorbed as “folk music” since the latter was re-fashioned in the 1960’s, and English Gypsies now often identify closely with American country and western music. This form of Romani presentation as an expression of historical experience has become detached and de-contextualised to the extent of being unrecognised as such in the Swedish and English contexts. The particular descriptions of the shifting relationship of Travelling peoples from rural to urban communities, as a consequence of industrialisation and urbanisation, are now taken to be part of the overall narrative of population dislocation and (frequently) emigration in the restructuring of these nation-states during this process. In these examples, the research undertaken into these musical forms leaves aside such considerations.⁶⁵ Sonia Seeman has argued that contemporary Gypsy music in Turkey, produced by the *Romanlar* themselves, is both responsive to and reflective of the non-Roman “iconic stereotypes” that emerge in the struggle for control over representations of the ‘Gypsy’ (*çingene* in what is considered to be a pejorative term), in what she suggests is a fluid “[...] contingent, negotiable and contestable [...], relational and conjectural rather than essential” process of establishing Gypsy cultural identities.⁶⁶

In the purveying of popular ideas of the Romani past, the imaginary *Gypsy*, and his/her connection to “the wild” or exotic, maintains its hold on both the European conception of Gypsy people, and the understanding of how they came to be. The current prejudice and discrimination displayed towards Gypsies in Europe utilises this discourse in order to mobilise the notions associated with it, underpinning stereotypical representation through the media of feckless, irresponsible parasites. The portrayal of Gypsies in terms of history is significantly undercut by reference to delegitimised “travellers”. A great deal of research and reports published engage critically with this discourse, arguing for a rights-based approach that ultimately challenges some of the conceptions surrounding notions of social inclusion and citizenship, especially as these are frequently *ethnicised* across social, economic and political factors further marginalising Gypsy communities.

The representation of Gypsies, Roma and Travellers in research is as many-faceted as the research itself, but the current plethora of texts that focus upon social inclusion is less an indication of the needs of Gypsy peoples themselves and more a reflection of where it is possible to gain funding for research and what kind of research is being commissioned. In this context, the production of research is always an aspect of those producing it, not those about whom it is produced. These many representations have a clear impact upon how people perceive Gypsies, and how Gypsies more and more perceive themselves. As Acton has suggested, the solidity of a rights-based model of research (such as that pursued by the ERRC) stands in stark contrast to the smoke-and-mirrors that are preferred by many researchers and donors, the essentially nationalist notions of social inclusion and citizenship.

⁶⁴ Malvinni, *op.cit.*

⁶⁵ *Scottish research by contrast, under the auspices of Edinburgh University’s Centre for Scottish Studies, has an unrivalled archive of recordings from Gypsy-Traveller singers such as Bell Stuart and many others.*

⁶⁶ See Seeman, *op.cit.*; see also Marsh and Strand, 2006, *op. cit.*

The Perception of Gypsies in Turkish Society¹

Suat Kolukirik²

Introduction

Gypsies have taken different names since their first appearance in history, and they represent a defined culture. Another significant characteristic of Gypsies is the fact that they embraced and preserved their own language, although they travelled long distances while migrating and lived in different cultures. These migrations resulted in a series of changes and accent differences in Gypsy language, yet it still survives to a degree enough to meet the demands of daily language today. The language is significant for Gypsies, since it is a defining and distinguishing factor for recognising identity. Furthermore, studies based on language contribute to the research carried out on Gypsy history.

Another important discussion about Gypsies deals with their religious lives. Whether they have a religion or not, and their way of practicing their religious rituals, has attracted the most passionate criticisms against Gypsies. On the other hand, Gypsies adopt the religion of the countries in which they live. The point to be mentioned about the jobs Gypsies take is that they usually stay away from permanent jobs and prefer flexible and seasonal work. It is also very problematic that Gypsies are remembered and identified only with music. Their musical talents

have been brought to the foreground due to both the imposition of social and historical conditions, and the fact that their music represents a “tool” for micro marketing within the scope of globalisation. Monopolisation and communal working methods stand out as a widespread characteristic amongst Gypsies.

Besides these peculiarities, today it is possible to observe that Gypsies attempt to get organised in accordance with the democratic development of the countries in which they live. However, Gypsies, who possibly form the poorest population of the country in which they reside, seem to fail to display a strong attitude concerning this matter. On the other hand, the first International Gypsy Congress was organised in London in 1971,³ and studies were brought about aiming to document all Gypsies in the world.

It is possible to date the relationship between Gypsies and Turkish society back to very old times, since Gypsies first came to Iran after leaving India and then they spread all over the world in three branches. One of these branches crossed to Europe over Anatolia. Since Gypsies migrated to Europe together with Turks, they were sometimes defined as “Turkish Spies.”⁴ Gypsies, who resided in the

¹ This article is a concise version of the work titled “The Gypsy Image and Bias in the Turkish Society” printed in the *Sosyoloji Araştırmaları Dergisi* (Sociological Research Journal. Volume 8, No: 2, Spring 2005). The ERRC thanks the editors of this journal for providing a shortened version of the article.

² Mr Suat Kolukirik is a Professor at the Suleyman Demirel University, Department of Sociology. He can be reached at: suat@fef.sdu.edu.tr.

³ Fraser, Angus. 1992. *The Gypsies*. Oxford: Blackwell, p. 316.

⁴ After Gypsies had settled in Europe, they were accused of paganism by the residents. There were some tales telling of the thefts committed by Gypsies. They were subjected to denunciation for sorcery, witchcraft, espionage for the Turks, and treachery. Gypsies have been mentioned as lazy, naughty, dirty, immoral and deceitful people. Their innate ability to see the future has been considered as both enticing and terrifying. See: Lewry, Guenter. 1999. “The Travail of The Gypsies”. In *National Interest*. Fall Issue 57, p.7.

Thrace region called “Gypsy County”,⁵ worked in the reconstruction of the area and provided military strength in some periods.

“Suleiman the Magnificent enacted a special law in 1530 for the Gypsies to settle in Rumelia. Ottoman records have defined the Gypsy population in terms of age, job and marital status in order to receive regular taxes. The Gypsies serving in the Empire army had a higher social status and prestige. Gypsies preserved their ethno-cultural characteristics, nomadic way of life and traditional jobs, and they expressed their identity in a better way compared to the Medieval Europe.”⁶

We know that in the post-Ottoman period after the foundation of Turkish Republic, a high Gypsy population immigrated to Turkey following the population exchange⁷ with Greece in 1923.⁸ On these grounds, Gypsy settlement in Anatolia in a period when fascism prevailed in Europe should be regarded as one of the significant points in the relationship between Gypsies and Turkish society.

Furthermore, from a general point of view, “identity conflict” constitutes a central problem for Gypsies living in different cultures as in Turkey. Gypsies may generally appear under more than one definition in the cultures in which they live. Besides, “Roman” in Turkey and “Roma” or “Rroma” in Europe has recently been used for defining Gypsies. In this case, while *Roma-n* refers to an international recognition and usage, names like “Çingene” (Turkish), “Tsigane” (French), “Zigeuner” (German) and “Gitano” (Spanish) highlight the local recognitions and date back to an earlier period. Another problem concerning Gypsies is the differentiation between Gypsies and non-Gypsies; since due

to their likeness to some nomadic and semi-nomadic groups, Gypsies may be attributed the negative definitions and adjectives ascribed to these groups.

Method and Techniques

Prejudices are the products of social interaction. The points of view and closeness of the individuals and groups towards one another may produce prejudices and cause mutual accusation. The characteristics, which are not adopted and accepted by society, are generally displayed in a negative approach against a certain group and therefore, the individuals or groups legitimise their position within this frame. The prejudices of non-Gypsies against Gypsies will be discussed on these grounds as an example. However, it should be stated beforehand that the definitions referred to in this study do not reflect an aim to identify Gypsies with these definitions.

Within the scope of this article, the discussion was based on three different analyses revealing how non-Gypsies in Turkey perceive Gypsies. These include the Attribute Constellation Technique, the Gypsy image in Turkish novels and the Gypsy image and prejudice in Turkish legends and anecdotes. The Attribute Constellation Technique has been developed at the Strasbourg Institut de Psychologie Sociale by A. A. Moles. This method, which is based on a simple graphical representation of the features associated by a central concept, constitutes a technique applicable to all correspondences such as a real object, a painting or a word within our perception.⁹ The aim of the application of this technique has been to obtain the points of view of university students towards the names Gypsy

⁵ Gökbilgin, M. Tayyip. 1997. *İslam Ansiklopedisi Çingene Maddesi*. İstanbul: MEB Yayınları.

⁶ Marushiakova, E. and V. Popov 2001. *Gypsies in the Ottoman Empire*. Hatfield: University of Hertfordshire Press, p. 2.

⁷ Arı, Kemal. 2003. *Büyük Mübadele, Türkiye'ye Zorunlu Göç, 1923-1925 (The Great Exchange, Forced Migration to Turkey, 1923-1925)*. İstanbul: Tarih Yurt Vakfı Yayınları.

⁸ Özkan, Ali Rafet. 2000. *Türkiye Çingeneleri (Gypsies of Turkey)*. Ankara: Kültür Bakanlığı Yayınları, pp. 2-4.

⁹ Bilgin, Nuri. 1999. *Sosyal Psikolojide Yöntem ve Pratik Çalışmalar (Methods and Pragmatic Studies in Social Psychology)*. İzmir: Ege Üniv. Yayınları, p.19.



A group of Roma musicians playing impromptu in a street of Kesan, a Thracian town in Turkey. Roma are renowned for their musical talent in Turkey, but it is a mixed blessing as they are widely perceived as 'incapable' of other professions.

PHOTO CREDIT:
DR. MUSTAFA ÖZÜNAL

and Roman.¹⁰ The second technique, which is based on textual analysis,¹¹ aims to analyse the Gypsy image and prejudice in Turkish fiction and dictionaries. Finally, the Gypsy image and prejudice in Turkish anecdotes, legends and daily language usage were collected and evaluated.

The Application of Attribute Constellation

In the Attribute Constellation study, a group of 61 people, constituting 48 females and 13 males from the third and fourth year of undergraduate studies at the Department of Sociology in Ege University, were given a questionnaire about the associations of the names Gypsy and Roman. The obtained data was listed in the Attribute Constellation Technique. As a result of the listing, graphics for both Gypsy and Roman were formed and the data was classified as positive, negative and neutral. The students ascribed 400 frequencies to the name Gypsy. One hundred and fifty seven (39.25%), 138 (34.5%) and 105 (26.25%) of these frequencies corresponded to neutral, negative and positive adjectives, respectively. The same students ascribed 233 frequencies to the name Roman; 95 (40.7%), 87 (37.3%) and 51 (21.8%)

of these corresponded to neutral, positive and negative adjectives, respectively. As the results reveal, the neutral frequency ratios are very close to each other, whereas the positive and negative frequency values have shifted. In other words, the name Gypsy was perceived as negative, while the name Roman was perceived as positive.

The adjectives with highest frequency closest to the centre of the Gypsy graphic were “thief”, “nomad”, “entertainment” and “fortune teller”; whereas the corresponding adjectives in the Romani graphic included “musician” and “entertainment”. In this sense, entertainment was used to define both the Gypsy and Romani. The adjectives “thief” and “dirty”, which were used to define the Gypsy, were less frequent in the Romani graphic and were further from the centre. While Romani was defined more often as Gypsy, Gypsy was seldom identified as Romani. In a general sense, the name Romani was a more flexible and preferred definition compared to Gypsy. On the other hand, Gypsies and Gypsiness may be acknowledged as a classification generally made in accordance with the characteristic of a practiced job rather than with a race; a Gypsy is let into the sphere of mutual relation when s/he says “I am Romani”, while this interaction is abrogated

¹⁰ Roman is the name used by Turkish Gypsies to define themselves. The name “Roman” may mean “Gypsy” for non-Gypsies.

¹¹ Wodak, Ruth. 1996. *Disorders of Discourse*. New York: Addison Wesley Longman.

when s/he introduces himself/herself as a Gypsy. In other words, although Gypsy and Romani are considered to belong to the same group, Romani individuals are perceived to be closer to the society in which they live and are accepted as an insider. In terms of the social image of the Gypsy identity, it is possible to state that it is disgraced in public discourse, yet accepted within popular culture.

The legitimisation problem of Gypsy identity, namely its effort to prove itself, is likely to affect the attitudes of Gypsies. Music, which Gypsies use to prove themselves, usually does not go beyond serving the benefits of popular culture.

The Gypsy Image and Prejudice in Turkish Novels

The Gypsy image and prejudice in fiction can be considered as products of the collective consciousness. Setting out from this approach, the expressions referring to Gypsies in the Turkish dictionary of the Turkish Language Association (TLA) and in Turkish novels, dating from Ottoman times to the present, such as Ahmet Mithat Efendi's *Çingene*, Osman Cemal Kaygılı's *Çingeneler*, Melih Cevdet Anday's *Raziye* and Metin Kaçan's *Ağır Roman*, were determined and evaluated below. The Gypsy image and prejudice in these novels were tabled as positive, negative and neutral; and the adjectives and definitions were indicated by giving the page numbers in the novels. The ways the adjectives are used in the novels were taken into consideration while determining the adjectives as positive, negative and neutral.

The general characteristic of the adjectives used in the novels is their negative attributions towards Gypsies. Adjectives like "barefaced", "officious", "shameless", "ignorant", "wild", "nomadic", "the one who swaps his wife", "non-Muslim", "dirty",

"cunning", "quarrelsome", "foulmouthed" and "thief" are used in these novels to define Gypsies. Sharp and clear definitions of Gypsies are only given within the framework of the story in Ahmet Mithat Efendi's *Çingene* and Osman Cemal Kaygılı's *Çingeneler*. In Melih Cevdet Anday's novel, Gypsies are referred to as "nomadic"¹² and defined in these terms. In addition, Gypsies are described with expressions like "Roman Havası"¹³ and "Şopar"¹⁴ in Metin Kaçan's *Ağır Roman*. The definitions in the Turkish dictionary published by TLA¹⁵ are given as the extensions of their daily usage and with an official language. In Article 4 of Settlement Act no. 2510, enacted in 1934 by The Grand National Assembly of Turkey, Gypsies were not considered as emigrant-nomads and were cited together with anarchists, spies and deported aliens.¹⁶

The striking point in all these analyses is the similarity between the images and prejudices about Gypsies and Romans, despite the big differences between the publication dates.

The Gypsy Image and Prejudice in Turkish Legends

Legends, anecdotes and daily language constitute another source in which Gypsies are emphasised to be different from the rest of the society in which they live. The most significant point attracting attention in the legends and anecdotes is their survival until today, although these are oral narratives. Within the scope of this study, the expressions used in Turkish legends, anecdotes and daily language about Gypsies were collected and analysed.

➤ According to the legend about the origin of Gypsies in Turkey, while Abraham was being catapulted, two siblings called Çin and Gane had an incestuous relationship and were therefore cursed. As a consequence of this

¹² *An emphasis on the migratory life of Gypsies.*

¹³ *Gypsy music.*

¹⁴ *A name used to identify Gypsy children.*

¹⁵ *Turkish Language Association. 1988. Çingene Maddesi, Türkçe Sözlük. Ankara: Türk Dil Kurumu Yayınları.*

¹⁶ *See Settlement Act no. 2510. Available online at: http://www.yargitay.gov.tr/bilgi/kanun_liste/PC12_510.HM3.frameset.html. During amendments to the law in 2005, these articles were taken out of the Settlement Act.*

relationship, Gypsies were born and the name for Gypsy (Çingene) derived from this event.

- In the legend about the nomadic life of Gypsies, statelessness of Gypsies is emphasised as God's fault. According to the legend, God distributed soil and food (wheat) to all races but forgot Gypsies, so they were destined to wander continuously.
- In anecdotes narrating the lives of Gypsies, Gypsies are evaluated as people indifferent to religious life. For example: One day a Gypsy goes to mosque. Everybody takes his place to worship and the Gypsy happens to find himself next to Kara Rüstem, the most troublesome person of the neighbourhood. At the end of the service, while everyone turns their heads to the right like the Imam (prayer leader), the Gypsy turns his head to the left to Kara Rüstem. When the service was over, people ask the Gypsy why he turned his head to the left and the Gypsy answered: "God forgives, but Kara Rüstem doesn't."
- In another version of this anecdote which recounts the religious lives of Gypsies and is told by Izmir Gypsies, 2 Gypsies get on a ship as fugitive passengers. The Gypsies, who see the conductor coming, immediately start to worship and go on worshipping constantly. But the conductor gets tired of waiting and goes and informs the captain about the matter. The captain wants to take a look at them himself. Since the Gypsies get tired too, they take a break when the captain arrives. The captain asks: "Hey Muslim brother, would you teach me Islam? How many commandments are there in Islam?" (Islam has five commandments). The Gypsy who is asked the question says "Savakereyim?" (What should I say) to the other Gypsy and he answers "Vaker 1500" (Say 1500).
- In yet another anecdote, which indicates that Gypsies can never get away from their culture, a Gypsy girl marries a king and becomes a queen. One day, while the king and queen are walking in the forest, the Gypsy queen sees the beautiful trees and she can't stop saying "What

beautiful hoops could be made out of these trees," referring to Gypsies who make hoops.

- In a legend about the inconvenience of marriage between Gypsies and other races, it is told that someone who marries a Gypsy should perform an ablution ritual on a brick for 40 days and then wait for the brick to melt.

Consequently, narratives about Gypsies, like Gypsy images, are generally full of information woven around prejudices. According to Sway, numerous myths and legends were created about the origins and wanderings of these mysterious strangers before the Christian origin of Gypsies was revealed in 1763. These legends were produced due to both negligence and the reluctance of Gypsies to mix with non-Gypsies. The most well-known legend regarding Gypsies is the one about the crucifixion of Jesus Christ.¹⁷ In this legend Gypsies are described as a people who made nails used in Jesus crucifixion.

Besides oral narratives, daily language also includes a myriad of references to Gypsies. Like the negative adjectives attributed to them, these references defining Gypsies can be used as an indicator when analysing the Gypsy image; the given examples resemble and match the ones presented above.

References to Gypsies in Daily Language:

- Hair comes out of Gypsy's Bismillah [in the name of Allah] (indicating that Gypsies are unreliable and insincere about religious life);
- Let neither plum in your garden nor Gypsy on your doorstep;
- You are like a Gypsy child. (referring to those who stay in the sun for a long time and turns dark);
- One should sleep with a Gypsy woman to break a spell of bad luck;
- Half of 72 nations (half of a nation) Gypsy plays the instruments, Kurd dances;

¹⁷ Sway, Marlene. 1988. *Familiar Strangers: Gypsy Life in America*. Urbana: University of Illinois Press, p.39.

- The Gypsy is noisy, his cart is lousy (refers to Gypsy's filthiness and lousiness);
- Did you sleep with a Gypsy? (for one who speaks a lot);
- Is there a Gypsy wedding? (for a noisy place);
- Don't behave like a Gypsy (said to a miserly person);
- Gypsy money (for change or coin); and
- Gypsy fight (for verbal fight).

Conclusion

The common characteristic of the negative images and prejudices about Gypsies is their reference to what is different between Gypsies and the remainder of societies in which they live. The common point of these historically produced images and prejudices is the representation of Gypsies as strangers. For non-Gypsies, the 'stranger' image that does not look like their own

indicates a potential criminal. Differences between groups are exaggerated as a result of labelling and social categorisation processes. Consequently, Gypsies have been regarded as strangers as one side of a correlative relationship in all ages and societies, including India. Nevertheless, their position as strangers also provided Gypsies with the opportunity of constant existence.

Furthermore, as it is mentioned above, the perceived otherness of Gypsies should not be regarded as a characteristic peculiar only to Turkish society. "It is possible to come across prejudices about Gypsies in all the societies they exist as well as in fictive works, legends, anecdotes, films and laws."¹⁸ However, the main problem arises from the adjectives, legends, and anecdotes produced by the mechanism of prejudice which put the Gypsy identity and image under pressure and affect interaction between Gypsies and non-Gypsies. Prejudices about Gypsies include adjectives that may possibly be seen in all groups of society. Yet, it is always Gypsies who are seen as scapegoats.

¹⁸ Crowe, David and John Kolsti. 1992. *The Gypsies of Eastern Europe*. New York: M. E. Sharpe, Inc., p.4.

Roma and Law: A Semi-Pessimistic Overview

András Kádár¹

THE AIM OF THIS ARTICLE is to highlight some of the issues that arise with respect to the legal perception of Roma in Hungary. By legal perception, I mean the way Roma and their specific problems are reflected in legislative norms. To give a comprehensive analysis of the Hungarian legal system from this point of view would be well beyond the scope of this article. Therefore, through concrete examples I will point out certain instances that are illustrative of the main problems emerging in relation to the topic.

My starting point may be summarised as follows:

1. The Romani community's specific problems have an undeniably increasing impact on the Hungarian legislative process.
2. The laws trying to address these problems reflect different perceptions of the Romani community, i.e. there is no unified underlying legislative philosophy behind the legislators' approach to the Romani minority and its characteristic problems.
3. The three most typical approaches perceive Roma as:
 - A. A community with a specific common cultural heritage and traditions;

- B. The most marginalised and impoverished segment of Hungarian society in need of legal protection; and
- C. The racial minority that is most often exposed to racist actions and attacks of different forms spanning from the denial of entry into a pub to actual physical violence.

The presumption I wish to illustrate through concrete examples is that irrespective of which of the three above-listed approaches the legislative responses to specific Romani problems opt for, their solutions are almost never fully adequate, though the underlying perception does have an impact on the efficiency of the legal solution chosen. What I believe to be the reason for this phenomenon will be summarised at the end of the article.

To support my point, I will quote two examples, both realising a movement during legislative amendments from "Perception A" to "Perception B". These two categories are the reform of the election system for minority self-governments and the amendment of the support system of elementary education with the aim of terminating segregation. (Due to lack of space I will not deal with the problems emerging in relation to the implementation of laws based on "Perception C", such as the minuscule numbers of proceedings based on Article 174/B of the

¹ *András Kádár is an attorney at law. He is the co-chair of the Hungarian Helsinki Committee (HHC), a human rights and advocacy NGO focusing on non-discrimination, access to justice, the protection of asylum seekers and the human rights performance of law enforcement agencies. Besides taking individual cases within the HHC's Human Rights Legal Counselling Office, Mr Kádár has been actively involved in HHC's training programmes in the field of anti-discrimination law and the organisation's advocacy efforts related to the passing and subsequent amending of Hungary's anti-discrimination code. Mr Kádár was Hungary's representative on the Management Board of the European Monitoring Center on Racism and Xenophobia and acted until recently as the Hungarian member of the European Network of Independent Experts in the field of non-discrimination.*

Penal Code: Violence against a member of a national, ethnic, racial or religious group).

The reform of the minority self-government election system

Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (hereafter “Minorities Act”) is the classic example of those laws that principally perceive the Romani community from the point of view of its cultural heritage and identity. The preamble of the Minorities Act explicitly states that its main objective is to set up a catalogue of rights aimed at the preservation of the cultural heritage and values of minority groups:

[...]

“the language, material and spiritual culture, historical traditions of national and ethnic minorities living in the Republic of Hungary as citizens, as well as their other characteristics related to their minority existence form a part of their individual and collective identity. [...] The Hungarian Parliament guarantees all those rights in this law [...] that are not only the human rights of the persons belonging to the minorities and their communities, but also political rights through which the preservation of their national or ethnic identity may be enhanced.”

The same thought is also expressed in the legal definition of national and ethnic minorities set forth in Article 1 of the Minorities Act:

“A national or ethnic minority is any ethnic group with a history of at least one century of living in the Republic of Hungary, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging

together, which is aimed at the preservation of all these, and the expression and protection of the interests of their communities, which have been formed in the course of history.”

In accordance with this approach, the primary objective of setting up the system of local and national minority self-governments for all thirteen recognised minorities (including Roma) was therefore to create an institutional framework aimed at the promotion of the collective cultural rights set out in the Act. From early on, this created significant tension with regard to the Romani minority self-governments, as the difficulties of local Romani communities were quite different from those of other minorities (e.g. the Germans or the Slovaks): Instead of operating minority cultural institutions (schools, libraries, theatres), they were primarily interested in trying to find solutions for their extreme social exclusion and poverty. Obviously, the self-governments, which were not designed and equipped to address such issues, often could not meet the expectations of their community. As the president of the Nyíradony Romani minority self-government (Szabolcs-Szatmár-Bereg county) stated in a 2000 interview: “[local Roma] expect us to solve the situation, and keep asking what [changes] they will experience. They put great pressure on us and even ask what we’ve done with our [yearly operating stipend].”²

In spite of this wide gap between the actual need and the planned role based on the Minorities Act’s underlying perception that Roma are simply one of Hungary’s ethnic minority groups and that the institutional framework created for the other twelve will be appropriate for them as well, some Romani minority self-governments managed to use their limited authorisations (e.g. their right to veto³ regarding the local government’s decisions concerning the education of people belonging to minorities) to address issues substantively concerning Roma in Hungary, such as segregation in education. This in turn, however, led to

² Quoted in: *Minority Protection in Hungary*. In *Open Society Institute*. 2001. *Monitoring the EU Accession Process: Minority Protection*. Budapest, p. 251. Available online at: http://www.eumap.org/reports/2002/minority/international/sections/hungary/2002_m_hungary.pdf.

³ Under Article 29(2) of the Minorities Act, the appointment of the heads of minority institutions as well as the local government’s decisions concerning the education of people belonging to minority groups require the approval of the local minority self-government representing the affected minority group.

extreme abuses of the minority self-government system (and especially the election procedure) on the part of the majority population.

Maybe the most well-known of such incidents is the Jászladány case.⁴ In early 2002, the Jászladány local government made a decision to rent a part of one of the settlement's three school buildings to a foundation that wished to launch a private school in the settlement. From the circumstances of the case, it was clear that this measure was intended to disguise an effort to create a separated school for non-Romani children.

In theory, the Jászladány private school would have been open to all pupils; however, the budgeted tuition fee was clearly beyond the capacity of almost all the Romani families in the settlement. The building implicated in the rental was the most modern of the three buildings in which the Jászladány public school operates. Its gym would have also been given into the exclusive use of the private school, so those public school students who study in the other half of the building would have had to walk about a kilometre to the other gym located in one of the older buildings.

The private school was supposed to pay a symbolic monthly rental fee to the local government, in return for which the local government would have undertaken the payment of the overhead costs (gas, electricity, water, etc.), which meant that the local government would have in fact supported with a significant amount of money the operation of the private school which most of the Romani children could not have attended due to the financial limitations.

In breach of the Minorities Act,⁵ the Jászladány local government failed to request and acquire the approval of the local Romani minority self-government before delivering its decision about the rental of the building. The reason was obviously that the minority self-government

strongly objected to the whole idea, had warned about the discriminatory consequences on several occasions, and finally turned to the Minorities Ombudsman. A long and complex legal battle started between the local government, the mayor and the notary on the one hand, and the Minorities Ombudsman, the Ministry of Education and the regional administrative office on the other, over the establishment of the private school. As a result, the school was prevented from starting its operation in September 2002 but started a new registration procedure for the 2003/2004 school year.

It seemed for a while that the minority self-government of Jászladány succeeded in taking action against school segregation. However, the case took a rather bizarre turn in the fall of 2002 during the minority self-government election: Instead of the members of the old Romani minority self-government that tried to prevent the local government from setting up the private school, new members were elected. Out of the five members only one belonged to the Romani minority. The other four members were admittedly not of Romani origin, one of them being the wife of the mayor, who had been the main advocate for the private school. The new minority self-government willingly gave its approval to the decisions necessary for launching the private school, which was duly registered and started its operation in September 2003.

The case was an extreme example of the so-called "cuckoo" phenomenon, when a person not belonging to a given minority runs for membership in the local minority self-government. Before its amendment in October 2005, such instances were made possible by Act LXIV of 1990 on the Election of Mayors and Local Government Representatives (hereafter "Local Elections Act"). Article 50/B of the Local Elections Act declared that any citizen may be nominated for the minority self-government elections, provided that he/she undertakes to represent a minority acknowledged

⁴ *The case is described in detail by the Minorities Ombudsman's 2002 annual report. See: Beszámoló a nemzeti és etnikai kisebbségi jogok országgyűlési biztosának tevékenységéről, 2002. január 1-2002. december 31 (Report on the activity of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 1 January 2002-31 December 2002). Available online at: <http://www.obh.hu/nekhen/reports/reports.htm>.*

⁵ *See Footnote 2.*

by the Minorities Act, while under Article 50/C(1), all persons entitled to participate in the local government elections were also allowed to take part in the election of the minority self-government as voters (meaning that members of the majority population were also entitled to vote on the minority self-government representatives).

In March 2003, the Parliament adopted Resolution 30/2003 (III. 27) on the Necessity to Review Laws Concerning Minorities, in which it called on the Government to review the Minorities Act and Act C of 1997 on Elections (hereafter “Elections Act”), and submit a bill containing the necessary amendments by December 2003.

It seemed that some registry of minority voters was inevitably necessary in order to put an end to anomalies. However, in terms of Article 7 of the Minorities Act, it is the individual’s exclusive and inalienable right to claim and declare affiliation with a national or ethnic group, minority. Furthermore, no one shall be obliged to make a statement on their minority affiliation. This means – argued those who found the idea of a registry impossible to substantiate on a theoretical level – that no person or body may be authorised to qualify voters with regard to their minority affiliation and they may not be requested to make such a declaration either.

In March 2004, the Government submitted to the Parliament Bill T/9126 on the Election of Minority Self-Government Representatives and the Amendment of Certain Acts concerning National and Ethnic Minorities. The original Bill submitted to the Parliament tried to guarantee that only those with genuine ties to a given minority community be eligible to participate in minority self-government elections (either as voters or as candidates) by making participation dependent on the decision of a registration committee consisting of representatives of the given minority. A long and fierce debate evolved concerning this solution, and eventually, in October 2005, the Parliament passed Act CXIV of 2005 on the Election of Minority Self-Government Representatives and the Amendment of Certain Acts concerning National and Ethnic

Minorities (hereafter “Minority Elections Act”), which contains a mixed solution: The institution of registration was introduced to the system, but the registration of voters applying to be included in the minority election registry may only be examined from the point of view of formal criteria, and not even this formal examination is done by minority organisations.

Firstly, the Minority Elections Act amended Article 7 of the Minorities Act to create the legal basis for the introduction of a minority election registry. The provision now reads as follows:

- “(1) It is the individual’s exclusive and inalienable right to claim and declare affiliation with a national or ethnic group, minority. No one shall be obliged to make a statement on their minority affiliation, with the exceptions defined in Paragraph (2).
- (2) An Act or a bylaw aimed at its implementation, may make the exercising of certain minority rights dependent on a statement made by the individual.”

In terms of the new solution, the decision on registration is made by the Head of the Local Election Office (i.e. the local Notary). The Head of the Local Election Office may not question whether the given person truly belongs to the minority he/she declares himself/herself to be a member of. The examination extends to the formal criteria only. In the case of potential voters, if the applicant is a Hungarian citizen, he/she is eligible to vote at the local council elections, and his/her application contains all the required data, the application may not be rejected on the basis that his/her affiliation with the given minority is doubtful.⁶

There are some additional conditions with regard to candidates running for membership in minority self-governments. Candidates can only be nominated by associations, the statutes of which contain the representation of the respective national or ethnic minority amongst the association’s objectives.⁷ The candidate’s

⁶ Article 115/F of Act C of the Elections Act.

⁷ Article 7 of the Minority Elections Act.

declaration shall include (a) that he/she undertakes to represent the respective minority; (b) whether he/she speaks the language of the respective minority; (c) whether he/she knows the culture and traditions of the respective minority; (d) whether he/she has ever been a representative in another minority's self-government. However, the law does not attach any consequences in the case that a candidate does not speak the language and/or does not know the culture of the minority he/she wishes to represent (I must add that due to the widespread use of Hungarian amongst Roma in Hungary, sanctioning the lack of knowledge of Romani languages may have a severely adverse effect in the case of the Romani ethnic minority group).

Although the reforms obviously concern all thirteen recognised Hungarian minorities, it may not be too far fetched to claim that the numerous and repeated problems related to the election of Romani minority self-governments were the main driving force behind the change. What we see here is a legislative response to a problem that is greatly characteristic of the Romani community.⁸ In the legislative process, we also see a movement from the perception of Roma as simply one of thirteen culturally, historically and traditionally defined national and ethnic minorities to an approach which also recognises the community's special need for legal protection against abuses aimed at maintaining its social exclusion (through segregated education in the Jászladány case).

The next logical step is, of course, to look at whether the legislative response was adequate to the specific problem. In his 2006 report, the Minorities Ombudsman stated the following in regard to the minority self-government elections taking place in October of that year.

“Comparing the statistics released by the National Election Office and the Central

Statistical Office it emerges that in 122 settlements or Budapest districts, at least 30 electors requested inclusion in the minority electoral register, whereas in the 2001 census three or fewer persons declared affinity to the given nationality. Among these in 50 settlements nobody declared themselves a member of the minority community and nobody reported a linguistic or cultural tie to the minority community.

This does not mean that in every one of these settlements an abuse took place, however the figures make one stop and think even if we take into account that the nationality statistics of the census are not accurate, and it is estimated that just a third of members of minority communities declared their identity.

It can therefore be established that due to the failings of the current regulations it was possible in numerous settlements to compile a register of at least 30 persons – the minimum number for an election to be called – where in fact there was no real community legitimacy.”⁹

Thus, it seems that not even through the amendment could legislators close the legal loopholes making way to abuses of the minority self-government election system. According to the Minorities Ombudsman, this is mainly because the amended legislation is still not satisfactory. Although I share the view that the regulation could be improved, I have doubts whether that in itself could put an end to Jászladány-type anomalies, primarily because the solution proposed (the inclusion of minority organisations into the procedure) raises the same problem of defining who is a member of a given minority and/or which organisations may be regarded as truly representing a particular minority.

⁸ *The Reasons attached to the amending act make specific reference to the anomalies: “The inevitable need to reform the regulation is unfortunately confirmed by the negative experiences. By now, it has become clear that the deficiencies of the legal framework give rise to severe misuses of the system in the course of the formation of minority self-governments. Abusing the institutionalized self-governance of minorities, such illegitimate tendencies have emerged, which need to be addressed through legal measures. The essence of these phenomena is that persons who do not have anything to do with a particular minority have participated in minority elections and acquired positions in the self-governments of the given minority.”*

⁹ See: <http://www.obh.hu/nek/en/reports/reports.htm>.

The reform of the quota system in elementary education with the aim of promoting integration

The direction of the change, as regards the underlying perception, is similar in the case of the support system of elementary education.

In order to understand the direction of the change, the situation before the amendment needs to be described. In the Hungarian system, five forms of minority school education exist: (i) education in the mother tongue; (ii) bilingual minority education; (iii) language teaching minority education; (iv) supplementary minority education; and (v) Romani minority education.¹⁰

Before the amendment in 2002,¹¹ Romani minority education (that may be launched in a school if the parents of at least eight students belonging to the Romani minority request so¹²) was envisaged by the legislator to be two-sided: It contained Romani cultural education but also a “catch up” element for disadvantaged students.

Schools running Romani minority education programmes received a normative support per year for each child (the exact amount being defined in the act on the annual state budget). This amount was transferred to the local government maintaining the school and had to be – at least in theory – spent on providing the personal and material conditions for this special form of education, but this was not monitored in any way.

It soon became obvious and widely acknowledged amongst experts that legal loopholes and the lack of adequate control made Romani minority education programmes a

primary target of abuses. In 2000, the Minorities Ombudsman conducted a comprehensive survey into the issue.¹³ The main conclusions were the following: (i) in most cases only the catch-up element is realised and the obligation to provide pupils with knowledge of Romani culture is completely neglected; (ii) in some cases, parallel to the organisation of Romani minority education, other subjects (such as foreign languages and computer science) disappear from the curriculum of Romani pupils; (iii) the proportion of not properly qualified teachers is higher in this form of education than in ordinary primary school education; (iv) in several cases, it is not the parents who initiate the organisation of such education: They are sometimes not even asked for their approval but in most cases they are not informed appropriately about what this form of education comprises.¹⁴

In defining the original contents of Romani minority education, two approaches were used simultaneously: One relying on the perception of Roma as a cultural-traditional community (represented by the cultural element of the educational programme) and another implying the perception of the group as a marginalised segment of society in need of catch-up programmes (represented by the remedial element). During the practical realisation of such “educational programmes”, it became clear, however, that the combination of these two perceptions is not operational, and in fact Romani minority education is a hotbed of abuses.

This realisation has led to the reconsideration and reform of the system. The two elements were separated. As a first step, Decree 58/2002 of the Ministry of Education on the Amendment

¹⁰ See Annex 2 Point 1 of Ministry of Education Decree 32/1997 on Guidelines for the Kindergarten Education of National and Ethnic Minorities and Guidelines of School Education of National and Ethnic Minorities (hereafter “MKM Decree 32/1997”).

¹¹ By Decree 58/2002 of the Ministry of Education amending MKM Decree 32/1997.

¹² Article 43(4) of the Minorities Act and Annex 3 of Act LXXIX on Public Education (hereafter “Public Education Act”).

¹³ For further information see: *Beszámoló a nemzeti és etnikai kisebbségi jogok országgyűlési biztosságának tevékenységéről, 2000. január 1-2000. december 31 (Report on the activity of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 1 January 2000-31 December 2000)*, pp. 47-52. Available online at: <http://www.obh.hu/nekh/en/reports/reports.htm>.

¹⁴ *Ibid*, p 49.

of MKM Decree 32/1997 redefined the notion of Romani minority education and eliminated all the “catch up” elements from its definition with only cultural education remaining. This was the result of the recognition that it is both degrading and counterproductive to mix up the teaching of a rich minority culture with educational efforts to decrease social disadvantages (even if the effort is real and not just a pretext for segregation). The new concept however recognises that due to the special situation of the Romani minority and also the lack of standardisation of the Romani languages, as well as the lack of human and material resources (e.g. textbooks for different subjects in Romani or Beash), the separate category of Romani minority education needs to be maintained and cannot at this point simply be merged into the other forms of minority education.¹⁵

At the same time, in order to address the widespread social disadvantage of Roma and promote their integration, new educational forms were created with a normative support system to promote their widespread application. Decree 57/2002 of the Ministry of Education inserted Article 39/D into Decree 11/1994 of the Ministry of Education on the Operation of Educational Institutions (hereinafter “MKM Decree 11/1994”). Paragraph 1 of this new Article claims that with the aim to counterbalance the student’s social or developmental disadvantages, educational institutions may organise a “skills development training”, in the framework of which the student is assisted in developing his/her talents and catching up with the others. In terms of Paragraph 5, the student shall be regarded as “multiply disadvantaged” (and therefore may participate in the special training) with the parent’s written approval, if: (i) his/her parents’ highest level of education is elementary and (ii) he/she is entitled to regular child protection benefit or he/she has been taken into special protection by the notary due to his/her family circumstances.¹⁶ The institutions providing such training receive an additional per capita budgetary support from the central state budget for each child participating in the training. The amount of the support is defined

in the annual state budget and is 20,500 HUF (82 EUR) per child in 2007.

In order to make schools interested in integration instead of segregation, Decree 57/2002 introduced yet another new educational form, with the insertion of Article 39/E into MKM Decree 11/1994, which sets forth the rules of the so-called “integration training”. In accordance with Paragraph 1, such training may be organised for those students who are entitled to participate in the skills development training, with the difference that in the framework of integration training they attend the same class (or group) as “ordinary” students. The central budgetary support available for this form of education is three times as high: 61,500 HUF (246 EUR) for each child participating in such a training programme.

The integration and skills development preparation of disadvantaged children shall be conducted in accordance with the “Pedagogical system of the integration and skills development training of disadvantaged children”, issued in a communiqué by the Education Minister.

The efficiency of the quota system is envisaged to be enhanced by the National Network for Integration in Education, which started its operation in early 2003 with the aim of providing professional assistance and consultancy to those schools which run integration training programmes. From August 2005 onward, only those schools may run skills development and integration training programmes (and thus apply for the additional budgetary support) which cooperate with the Network based on a contract.

It can be seen that the starting point of the above outlined reform was the recognition that the education of minority culture (reflecting the perception of Roma as an “ordinary” minority defined by its cultural traditions) shall be separated from remedial education reflecting the perception based on the difficult social situation of the community. The reform, however, also meant a change in the approach concerning this

¹⁵ For example, education in the mother tongue, bilingual minority education and language teaching minority education – see Footnote 10.

¹⁶ These are special benefits and forms of protection for socially disadvantaged children.

later element and reflected the realisation that integration measures are more efficient if they are based on social status instead of ethnicity. Due to the high degree of social marginalisation of Roma in Hungary, measures aimed at the integration of socially disadvantaged pupils and students strongly promote the integration of Romani students without raising the difficulties stemming from problems of definition and identification, and without intensifying potential ethnic tensions.

As in the case of minority self-government elections, there was a legislative response to the specific needs of the Romani community, and after three years (the new educational forms could be applied in the 2003/2004 academic year for the first time) it became possible to draw some conclusions concerning the results of the reform. In 2006, the Minorities Ombudsman carried out an investigation into the issue. The results are summarised in the Ombudsman's annual report. The relevant part of the report starts with the recognition of the "dual perception" problem:

"An unavoidable question before we consider measures designed to promote integration is whether we should regard the situation of the Roma population as merely a social problem or also as a minorities problem. The difficulty arises from the fact that the Roma population is both a minority with its own culture and language, and – largely – a multiply disadvantaged group. The [Minorities] Act provides for the preservation of the cultural and linguistic identity of the Roma, and the creation of cultural autonomy for the Roma minority. Providing for minority rights, however, does not solve the social problems of the Roma or problems connected to the discrimination they suffer due to the prejudices of majority society."¹⁷

The main concerns of the Ombudsman's investigation that are relevant from the point of view of our topic are summarised as follows.

¹⁷ For further information see: *Beszámoló a nemzeti és etnikai kisebbségi jogok országgyűlési biztosságának tevékenységéről, 2006. január 1-2006. december 31 (Report on the activity of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 1 January 2006-31 December 2006).* Available online at: <http://www.obh.hu/nek/en/reports/reports.htm>.

¹⁸ *Ibid.*

"[S]ocially-based definition [of the beneficiaries of skills development and integration training], due to the low education levels and poverty of the majority of the Roma population, is also suited to reach the Roma children concerned. Nevertheless consistently thinking through the principle of mainstreaming, several questions arise.

The programme does not take into account the phenomenon that the number of Roma children – independently of the education on offer – is in itself a factor influencing the decisions of parents, maintainers and schools. Naturally education policy cannot directly influence the school selection habits of parents. The rules applying to maintainers, however indirectly can significantly form parents' attitudes. [...]

A large number of disadvantaged children are also of Roma origin, and we know that prejudice also plays a part in their segregation. [...]

The question also arises of how the measures can take account of Roma children who are taught in a segregated manner, but who do not classify as multiply disadvantaged. According to the response of the Education and Culture Ministry, 75-80% of Roma families are also disadvantaged, i.e. the number of those left out of the 'system' is relatively small, so the ministry decided that the anti-discrimination warning system is suitable to treat the discrimination they face. The development of this, however, is still at an early stage. [...]

We agree with the fact that the target group of the programme has been defined by social indicators. At the same time we regard the consistent use of the mainstreaming principle as vital, i.e. the analysis of what effect the programme has on children of Roma background."¹⁸

The Ombudsman's concerns echo warnings by experts who claim that exploiting the lack of awareness on the side of the parents (whose low

level of education is one of the preconditions of the child's participation in integration training) and disseminating information only to some of them, certain schools and school-maintainers have started a practice of only involving socially disadvantaged non-Romani pupils in skills development and integration training programmes, thus managing to make use of the additional central support and at the same time satisfying the demand of majority parents to have a separation of Roma and non-Romani children.¹⁹

So similar to what we saw with regard to the reform of the minority self-government election system, we have to conclude that although the legislative response to specific Romani problems has brought positive changes, it was not fully successful in achieving the goal set by the legislator.

Conclusion

In both of the above cases, the legislative amendment was preceded by a change in the underlying perception of the Romani community. In both instances, there was a move from looking at Roma as one of the country's numerous ethnic minorities differentiated by their common cultural identity towards an approach taking into consideration the social exclusion they suffer and its consequences as regards the operation of their institutions. In both cases we have seen that the legislation reflecting the latter perception meant a step forward and yielded some results, but failed to bring about the full solution of the problem triggering the amendment.

Some experts draw the conclusion from this that further amendments are necessary. Not denying the truth of these opinions, I have to warn that there is a point beyond which legislative measures in themselves cannot efficiently address the problems faced by Roma in Hungary.

Law is only one – and not even the most important and effective – tool in changing social behavioural patterns. In the context of the “Roma issue”, law can be useful when certain behaviours need to be sanctioned, and it can be used for creating the framework for programmes and actions aimed at improving the situation. However, considering the extent of discrimination suffered by Roma in Hungary, if not accompanied by complex programmes aimed at the promotion of integration and positive changes in the majority population's perceptions, an exclusively legalistic approach will definitely remain incapable of solving the situation.

The case is somewhat similar to the problem of equal treatment and equal opportunities. Law is capable of enforcing the principle of equal treatment by sanctioning those who commit discriminative acts, but treating everyone equally will not lead to the elimination of the fundamental inequality of the opportunities different members of society have from the very beginning of their social careers. To expect legislation to bring about equal opportunities is unrealistic. In this regard, the role of law can only be the setting of a framework for positive measures, designed and implemented by educational, social, health care, etc., experts – people other than legal professionals.

As a human rights lawyer, I cannot and do not claim that we should *ab ovo* give up the search for apt legal solutions. I firmly believe that the process of refining laws to the greatest possible extent ought to be kept up, and while doing so we must not forget about the importance of starting off from those underlying approaches and perceptions that are the most appropriate to the problem addressed. However, we must also remember the limitations of the legal approach and seek a close cooperation with representatives of other disciplines if we wish to be successful in the quest of finding efficient solutions for the deeply rooted problems of the Romani community of Hungary.

¹⁹ Interview with dr. Lilla Farkas, an attorney with the Chance for Children Foundation specialising in desegregation lawsuits.

Anti-Romani Speech in Europe's Public Space - The Mechanism of Hate Speech

Henry Scicluna¹

Introduction

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

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

Today we are witnessing an unprecedented number of evictions, and an alarming number of physical aggressions against Roma. There is a need for urgent action to stop this dangerous tide of hatred. International organisations and institutions need to be more alert and react more strongly to unacceptable statements made by politicians or in the press. Non-governmental organisations should make fuller use of the European Court of Human

Rights and of the right to a collective complaint under the European Social Charter.

Roma have the right to live in safety and dignity like any other citizens.

“Roma as an object of ridicule”

On 19 May 2007, the President of Romania, Mr Traian Basescu, addressing Ms Andreea Pana, a journalist, stated, “You pussy, don’t you have anything to do today?”, and then said privately while being recorded, “How aggressive that stinky gypsy was.”² These remarks, uttered by no less a person than the President of a European Union Member State, epitomise the spirit of anti-Gypsyism that is today rampant amongst European public authorities.

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

On 19 March 2006, the crowd at a football stadium in Bucharest did not mince words in expressing their feelings as they chanted, “We hate

¹ Henry Scicluna was born in Malta and studied law at the University in his home country. He joined the staff of the Council of Europe in 1969 and has worked in the European Court of Human Rights and in various sectors dealing with health and social affairs. He retired in 2003, and since then he has worked on a voluntary basis as Coordinator of Activities Concerning Roma and Travellers within the Council of Europe and with other international organisations. Mr Scicluna played an important role in the setting up of the European Roma and Travellers Forum.

² For further information, see: <http://www.petitionspot.com/petitions/romawomen>. Posted on 22 May, 2007.

the Gypsies.”³ This contemptuous attitude has a dehumanising effect which categorises Roma as inferior beings and, at best, as an object of derision.

Mr Dimitar Stoyanov, a Bulgarian Observer at the European Parliament, tried to be funny in an e-mail he sent in September 2006 to a number of European Parliamentarians on the occasion of Hungarian Romani MEP Ms Livia Jaroka’s nomination for a prize. Nobody laughed. But his e-mail is a good example of the use of ridicule to demean an individual. The following extract illustrates the point:

“I’ve seen lots of Gypsy women, but all those her age are much skinnier. Doesn’t she share the terrible suffering her people are bearing all around Europe, the poverty, the miserable conditions and the unemployment? Well, I guess when you are an MEP you have to put some weight on you. Have to look serious.”⁴

By making Ms Jaroka the object of ridicule, not only did the writer offend her dignity as a woman and a Romani individual; he has also stripped her of all intellectual competence. Through this mechanism, Roma are presented as stupid individuals, incapable of any achievements, whilst the accomplishments of Romani doctors, lawyers, mayors, parliamentarians, university professors and researchers are ignored.

The Mayor of Craiova, in Romania, was more straightforward in presenting Roma as sub-human

in January 2005 when he stated on television, “[...] if I put them [Roma] in the zoo and showed them to kids saying look at the monkeys, they wouldn’t see any difference.”⁵

“Roma as a public danger”

For many public authorities and politicians, however, Roma are not just the object of contempt and derision – they are dangerous, born criminals. A couple of years ago, a Dutch public prosecutor declared in open court that “amongst Moroccans and football fans, there is a small group that gives trouble; within the Roma community it is exactly the opposite: the ones that do not commit a crime are the exception.”⁶

No less a personality than the Prefect of Rome, Mr Achille Serra, confirmed this point of view after visiting several Romani camps around Rome in May of this year. He was quoted as having stated, “[...] At ten o’clock in the morning I saw children, dirty, playing with a ball [...]. The women were not around because they are at the metro stealing purses and the men were sleeping because perhaps they worked all night robbing apartments.”⁷ This view was further echoed by the Prefect of the Vaucluse, France, who said in an interview that Roma live their lives by swindling and plundering.⁸

The Romanian magazine “Cultura” published by the Romanian Cultural Foundation carried

³ “Some of us stood up. But is anybody ready to listen at the European level?” Available online at: <http://www.ergonetwork.org/standup.doc> Disseminated by Roma Liloro and Roma Virtual Network on 13 November 2006.

⁴ E-mail communication from Mr Dimitar Styanov on 27 September 2006 to Thomas Wise, Mogens Camre, Jelko Kacin, Marios Matsakis, Josef Szajer, and Roger Helmer MEP assistants and observers.

⁵ E-mail communication from Mr Valeriu Nicolae dated 20 April 2005. Subject: Mayor anti-gypsism-Romania.

⁶ Complaint lodged by the Ladelijke Roma Stichtung “Roma emancipatie” on 23 December 2005 against Mr W. J van Elsdingen, Advocate General. The original text is the following: “Waar over Marokkanen en voetbalsupporters wordt gesproken is het een kleine groep die het verpest voor het geheel. En binnen de Roma gemeenschap is dat precies andersom; het zijn de uitzonderingen die geen misdrijven plegen.”

⁷ European Roma Rights Centre/osservAzione. Letter of concern to the President of the Republic of Italy, the President of the Italian Council of Ministers, the Italian Minister of the Interior and the General Director of the National Office Against Racial Discrimination, dated 23 May 2007. Available online at: <http://www.errc.org/cikk.php?cikk=2796&archiv=1>.

⁸ Quoted by Ms Kay Beard in a presentation made at a meeting of the Council of Europe’s Committee of experts on Roma and Travellers on 20-21 May 2007.

an article in its issue of 30 August 2007, stating, *inter alia*, that:

“The social problem created by Roma is not from yesterday or today, it has been present since the Europeans had their first contacts with this ethnic group...[E]verywhere, the gypsies managed to inculcate an almost complete lack of trust in themselves and to build an image of professional criminals. Nobody loves the gypsies (with the extraordinary exception of those who have never had contact with them)...[T]he gypsies have only their own law and their respect for the other is either equal to zero, or depends on immediate interest or individual friendships...”⁹

At best, Roma are presented as a menace. On 30 March 2007, the Czech Deputy Prime Minister, Jiří Čunek, said that for people to receive state subsidies, “[...] you would have to get sunburned [alluding to the darker skin colour of many Roma], make a mess with your family, put up fires on town squares, and only then some politicians would say, ‘He is a really miserable man.’”¹⁰

Political parties have joined in the fun, probably encouraged by the examples set by their political leaders. If presidents, ministers and prefects revel in insulting the Romani population, why should political parties restrain themselves from doing likewise?

For example, in February 2006, the Italian political party Forza Nuova distributed a leaflet on what it called “the problem of nomads” in the town of Montebelluna, in the province of Treviso. According to this political party, “Gypsies, whether Romani or belonging to another community, are known for their skills as thieves and pickpockets, through the exploitation of children, as well as for

their usual drunkenness and fighting in public [...]. It is also rumoured that they carry out burglaries in private houses where there are elderly or defenceless people [...]”¹¹ This last statement is particularly interesting: It matters little whether Roma actually carry out burglaries; it suffices that Roma are rumoured to have committed such acts to spread the rumour even further.

Public statements by political personalities and parties are echoed by the media, which rarely fails to underline the Roma ethnicity of an alleged criminal. For example, on 30 June 2007, the French regional newspaper *Les Dernières Nouvelles d’Alsace*, reporting on a judgment in a murder case, entitled the article, “Four Gypsies Condemned”. Would the newspaper have pointed out the ethnicity of the perpetrators had they not been Romani? I strongly doubt it, and if they had, there would have been a public outcry. On this occasion there was only a deafening silence.

In a report published by the Creating Effective Grassroots Alternative Foundation (CEGA) on the image of Roma in contemporary Bulgarian Press, the author, Ms Galia Lazarova, summarised the situation in these words:

“When the Bulgarian press reports crimes which are not committed by Roma the criminal is called thief, robber, brigand [...]. However, when the crime is committed by a Romani person [...] the crime is reported as an act of specific ethnic nature. [...] The following are usual journalistic expressions: Gypsy thieves, the thievish Gypsy, thievish Roma, the endless thefts of the Gypsies, the daily crime rate of the Gypsy.”¹²

Politicians and the media concur in convincing the public that Roma can do no good – all ten million of them are criminals according to

⁹ Duca, Alexandru Bogdan. 30 August 2007. “Eterna tiganiada?”, in *Cultura*. Available online at: <http://www.revistacultura.ro/articol.php?rezultat=1736>.

¹⁰ Čunek’s statement was published by the popular Czech tabloid *Blesk* on 30 March 2007. Quoted in *The Prague Post* on 4 April 2007. Available online at: <http://www.praguepost.com/articles/2007/04/04/cunek-roma-comment-raises-ire.php>.

¹¹ Unofficial translation by the author of the leaflet of the Forza Nuova, *Segreteria provinciale di Treviso (forzanuovamail@libero.it)*.

¹² Lazarova, Galia. 2002. *The Image of the Roma – A Research into Contemporary Bulgarian Press*. Creating Effective Grassroots Alternative Foundation: Sofia.

many media sources. For example, in 2006 and 2007, report titles on the Internet media portal “regions.ru” in Russia referred to Roma exclusively as dangerous criminals.¹³ Throughout 2005, the Russian newspaper *Budni* contained articles identifying the Romani ethnicity of individuals suspected of committing a crime,¹⁴ and in 2006 the Russian newspaper *Moskovskij Komsomoletc* published articles linking Roma to theft and child kidnapping.¹⁵

“Roma as a useless burden”

But Roma are not only perceived as dangerous – they are, according to several public officials, including ministers and high officials, irreparable and impossible to integrate. When the current President of Romania, Mr Traian Basescu, was Mayor of Bucharest, he was reported to have stated, “Gypsies are nomads and nobody can do anything about them – they will bring their horses into the flats and there any attempt to civilise them ends [...] we should build special camps and keep them outside our cities.”¹⁶ According to Mr Viazoslav Moric, a member of the Slovak National Party, Roma are “idiots” and “mental retards”.¹⁷

Unfortunately, and hopefully unwittingly, the Prime Minister of the Czech Republic, Mr Mirek Topolánek, has gone some way in supporting these views. In a speech earlier this year at the launch of the European Year of Equal Opportunities, Prime Minister Topolánek claimed that “no well-meant effort to make equal

that cannot be equal, no positive discrimination will guarantee the equality of opportunities.”¹⁸ Though referring to disadvantaged groups in general, this limited vision put forth by Prime Minister Topolánek renders the effectiveness of any equal opportunity measures for Roma in the Czech Republic highly questionable given the lack of conviction of the highest Czech officials in adopting such measures.

“Hiding away Roma”

Dangerous, inadaptable, impossible to integrate – ministers, parliamentarians and the media ceaselessly underline it – so what other logical conclusion is there but to exclude them from society? This is what society throughout Europe has been doing for several centuries; in the form of isolated settlements, segregated schooling and refusals of employment. One would have thought that in this enlightened century things would have changed – not at all.

Society is aware of the miserable existence of Roma and the problems they face daily. Even hate speech recognises this miserable existence. Back in 1993, Mr Vladimír Mečiar, a member of the People’s Party Movement for a Democratic Slovakia, addressing a crowd at Spiska Nova Ves reportedly said, “Another thing we ought to take into consideration is an extended reproduction of the socially inadaptable population...poorly adaptable mentally, badly adaptable socially, *with serious health problems*, [emphasis added by author]

¹³ *European Roma Rights Centre*. 7 March 2007. *Letter of concern to Mr Pavel Gorshkov, Executive Director of the Publishing House “Regions”*. Available online at: <http://www.errc.org/cikk.php?cikk=2729&archiv=1>.

¹⁴ *European Roma Rights Centre*. 23 May 2006. *Letter of concern to Mr Alexey Dmitrenko, Editor of Budni*. Available online at: <http://www.errc.org/cikk.php?cikk=2599&archiv=1>.

¹⁵ *European Roma Rights Centre*. 1 February 2007. *Letter of concern to Mr Pavel Gusev, Editor of Moskovskij Komsomoletc*. Available online at <http://www.errc.org/cikk.php?cikk=2720&archiv=1>.

¹⁶ *Romanian_Roma@googlegroups.com* of 21 May 2007, on behalf of Roma Virtual Network. Sent to *Romanian-Roma@yahoo groups.com*. Subject: *Presidential Anti-gypsyism*

¹⁷ *European Roma Right Centre*. July 2006. *Non-exhaustive list of anti-Romani and other harmful statements by members of the Parties of the Slovak governing coalition*. Available online at: <http://www.errc.org/cikk.php?cikk=2609&archiv=1>.

¹⁸ *European Roma Rights Centre*. April 2007. *ERRC Deeply Concerned about Czech Prime Minister’s Statements on Equal Opportunity*. Available online at: <http://www.errc.org/cikk.php?cikk=2739&archiv=1>.

who are simply a great burden on this society.”¹⁹ This view is shared by Mr Paul Marin, who, in an article posted on the website of the Noua Dreapta organisation in Romania maintains that, “The Gypsy community represents an explosive criminal potential. *Burdened with their condition*, [emphasis added by author] impulsive, united in evil, the Gypsies represent a foreign community impossible to integrate.”²⁰

One way of “solving” a problem is apparently to hide it, and this is the option most often chosen by European society when it comes to Roma. It is easier to denigrate than to understand, easier to evict than to settle, easier to alienate than to integrate. Major events provide an excellent opportunity for hiding problems. In Greece, for example, whole areas were “cleansed” of Roma in Athens on the occasion of the 2004 Olympic Games.²¹ The same “cleansing” is about to happen in London, England, in preparation of the next Olympic Games.²²

Italy provides an excellent recent example of this logic. ‘Pacts for Security’ – the terminology is significant – have been signed in Rome and Milan, foreseeing the forced eviction of more than 10,000 Roma from their homes in Rome alone. The Rome Pact was signed, *inter alia*, by the Prefect of Rome and the Minister of the Interior. The Milan Pact was signed by the Prefect of Milan and the Vice Minister of the Interior. Less than half of the Roma concerned will be moved to the periphery of the cities, in settlements which are cynically referred to as ‘solidarity villages’, and strategies are being drawn up to intensify

police controls to “guarantee the security of the residents.”²³ The idea is not new: In 1999, the Mayor of Usti Nad Labem in the Czech Republic built a wall to separate the Romani community from the rest of the population.

“Limiting the number of Roma”

These are, however, soft measures compared to some other solutions. Politicians have repeatedly sounded the alarm over the loss of national identity due to an increase in the Romani population. So, how about adopting measures to reduce the number of Roma?

Forced or uninformed sterilisation of Romani women was practised in Sweden and Norway from 1934 to 1974. It has been practised in the former Czechoslovakia well into the 1990s and in the Czech Republic up to 2004. Sweden and Norway have publicly recognised this practice and paid compensation to the victims, but in the Czech and Slovak Republics there has been no official political condemnation of those acts and no compensation proposed.

Nobody seemed to be shocked by these practices, so much so that in 2002 Mr Robert Fico, head of the Social Democracy Party and Slovak Prime Minister, included in his parliamentary campaign a promise to “actively effect the irresponsible growth of the Roman[i] population.”²⁴ In 2003, Mr Jan Slota, chairman of the Slovak National Party, announced he would present to Parliament a draft law which

¹⁹ *European Roma Right Centre. July 2006. Non-exhaustive list of anti-Romani and other harmful statements by members of the Parties of the Slovak governing coalition. Available online at: <http://www.errc.org/cikk.php?cikk=2609&archiv=1>.*

²⁰ *Romani CRISS. Newsletter. September – December 2006. Available online at: http://www.romanicroiss.org/documente//Noutati/RCRISS%20newsletter%20sept_dec06_ro.pdf.*

²¹ *Le Courier. 13 August 2004, “Expulsion des Roms, la face sombre des Jeux Olympiques.”*

²² *The Guardian. 12 March 2007, “Travellers go to Court over eviction to make way for Olympic village.”*

²³ *European Roma Rights Centre/osservAzione. Letter of concern to the President of the Republic of Italy, the President of the Italian Council of Ministers, the Italian Minister of Interior and the General Director of the National Office Against Racial Discrimination, dated 23 May 2007. Available online at: <http://www.errc.org/cikk.php?cikk=2796&archiv=1>.*

²⁴ *European Roma Right Centre. July 2006. Non-exhaustive list of anti-Romani and other harmful statements by members of the Parties of the Slovak governing coalition. Available online at: <http://www.errc.org/cikk.php?cikk=2609&archiv=1>.*

would offer Romani men 480 EUR to undergo a sterilisation procedure.²⁵

The Bulgarian Health Minister, Mr Radoslav Gaydarski, has now gone a step further. In an interview with journalists in October 2006, the Minister expressed concern that if the birth rate amongst Roma is not limited, the mortality rate in Bulgaria would remain amongst the highest in Europe as many of these children do not survive until adulthood.²⁶ Of course, the Minister could and should examine the root causes of the high mortality rate amongst Roma and take the necessary measures to eliminate those causes – but why bother if you can solve the problem by preventing them from being born? Minister Gaydarski also suggested to develop further his bright ideas with the health ministers of Hungary, Romania and Slovakia.

“Eliminating Roma”

Let us not forget that some want to go even further. In a Romanian football stadium in March 2006, thousands of football fans chanted “Die Gypsy.”²⁷ At roughly the same time, Mr Volen Siderov, a member of the Ataka political party in Bulgaria proposed making soap out of Roma.²⁸

Responsibility and indifference

What is particularly disturbing is that some instances of hate speech come from high level politicians with ministerial responsibilities.

Similar remarks about other ethnic groups would have led to their downfall. Vilifying Roma, however, is a different matter.

In a joint declaration published on 19 June 2007, Romani CRISS, the Media Monitoring Agency and the European Roma Grassroots Organisation expressed their shock at “[...] the lack of reaction from society, intellectuals, political parties, government, from people in general” to the remarks made by the President of Romania to a Romani journalist.²⁹

Some governments have reacted where major political figures were involved in hate speech matters concerning Roma; but there is an enormous gap between the mass of hate speech by politicians, the public and the media and the few cases of immediate condemnation of such acts. Most of the time, it is thanks to the efforts of non-governmental organisations that the judicial machine is put in motion and that governments decide to take action.

Sometimes the reaction is, ironically, the opposite to what should be expected. When the Greek Helsinki Monitor complained that Mr Anastassios Kanellopoulos, former Chief Appeals Prosecutor of Patras and currently Deputy Prosecutor of the Greek Supreme Court, made racist remarks by stating in an interview that Patras should not be allowed to become a “Gyp-town”,³⁰ rather than being sanctioned, the Chief Prosecutor of the Supreme Court assigned Mr Kanellopoulos responsibility for investigating corruption amongst judges.³¹

²⁵ *Ibid.*

²⁶ *Press release of the European Roma Information Office. 11 October, 2006. Signed by Mr Ivan Ivanov, Executive Director.*

²⁷ *“Some of us stood up. But is anybody ready to listen at the European level?” Available online at: <http://www.ergonetwork.org/standup.doc>. Transmitted by Roma Liloro and Roma Virtual Network on 13 November 2006.*

²⁸ *Le Monde. 24 October 2006. “L’extremiste Siderov provoque un ‘21 avril’ bulgare.”*

²⁹ *Press release of The European Roma Grassroots Organisation, Romani CRISS and the Media Monitoring Agency. 19 June 2007. “Another one bites the dust or Politicians’ racist declarations continue.”*

³⁰ *Greek Helsinki Monitor/World Organisation Against Torture. 15 March 2007. “Greece: OMCT and GHM denounce the continuing discrimination against Roma (in Patras and elsewhere in Greece).”*

³¹ *Email communication from the Greek Helsinki Monitor dated 26 March 2007.*

Popular feelings vis-à-vis Roma are fed by centuries of prejudices and stereotypes. It is therefore not surprising that the general population in most countries has difficulties in coming to terms with this ethnic group. Politicians, on the other hand, tend to go out of their way to please the public. Much of the hate speech recorded in this article might make politicians popular. It helps greatly in increasing the animosity of the majority population towards Roma. In the long run, the rift created within the country is to the detriment of all.

Particular attention has to be paid not to overlay the issue of national identity. Roma are nationals of the country in which they live. Most Roma have probably been living in their respective countries longer than many who deny them that identity. Both politicians and the media have an educational role to play rather than fomenting nationalistic sentiments of another age.

It might be argued that most of hate speech comes from extremist political parties. Facts show, however, that some of the most alarming statements have been made by politicians with governmental responsibilities representing moderate parties. Such behaviour can only encourage extremists in their hate campaigns – and history teaches us that the marginal parties of today could be the dictators of tomorrow.

The role of European organisations and institutions

In an increasingly integrated Europe, one would expect European organisations and institutions to take a firmer stand against politicians and

the media that use hate speech against Roma in Member States. Recommendations are not enough; nor are Community Directives. In certain cases, a direct intervention by the European Commission, the Council of Europe or the Agency for Fundamental Rights is the best way to underline the seriousness of certain statements. The Council of Europe's Commissioner for Human Rights has been successful in a number of interventions but much more is needed.

Nor should international organisations and institutions forget that combating hate speech is only a part of a wider issue – that of ensuring Roma the dignity that comes with decent housing, education and employment. Non-governmental organisations should in particular actively promote recourse to the European Court of Human Rights and to the oversight committee of the European Social Charter. Both these bodies have already an excellent record in standing up for the fundamental human rights of Roma and have been instrumental in forcing governments to change certain practices.

At the end of the day, however, recognition of this dignity can only come through the education of the general public. The Dosta! Campaign launched by the Council of Europe, under a joint European Commission/Council of Europe programme (see www.dosta.org), addresses the general public and politicians about their prejudices towards Roma. The results in the participating countries – Albania, Bosnia Herzegovina, Montenegro, Serbia and the Former Yugoslav Republic of Macedonia – have been very encouraging and it is now envisaged to extend the campaign to other Council of Europe Member States.

SNAPSHOTS FROM AROUND EUROPE



News Roundup: Snapshots From Around Europe

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

- Racist attacks and police brutality in **Bulgaria, Italy, Macedonia, and Serbia**;
- Anti-Romani statements and initiatives in **Bulgaria and Italy**;
- Cases and judicial decisions related to racially-motivated police violence in **Czech Republic, Greece, and Romania**;
- Compensation and/or judicial decisions in cases of discrimination against Roma in **Finland, Serbia, and Sweden**;
- International human rights bodies review **Czech Republic and Serbia**;
- Neglect and discrimination of Roma by health care officials in **Bulgaria**;
- Forced sterilisation issues in **Czech Republic**;
- Discrimination in education in **Czech Republic, Greece, and Hungary**;
- Forced evictions and discrimination in housing in **Hungary, Ireland, Turkey, Sweden, and the UK**;
- New security law and its impact on Travellers in **France**;
- EU Commission's formal request to 14 Member States to fully implement the 2000 Race Equality Directive;
- New Minorities Ombudsman in **Hungary**;
- The first Roma Pavilion at the Venice Biennale.

BULGARIA

◆ **Skinhead Attack of Roma Sparks Unrest**

According to a press statement of the Romani Baht Foundation from 16 August 2007, during the night of 12 August, six Romani persons, three men and three women, between the ages of 19 and 26, all residents of the all-Romani Fakulteta neighbourhood in the Krasna Poliana district of Sofia, were attacked by about a dozen skinheads on their way back to the their neighbourhood. Four of them sustained injuries; one person was hospitalised with a broken jaw and underwent two life-saving operations. According to the testimonies of the Romani youths to Romani Baht, the third district department of the Ministry of Interior reportedly refused to send a patrol car to the place of the incident after they called for help. All six Roma who were injured by the skinheads filed complaints with the Prosecutor's Office with the assistance of the Romani Baht Foundation. As of 28 September 2007, the perpetrators of the attack had been identified by the police; an indictment act by the prosecution was expected.

According to the investigation of Romani Baht, the skinhead attack of August 12 as well as rumors of forthcoming attacks provoked serious tensions amongst Roma in Fakulteta. The tensions escalated into riots on 13 and 14 August. According to information from Bulgarian media, on 13 August, a large number of Roma went on a protest, broke into a cafeteria and

attacked several non-Roma. The attack against the non-Roma was explained by the Roma involved with the fact that the non-Roma appeared to be skinheads. Four Romani men who took part in the attack were arrested and accused of hooliganism and causing light body injuries. On 14 August, a new wave of rioting in Krasna Poliana involved some 400 Roma armed with wooden sticks and axes. The Roma involved reportedly set garbage containers on fire and damaged several cars. According to witnesses reports in the media, there were calls for "Death to Bulgarians". The Romani Baht Foundation stated that police forces in Krasna Poliana which were present during the unrest on 13 and 14 August failed to intervene adequately and allowed the protest to degenerate into clashes.

At a special press conference on 16 August, Romani Baht and the Bulgarian Helsinki Committee denounced the escalation of anti-Romani sentiment in the Bulgarian public space, manifested in calls for a violent solution to "the Roma problem" through expulsion, segregation and reinstitution of the death penalty. The two organisations called Bulgarian authorities to denounce the rampant racist speech by political groups and media, especially by the leaders and supporters of the nationalist Ataka party, which took twenty-two seats in Bulgarian Parliament after the 2005 national elections.

Prime Minister Sergei Stanishev, quoted by Bulgarian

media, urged for a serious investigation of the clashes between Roma and non-Roma noting that for years certain political groups have been instilling an atmosphere of ethnic hatred in the country. (ERRC, Romani Baht, Bulgarian Helsinki Committee, website of the Bulgarian Government, Dnevnik, BTA)

◆ **Romani Teenager Beaten to Death**

The Czech Republic-based Romani news agency Romea reported on 22 August 2007 that a Romani teenager died during a fight in the Bulgarian town of Samokov. It was stated that two groups of teenagers got into a verbal fight that escalated into a brawl. Two people were injured and one of them, 17-year-old Romani youth Asparuh Ivov Atanasov, died. Agence France-Presse (AFP) reported that his killing was protested by some 1,000 Roma in the streets of Samokov.

Samokov authorities were quoted as having stated that the incident in which the teenager was killed was not based on any ethnic prejudice. However, the Bulgarian news agency Mediapool quoted psychologist Hristo Monov stating that the Bulgarian teenagers attacked the Romani youth because "they thought that Gypsies must not be let into the central part of the town." Two of the perpetrators were detained and an investigation was launched, whilst the two other people involved in the fight that are minors, were released

on bail. The detainees had just turned 18 years old in 2007.

Coupled with the riots in mid-August in Sofia, it is evident that the killing of the Romani teenager signals a rise in ethnic tensions in Bulgaria. (AFP, Mediapool, Romea)

◆ **Bulgarian Nationalist Group Calls for the Creation of a National Guard to Fight “Gypsy Crime”**

On 19 August 2007, the Bulgarian National Union (BNU), a nationalist non-parliamentary formation, announced its initiative to form a national guard. In a special declaration, the BNU described the guard as an institution which will “support the state organs [...] in suppressing mass disorders and will assist citizens in cases of natural disasters.” According to the declaration, the decision for the formation of the National Guard is motivated by “avalanching Gypsy criminality”. It was further stated that lack of justice for the crimes committed by Gypsies has created a sense of impunity and encouraged them to commit more crimes.

A report from Mediapool highlighted the fact that the uniforms of the National Guard members resembled the ones of Nazi youth organisations. Bulgarian Minister of Interior, Mr Rumen Petkov, commented that the creation of a national guard is not needed; that such actions are unacceptable and there will be a legal response to them.

The Sofia Prosecutor’s Office announced that it was checking

the constitutionality of the National Guard following an appeal by the Bulgarian Helsinki Committee to prosecutorial authorities to investigate whether the actions and the statements of the BNU constitute a violation of the Criminal Code prohibition of incitement to racial hatred. (Bulgarian National Union, Mediapool, Bulgarian Helsinki Committee)

◆ **Bulgarian Parliamentary Commission Say Cart Ban Aimed at Roma is Discrimination**

According to a 2 August 2007 report by the Czech Republic-based Romani news agency Romea, Sofia City Hall’s ban imposed on the use of horse carts around the city of Sofia was declared a discriminatory policy by the Bulgarian Parliamentary Anti-Discrimination Commission. According to Romea, the Commission found that the policy limited the mobility of Sofia’s Romani population and recommended that the ban be lifted. “Carts are listed as ‘vehicles’ under Bulgarian traffic rules so the ban is a form of segregation,” Commission Deputy Chairman Lalo Kamenov stated on BTV television, adding that, “the inhabitants of the Filipovtsi Gypsy neighbourhood just outside Sofia cannot even cross the ringroad” around the city with their carts. Many of the Filipovtsi residents, who make ends meet by gathering scrap iron and transporting it on carts to recycling centers, will reportedly not be able to do so if the ban is maintained. Horse carts have long been banned in the city centre, but Roma who travel on carts rarely go downtown, and so this ban has never been disputed. The new

ban will severely compromise the livelihood of many Roma, few of whom own cars. Sofia City Hall had two weeks to protest the ruling at the Supreme Administrative Court, but the municipal council adjourned until September for summer break. Soon thereafter, electoral campaigns for local elections will begin, so it was considered likely that this issue would not be discussed until 2008 and in the meantime the Romani community will suffer. Sofia Mayor Boyko Borisov said he would not lift the measure despite the Commission’s recommendation to do so. Instead, he suggested that the Roma “turn their carts into carriages and attract tourists the way they do in Vienna.” (BTV, Romea)

◆ **Romani Woman Dies in Bulgarian Capital after Waiting Two Hours for Ambulance**

According to the Bulgarian newspaper The Sofia Echo, Ms Anka Metodieva, 51-year-old Romani woman, was found in the yard of her house at 5:00 PM on 3 August 2007 after she had had a stroke. Despite numerous calls to the Bulgarian medical hotline, an ambulance only arrived hours later when it was too late. The ambulance transported Ms Metodieva to a hospital where she died, but doctors there reportedly told relatives that she could have been saved if two hours had not been lost in waiting for the ambulance. Ms Metodieva was a resident of Fakulteta in Sofia and relatives have accused the emergency centre of discrimination, asking the Minister of Health to review the case, according to the Sofia Echo. (Sofia Echo)

CZECH REPUBLIC

◆ Child Protection Concerns in Czech Republic

According to a news article in the Prague Daily Monitor of 21 June 2007, a 2-year-old Romani boy died of dehydration in a hospital shortly after he was removed from his family home along with five siblings. The six children were reportedly removed from a single room apartment in the North Bohemian town of Ústí nad Labem where they lived with their family in conditions described by social workers as appalling. Electricity had only recently been introduced to the flat, and the one toilet had to be “evacuated” for repairs and disinfection. Social workers had made five visits to the home in the previous month.

The five remaining children were placed in a children’s institution immediately. The Ústí nad Labem city hall spokesperson said that it was presently “impossible to consider returning the children” to the family. In November 2006, In the case *Wallovea and Walla v. Czech Republic*, the European Court of Human Rights found that the Czech government had violated Article 8 (right to family life) of the European Convention for Human Rights for assigning children to state institutions on the sole basis that the family could not care adequately for their children (large family size and inability to find adequate housing) after child protection authorities contented themselves with merely observing the family’s

efforts to overcome the difficulties they faced. Czech organisations working on Romani issues have noted serious concerns related to the institutionalisation of Romani children under such conditions in the country. (ERRC, Prague Daily Monitor)

◆ Czech Human Rights Council Recommended Compensation for Coercive Sterilisation

According to the Czech News Agency (CTK) of 29 May 2007, the Czech Council for Human Rights put forth a plan that would compensate dozens of victims of forced sterilisation with up to 200,000 Czech crowns (approximately 7,480 EUR) each. The victims, most of whom are Romani, were sterilised without adequate information about the procedure or in some cases against their will. The compensation would extend to cases from 1966-1991.

However, CTK reported, the Government Council chairman Jan Litomisky claimed that the proposal had little chance of being ratified, because of fears that it would set a precedent enabling large numbers of unverifiable claims of medical malpractice. If the proposal fails to be ratified, this would further exacerbate the extreme violations these women had experienced and would mean that there would be no justice for the victims of sterilisation procedures during the disputed period. (CTK)

◆ Czech State Attorneys Will Not Punish Doctors for Forced Sterilisations of Romani Women

According to articles published on 25 July 2007 by the Czech News Agency (CTK) and the Prague Daily Monitor, in the cases of forced sterilisation of two Romani women in a hospital in Most during the 1990s, the state attorney’s office upheld the verdict that although the doctors had clearly violated sterilisation laws and the rights of the Romani women, their actions also fell within the statute of limitations, and would therefore go unpunished. Appeals to check all medical documents on the cases of sterilisation conducted by the doctors were refused by the state attorney’s office, on the grounds that this would violate medical secrecy. Eighty-nine Czech Romani women have filed complaints about forced sterilisation since the end of 2005, after the ERRC expressed concern over the issue in 2004. Human Rights Minister Džamila Stehlikova and authorities from the Czech Ombudsman Office are considering amending sterilisation legislation in order to minimise the risk of errors. (CTK, Prague Daily Monitor)

◆ Sentence for Police Officer Who Beat Czech Romani Boy Upheld

According to a report by the Czech News Agency (CTK), former Brno police officer, Mr Pavel Kypr, will serve two years in prison for the beating and maltreatment of a 14-year-old Romani boy, as the Czech Supreme Court upheld their earlier ruling

on the case. Mr Kypr, alongside colleague Pavel Trenz, wanted to avenge Mr Trenz's son for assault and robbery by a group of Romani teens. Although Mr Trenz was given the same sentence, he did not appeal as Mr Kypr did. Both men denied the incident, but forensic analysis provided proof that the boy's claims were valid: Their weapons had come into contact with the boy and their car had driven to the forest where the boy was beaten. (CTK)

◆ UN Body Urges Czech Republic to Discontinue Discriminatory Practises against Roma

In its Concluding Observations adopted on 27 July 2007, the United Nations Human Rights Committee expressed a number of concerns about the situation of Roma in the Czech Republic. Recommendations by the Committee follow its examination of the Czech government's State Report under the International Covenant on Civil and Political Rights. The Committee criticised "the Czech Republic's restrictive interpretation of, and its failure to fulfil its obligation under the Optional Protocol and the Covenant itself, and the difficulties it had in implementing the Committee's Views."

The Committee stated its regret on the persistent reports of police misconduct, particularly against Roma and the failure to establish an independent body

to investigate such cases. It also noted with concern that women of Romani and other origins had been subjected to sterilisation without their consent and regretted the latitude that had been given to doctors. The Committee is also concerned that no compensation mechanism has been established and the victims have not received any reparation. In light of these observations, the Committee called the on Czech government to ensure fully informed consent in all proposed cases of sterilisation and take the necessary measures to prevent involuntary or coercive sterilisation in the future, including written consent forms printed in the Romani language and explanation of the nature of the proposed medical procedure by a person competent in the patient's language.

Furthermore, the Committee regretted that no anti-discrimination bill had been adopted and that discrimination against Roma continued to persist despite implementation of relevant programmes including in the areas of labor, access to employment, health care and education. The Committee also expressed concern at discrimination faced by Roma in access to housing, as well as the persistence of discriminatory evictions and the continued existence of *de facto* ghettos. In order to combat discrimination, the Committee recommended that the Czech government should take effective measures to combat discrimination by, *inter*

alia, providing additional training to Roma to equip them for suitable employment and to promote employment opportunities, preventing unjustified evictions and ending all segregation of Romani communities in housing and conducting public information campaigns to overcome prejudice against Roma.

With regards to segregation in education, whilst acknowledging the elimination of the category of "special schools", the Committee stated its concern about "disproportionately large number of Roma children attend classes with distinct curricula, which appears to lack sensitivity for the cultural identity of, and specific difficulties faced by, Roma children." The Committee called on the government to assess the "specific educational needs of the Roma, taking account of their cultural identity, and develop programs aimed at ending the segregation of Roma in schools." The Committee also expressed its concern at reports that a disproportionately high number of Romani children are removed from their families and placed in social care institutions and asked the Czech State to further ensure that Romani children are not deprived of their right to family life.

The full text of the Committee's Concluding Observations is available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/434/39/PDF/G0743439.pdf?OpenElement>. (ERRC)

EUROPEAN UNION

◆ EU Commission Reproves 14 Member States on Race Equality Directive Implementation

According to a 27 July 2007 press release by the European Commission, the Commission issued formal requests to fourteen Member States – Spain, Sweden, Czech Republic, Estonia, France, Ireland, United Kingdom, Greece, Italy, Latvia, Poland, Portugal, Slovenia and Slovakia – reiterating the need to implement fully the 2000 Race Equality Directive and pointing out specific areas in which the States needed to make improvements. The Commission stated that whilst all Member States “have made genuine efforts” towards reducing discrimination, “not all national legislation fully conforms to these requirements [in the Race Equality Directive].”

The Commissioner for Employment, Social Affairs and Equal Opportunities, Mr Vladimír Špidla, emphasised the importance of ensuring that countries are complying with the Race Equality Directive. “The right to be treated equally is a fundamental right, but every day across the EU people face discrimination in jobs, schools, shops, housing and health-care because of the colour of their skin,” he was quoted having stated. Further, “The EU’s equality laws are vital in overcoming these barriers and stamping out discriminatory treatment. But we must make sure these rules are properly implemented so people in Europe have full legal protection against discrimination in practice. Our action today is all the more crucial in this, the European Year of Equal Opportunities for All.”

Amongst the issues that the Commission highlighted as

needing to be addressed are: National legislation that is limited in scope to workplace discrimination, instead of extending to access to social services such as education and housing; definitions which are inconsistent with those of the Directive, with regard to indirect discrimination, harassment and instructions to discriminate; and failure to successfully implement provisions to help victims of discrimination, including changes in the structure of court proceedings such as the shift in the burden of proof to the defendant as well as the ability for individuals to receive assistance from associations.

If the Member States do not satisfactorily reply to the request within two months, they will be referred to the European Court of Justice and fines may be issued against them. (European Commission)

FINLAND

◆ Romani Family Compensated by Finnish Court for Housing Discrimination

According to the Finnish Broadcasting Company (YLE), a district court in Kemi-Torino ordered the municipality of Kolari to provide compensation to a

Romani family whose housing application was ignored due to discriminatory practices. The family had applied in the Autumn of 2002 for a rental apartment from the municipal housing authority, but their application was not processed until the following spring. The Kemi-Torino District Court ruled that

the delay was due to the housing authority’s prejudice against the family’s Romani ethnic identity, and the Kolari local government must pay 3,000 EUR to the mother and 1,500 EUR each to her two children. Seven former and current employees of the municipality were also reportedly fined in the ruling. (YLE)

FRANCE**◆ New Security Law in France Targets Travellers**

According to ERRC research, the new law “Relating to the prevention of delinquency” in France (Law 2007-297 of 5 March 2007) will have a disproportionate negative impact on French Travellers. Under Articles 27 and 28 of the new law, the power is conferred to prefects to order the eviction of Travellers from plots of land where they are squatting, following a request to that effect by the local mayor and without securing a previous judicial decision ordering the eviction. The new security law comes in the wake of a previous 2003 law concerning interior security that provided for very heavy sanctions of Travellers who installed their caravans on public or private land, outside the confines of officially-established halting sites. Sanctions included a six months prison sentence, a fine of 3,750 EUR, suspension of a person’s driving license for a period of up to three years as well as the impoundment of vehicles used to tow caravans. In addition to the above, a mayor whose municipality complied with a number of conditions could, under Article 9 of the 2000 Law concerning the Welcome and Housing of Travellers, have recourse to an expedited judicial procedure and secure an injunction ordering the eviction of Travellers.

Invoking increased legal costs and time delays however, representatives of local authorities in France were calling as early as 1997 for an even more expedited eviction procedure. Identical procedures had been advanced during the drafting of the 2000 Besson Law but had been considered as unconstitutional by the relevant committee of the French National Assembly. The new law of 5 March 2007 finally gives local authorities the possibility of avoiding having to petition courts in order to secure an eviction decision. Under the new procedure, mayors can secure the eviction of Travellers by merely addressing a letter to the local prefect. Should the prefect ascertain that the installation of Travellers is a threat to public health, peace or security, he/she can proceed to serve the Travellers with a formal notice to vacate the plot of land they are squatting within a minimum of 24 hours. Should the Travellers fail to do so, then the prefect can proceed with their eviction by force. The only recourse available to Travellers is to challenge the notice before an administrative court. In doing so, the execution of the prefect’s decision is suspended. The court is required to issue a decision within 72 hours: its judgment is immediately executable, without even the need to serve the notarised copy of the judgment to the Travellers in question. It should be noted that the new law provides that even municipalities which have not yet

established a halting site can, under certain conditions, benefit from the new procedure.

The new eviction procedure has provoked the reactions from a spectrum of Travellers’ Associations and NGOs such as FNASAT – National Federation of Associations of Action Solidarity with the Gypsies and Travellers – and League of Human Rights.

The new law effectively denies Travellers the right to due legal process and transfers upon them the obligation to prove that their trespassing might be due to the non-existence of halting sites nearby, without however providing them with appropriate legal aid. Furthermore, the ERRC is concerned that the law is permeated by a notion of “collective guilt”: The new law provides for the evictions of entire communities, not just individuals, on rather tenuous grounds. Thus, according to a 3 July 2007 press release by the Prefecture of the French town Lot-et-Garonne, at 6:00 AM on the same day, regular police together with riot police proceeded to evict a community of Travellers that, according to the press release, “was at the origin of numerous criminal acts committed notably in the industrial area of Boe.” Another reason advanced for the eviction was the need to free the plot of land in question in order to build a halting site for Travellers. (ERRC)

GREECE

◆ **Parliamentary Assembly of the Council of Europe Addresses Situation of Roma in Greece**

In a 20 April 2007 press release, the Greek Helsinki Monitor circulated excerpts from the 17 April proceedings of the Parliamentary Assembly of the Council of Europe (PACE) concerning the evictions of Roma in Greece and recent racist statements made by the Supreme Court Deputy Prosecutor, Mr Anastasios Kanellopoulos.

During the session, Latvian MP Mr Boris Cilevics noted that the Committee of Ministers had not addressed Greece's continued violations of the European Social Charter since its decision to do so in June 2005. He called attention to the situation in Patras and Mr Kanellopoulos' racist justification of the evictions. Finally, Mr Cilevics asked the Chair of the Committee of Ministers, San Marino's Secretary of State Mr Fiorenzo Stolfi, whether or not the Committee intended to continue ignoring the findings of the Human Rights Commissioner and European Committees with regard to human rights violations in Greece.

Mr Stolfi replied, on behalf of the Committee of Ministers, that he trusted Greece would consider the reports of the Commissioner and the European Committees, and continue to observe the social rights of its Roma. Mr Stolfi further remarked that the Committee of Ministers would continue to support research conducted by the Commissioner.

He confirmed that the Council of Europe condemns racist remarks, but trusted that Greek authorities would take care of it. (Greek Helsinki Monitor)

◆ **European Court of Human Rights Rules in Favour of 17-Year-Old Romani Boy Shot by Greek Police**

On 22 June 2007, the European Court of Human Rights (ECtHR) ruled in favour of a young Romani man, Ioannis Karagiannopoulos, who had been shot in the head by police during an investigation. The boy, who is now completely disabled, was shot over 9 years ago, and an internal investigation in Greece failed to deliver more than a light fine for "slight negligence" for the officer responsible. One of the officers involved had stated before a criminal court that "the majority of Gypsies are criminals."

The Court awarded 120,000 EUR in pecuniary and non-pecuniary damages to the boy, ruling that his right to life, protected under Article 2 of the European Convention on Human Rights, had been violated by both the shooting itself and the Greek State's failure to fully and adequately investigate the shooting.

The shooting occurred in the course of an investigation of the Karagiannopoulos family home, based on suspicions by Greek police that the family was involved in drug trafficking. The police claimed that the boy, whom they had handcuffed, offered to take the policemen to a

place where cannabis had been hidden; upon arrival the officers claimed they unlocked his handcuffs and he attempted to escape and grabbed the officer's gun, which went off accidentally in the ensuing struggle. However, Mr Karagiannopoulos claimed that the police took him, handcuffed, to a car-park, where they beat him and threatened to kill him if he did not tell them where drugs had been hidden. When he said that he did not know any such places, he was shot in the head.

An internal investigation confirmed that the boy was shot point-blank. However, the investigators failed to look for traces of gunpowder on the officers' hands or carry out a reconstruction of the events, and the only resultant penalty was a small fine for "excessive professional zeal" and "slight negligence" in the officers' detention of the boy. In the Serres Court of First Instance, the officer responsible for firing the gun was acquitted due to doubt "as to his alleged negligence".

Whilst the ECtHR found a violation of Mr Karagiannopoulos' right to life under article 2 of the European Convention on Human Rights, it did not rule that Greece had violated his right to freedom from discrimination (Article 14 of the Convention), which the plaintiff alleged on the grounds of one of the officer's anti-Romani statements in court. The ECtHR ruled that since the officer in question was not the defendant and had not actually shot the boy, it was not grounds enough for a conviction in regards to Article 14, though

the comments were “insulting” and “unacceptable.” (Greek Helsinki Monitor)

◆ **Greek Authorities Illegally Evicting Roma as Part of “Cleaning” Operations**

On 18 July 2007, the ERRC sent a letter to the UN Special Rapporteur on the Right to Housing and the Council of Europe’s Commissioner for Human Rights regarding ongoing evictions of Albanian Romani communities in Athens. The Romani families, most of whom reside legally in Greece, are being evicted as part of an effort to “clean” (the term used by the Municipality of Athens) the downtown area where they live to make way for the construction of a football stadium. The Roma were not presented with any judicial order calling for their eviction.

In blatant violation of international human rights and housing law, no provisions for adequate permanent or even temporary accommodations were made for the evicted families, who until recently lived on Aghiou Polikaprou street in the Votanikos area of Athens. A second group of families, living near Orpheos Street, was also under threat of eviction (and indeed would have been evicted on 15 June if the deputy Greek Ombudsman for Human Rights, M. Andreas Takis, had not been present at the site), also without any contingency plans provided by the government for their future housing. Despite clear indications from the Greek Ombudsman’s office that it is “imperative [...] to abstain from forced evictions” absent the provision of alternative housing, the municipal government of Athens has continued with its “cleaning” programme.

The ERRC’s letter noted that this is not the first instance of so-called cleaning operations by the Greek government that result in forced and illegal evictions of Roma. The European Committee of Social Rights censured Greece twice in the past 18 months for violations of Article 16 (Right of the Family to Social, Legal and Economic Protection) of the European Social Charter, noting that Greece has repeatedly failed to offer adequate legal protection and alternative housing to forcibly evicted Roma.

The ERRC urged the Council of Europe and the UN to make official visits to investigate the situation on the ground in Athens and to communicate with the Greek government, the Roma communities in question, and the NGO’s working to address their situation (including Greek Helsinki Monitor). (ERRC)

HUNGARY

◆ **Hungarian Authorities Forcibly Evict Romani Mother and Daughter**

According to a 17 April 2007 report by the Roma Press Centre (RPA), a Romani woman and her daughter were evicted from their flat in Budapest’s District 7 despite the financial aid and intervention of the Roma Civil Right’s Foundation.

The district administration had allocated the family their flat five years ago, but had refused to extend the rental contract after one year. The family remained in the apartment as “squatters” and had slowly accumulated a massive debt.

Unable to work due to a serious spinal injury, the Romani woman requires the constant assistance of her 16-year-old daughter.

In April, the RPA agreed to pay for the certifying cost of a hire-purchase contract for the family to enable them to continue to living in the flat. Despite the RPA’s request to stop the eviction process, the municipality refused, claiming “assistance simply came too late.”

The woman and her daughter were forced to take refuge in a neighbour’s apartment, where eight people were sharing a one-room flat. (Roma Press Centre)

◆ **Romani Children Continue to Face Discrimination in Hungarian Schools**

According to the Roma Press Centre (RPA), Hungarian parents in the southern Hungarian city Szeged protested the placement of Romani pupils in various schools in Szeged following the dismantling of the Mora Ferenc Elementary School, a local school which segregated Romani children. Its 140 pupils were consequently distributed amongst ten different Szeged schools.

According to the Roma Press Center, the addition of 22 new Romani pupils to the Alsovarosi

Elementary School has sparked controversy among the school's community. Parents have launched a protest against the municipal government's "unfair" decision to reassign so many new Romani children to their school, threatening to send their children to another school.

The administration, however, remains satisfied with their re-distribution efforts, hoping to avoid segregation in other local schools. Though one-third of Mora's Roma pupils had requested to be placed at Alsóvarosi, only 22 were admitted to avoid such problems. Education official Janos Kardos was quoted by the RPA as having stated that he felt it was "justified to set limits to the number of disadvantaged children at a particular school." (Roma Press Centre)

◆ **Hundreds of Hungarian Roma Face Eviction in Esztergom**

According to the Roma Press Centre (RPA), the municipal government in Esztergom announced its plan to eliminate two of three "derelict" Romani settlements in the town. An estimated 250-300 Roma face forced eviction.

The city reportedly set aside approximately 25 million Hungarian forints (99,400 EUR) for the realisation of their plans, which include the destruction

of temporary flats and the improvement of public utilities.

According to the RPA, the city council plans to erect a social housing building to compensate for the destruction of the Romani settlements, and has promised housing priority to those who regularly pay their rent and other municipal fees. The proposed preference of regular rent payers is a matter of concern since a number of Romani families do not have the capacity to pay rent regularly and may be left homeless, or in the very least, will face serious obstacles to obtaining adequate housing. (Roma Press Centre)

◆ **Hungary's New Minority Ombudsman is Romani**

The ERRC welcomed the appointment of Mr Erno Kallai as Hungary's new Parliamentary Commissioner for National and Ethnic Minorities Rights (Minorities Ombudsman). Mr Kallai assumed the position as of 11 June 2007, formerly held by Mr Jeno Kaltenbach. Mr Kallai prioritises the integration of Romani minority into the Hungarian society and describes this objective as a "crucial question". (ERRC)

◆ **Water Supply to be Cut Off in Hungary Romani Community**

According to the Roma Press Centre (RPA), the Romani

residents of Pázsit Street in the town in Hatvan (northern Hungary), face of having their water supply cut off. The water company reportedly threatened that the shutdown would last indefinitely. The residents of 42 flats collectively have over 2 million Hungarian forints (approximately 7,950 EUR) in debts. Mr Csaba Olah, a representative of the Hatvan Romani minority self-government, estimated that only one fourth of the families have jobs or receive housing support, and so only these few families would be able to pay back the debts by the deadlines set by the water supplier. Many residents of the flats are reportedly elderly and living from pensions too small to cover such costs, and even those who have paid utilities will suffer from the shutdown, because there is only one water supply meter for the three staircases that serve the flats, according to the RPA. One possible solution would be to install separate meters for water in every flat, but the costs of installation would be too high for families to pay on their own. The RPA reported that six families had already received eviction notices. The mayor of the municipality reportedly told RPA that although the government does not have a specific budget for situations like this one, even if they did, they would not spend it. (Roma Press Centre)

IRELAND

◆ Romanian Roma Camping on an Irish Motorway Deported After Several Months' Standoff

On 26 July 2007, the British newspaper *The Independent* reported that nearly one hundred Roma had been deported from Ireland to Bucharest, Romania, the previous night. The Roma, all members of a single extended family, had been living on a motorway roundabout in conditions described in the article as resembling that of “Delhi slums”.

The group who had left their homes on a rubbish tip in Romania had been camped on the

M50 motorway near the Dublin airport without sanitation in tents and huts, some of which were made from plastic bags.

The group faced a hostile reaction from the public and in July the Irish government served them with deportation papers, calling for their transport back to Romania within 15 days. However, the family expressed a desire to stay, citing poor conditions and lack of opportunity in Romania, and a hope of finding steady work in agriculture, now that Romania is a member of the European Union. However, special legislation states that Romanians

are not allowed to work in Ireland without a work visa, and can only stay for three months at a time before having to prove employment. Additionally, another law in Ireland prevents anyone from claiming welfare until they have lived legally in the country for two years.

Local NGOs, including Pavee Point Travellers Centre and the Irish Association of Social Workers, called on the Irish government to provide aid to the Roma concerned, saying that expelling them from the country would only sidestep the issue. However such appeals were met with sharp



The Romanian Romani family camping by the motorway in Dublin, Ireland, became a source of international controversy in the summer of 2007. Approximately 100 people from the same extended Romani family had set out to Ireland for a better standard of living, but they found only misery and apathy.

PHOTO CREDIT: JULIEN BEHAL (<http://julienbehal.com>)

criticism from Irish officials. Justice Minister Brian Lenihan called for an urgent inquiry into the role Pavee Point had played in the situation, expressing concern that an organisation would encourage emigrants to act contrary to the law.

Despite calls to permit the group to stay in Ireland, Irish government officials insisted adamantly that they had to be returned and media coverage of the issue was infused with racist rhetoric. On the night of 25 July, at least 70 members of

the Romani encampment were flown from Dublin to Bucharest, having agreed to be repatriated on flights paid for by the Romanian government. The remaining members followed them soon afterwards. (The Independent)

ITALY

◆ National and Regional Officials Sign Discriminatory Pacts in Rome and Milan, Italy

In late May 2007, representatives of the Italian national and regional governments signed a series of discriminatory pacts, aimed explicitly at dealing with the growing Romani populations in the cities of Rome and Milan, as reported in the *La Repubblica* on 19 May 2007.

In Rome, Prefect Achille Serra signed the “Pact for Rome’s Security,” which foresaw the destruction of large squatter settlements on the banks of the Tiber and the Aniene, reported *La Repubblica*. Ten thousand of the camp’s residents, largely Romani were to be forcibly evicted and expelled from the city. The remaining four thousand are to be placed in four “Villages of Solidarity”, which will be controlled by a special “task force” of policemen, whose job it will be to prevent crime and prostitution in the camps. While the camps are being erected, it will be the task of these policemen to forcibly evict Roma living in the illegal settlements. Prefect Serra was given special unlimited authority to act within the scope of the pact, and was enthusiastically supported by

the Italian Minister of the Interior, Mr Seniore Guigliano Amato.

In Milan, Mayor Letizia Moratti and Prefect Gian Valerio Lombardi signed the “Pact for the Security of Milan,” which promised to sweep the city of crime by addressing the issue of unauthorised squatter settlements. Within 3 months, authorities were required to “define a strategy in which extraordinary power will be given to the Prefect to implement a strategic plan for solving the Roma problem in Milan.” The Pact also foresees the “intensification of controls” on the periphery (where many Roma live) to guarantee the security of Milan residents.

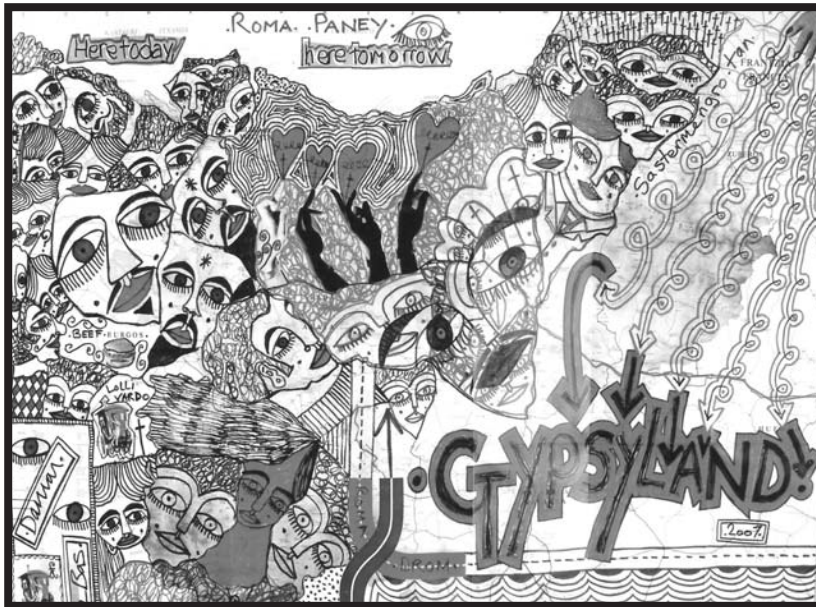
In response, the ERRC and the Italian organisation *osservAzione* sent a letter of concern to a range of Italian officials, including the Minister of Interior and Italian President Giorgio Napolitano. The ERRC and *osservAzione* pointed out that the pacts call into question the commitment of the Italian government to upholding various international treaties it has ratified, including the Revised European Social Charter and the International Covenant on Economic, Social and Cultural Rights. Furthermore, the ERRC and *osservAzione*

urged officials to comply with their international law obligations and adopt housing policies and programmes which avoid homelessness and the further segregation of Roma, and which provide real and adequate housing solutions for the Roma currently living in squatter settlements in Italy. As of mid October 2007, the ERRC had received no response to the letter. (ERRC, *La Repubblica*, *osservazione*)

◆ Romanian Roma Targeted by Extremists in Italy

According to the Romanian information bulletin *Divers* of 20 August 2007, a group of Italian extremists fatally attacked Romanian Roma in Livorno earlier that month.

A previously unknown group of Italian extremists, the Armed Group for Ethnic Cleansing (GAPE), reportedly claimed in a letter to an Italian newspaper that they were behind the death of several Romanian Romani children in a fire in Livorno on 11th August 2007. In a letter to the newspaper *Il Tirreno*, the group stated that it aimed at the cleansing of all Romani people in Italy, whom they warned to have 20 days to leave



The first Roma Pavilion at the 52nd Venice Biennale of 2007 provided the contemporary Roma artists to present their work to global art community. Gypsyland by Damian Le Bas is one of the art works being featured at the Pavilion.

the country starting 25 August before more serious attacks take place against them, Divers reported. The letter was delivered to prosecutors in Livorno.

It had originally been believed that the fire in which the Romani children died was sparked by a candle. Italian authorities were quoted by Romanian media saying that they were sticking to this version as there was little evidence to support the GAPE claims.

Scandals involving Romanian Roma over the past several years have been drawing intense attention in Italian media as local communities repeatedly violently intervened. For example, in December 2006 several illegal camps of Romanian Roma were set on fire by the people of the small Italian town Milanese. (Divers)

◆ The First Roma Pavilion Opens at the Venice Biennale

The First Roma Pavilion at the Venice Contemporary Art Bi-

ennale opened on 7 June 2007 with the premiere of the exhibition *Paradise Lost*, featuring 16 Romani artists from 8 European countries. Amongst the guests at the opening were Ms Viktoria Mohacsi, MEP; Ms DzAMILA Stehlikova, Minister of Human Rights and National Minorities in the Czech Republic; Dr Marta Schneider, Hungarian State Secretary in Charge of Culture; and George Soros, Chairman of the Open Society Institute.

With over 3,000 visitors in the first three weeks alone, the Pavilion enables contemporary Romani artists to present their work on a world stage. Its aim is to foster a positive sense of identity, stimulate self-confidence, and challenge negative stereotypes of Roma by broadening their image to include sophisticated contemporary art.

“Without a dedicated Roma Pavilion, it would be impossible to introduce Roma artists to the international scene, because they do not have access to the necessary infrastructure,” said

Timea Junghaus, the exhibition’s curator, when responding comments if a separate space for Romani artists helps or hinders social inclusion. “To date no artist of Roma origin has been presented in the 110-year long history of the Venice Biennale,” added Junghaus.

International policy makers welcomed the Pavilion: “The European Commission attaches great importance to protection and respect of minority rights, in particular of the Roma, who constitute the largest ethnic minority across the European Union [...] I wish you every success in this exciting project,” said José Manuel Barroso, President of the European Commission.

Commissioned by the Open Society Institute, the Pavilion is co-funded by The Allianz Kulturstiftung and the European Cultural Foundation. Open until November 21, it hosted concerts, round tables and film projections.

Website:
www.romapavilion.org

E-newsletter subscription:
subscribe@romapavilion.org

MACEDONIA

◆ Macedonia Roma Protest against Police Brutality

In an article published on 14 August 2007, the Macedonia newspaper *Dnevnik* reported that Roma protested in Kumanovo against police brutality.

Hundreds of Romani “beggars” reportedly protested in

front of the First Instance Court in Kumanovo on the same day because they had reportedly been mistreated by police at the Jazinec border point; physically abused and verbally offended. The Roma claimed that police used physical interventions to get them away from the border point where they beg, which is their only

source of income, *Dnevnik* reported. The Romani protesters demanded that the police release Mr Naser Alitovski, who was being held in police custody on suspicion of beating a police officer at the border point. (*Dnevnik*)

ROMANIA

◆ Strasbourg Court Sanctioned Romania for Failure to Remedy Police Ill-Treatment of Romani Man: Judgment Strengthens Discrimination Law

On 27 July 2007, the European Court of Human Rights delivered its judgment in the case of *Cobzaru v. Romania* concerning the beating of a Romani man by police officers while in custody in Mangalia, Romania, and the ensuing official investigation. The Court held that Romania was responsible for breaches of the prohibition of inhuman and degrading treatment (Article 3), the right to an effective remedy (Article 13) and the prohibition of discrimination (Article 14). The applicant was represented by Ms Monica Macovei, a Bucharest-based lawyer, the Romanian Helsinki Committee (APADOR), and the European Roma Rights Centre.

On 4 July 1997 after a domestic incident involving his partner and her relatives, the applicant went to the local police station asking for help. However, instead of offering help, two

police officers brutally ill-treated him, and eventually released him after two hours. As a result of the beating, the applicant suffered from craniocerebral trauma and numerous bruises and haematoma all over his body. The official investigation into the assault ended with a decision of non-indictment, and was marked by numerous derogatory remarks on the part of the authorities in relation to the applicant’s and the witnesses’ Romani ethnicity.

In relation to the applicant’s claims under Article 3, the Court noted the numerous shortcomings of the official investigation and concluded that the Government did not satisfactorily establish that the applicant’s injuries were caused otherwise than by the treatment inflicted on him while he was under police control, thus warranting a finding of both the substantive and the procedural aspects of Article 3.

The Court also established a violation of Article 13 of the Convention, since no effective investigation into the allegations

brought by the applicant was carried out, and moreover, since the negative result of the criminal proceedings prevented the applicant from availing of any other domestic remedy.

The ruling on the applicant’s Article 14 claim brings welcome clarification to the Court’s case-law on the prohibition of discrimination. Firstly, the Court held that there was no evidence that the beating was motivated by racial hatred, and therefore did not find a substantive violation of Article 14. Secondly however, with regard to the procedural aspect of Article 14, the Court noted that even in the absence of *prima facie* plausible information to prove that the assault on the applicant was racially-motivated, the authorities were under an obligation to investigate a possible racist motive to the attack given the number and notoriety of such incidents in post communist Romania, and the general policies adopted by the Romanian government to combat discrimination against Roma. Thirdly, the Court held that during the official investigation, a number of

derogatory remarks were made in relation to the applicant's Romani origin, which disclosed the general discriminatory attitudes of the authorities, which in itself constituted discrimination contrary to Article 14.

The ERRC and APADOR consider that the judgment in

the *Cobzaru* case is important for two reasons. Firstly, it highlights Romania's failure to provide effective protection to Roma from harm meted out by police officers, as well as the widespread anti-Romani discrimination in the country. Secondly, *Cobzaru* further crystallizes the Court's case-law in the

field of discrimination, principally by attaching significance to the general context of anti-Romani discrimination in Romania, and thus going beyond the particulars of the applicant's situation. The full text of the judgment is available at: <http://www.errc.org/db/02/6E/m0000026E.doc>. (ERRC)

SERBIA

◆ Romani Man Beaten in Serbia

Mr Femija Bajrami, 45-year-old Romani man, was assaulted on the night of 16 August 2007 in the Belgrade suburb of Zemun, according to a report by the Serbian radio station B92. The incident reportedly occurred at around 10:00 PM when three men knocked Mr Bajrami to the ground and began hitting him with chains. He sustained light injuries and was immediately transferred to the Clinical Center in Bežanijska Kosa to receive treatment. Mr Bajrami's neighbours were quoted to have stated that assaults on Roma in Zemun are frequent. B92 reported that Belgrade police recorded five attacks on Roma in the first two weeks of August alone.

In other news, B92 also reported that on 17 August, police identified persons suspected of attacking a group of Romani youths in New Belgrade on 11 August. Police reportedly filed criminal complaints against Dobrica L., 21, Dalibor V., 21, Milan J., 18, Aca S., 19, and a minor G.M., 17, on suspicion of inflicting grievous bodily harm and inciting ethnic, racial and religious hatred and intolerance.

On the night of 10/11 August, the suspects, who were intoxicated, reportedly went from a park to the local Romani settlement where Dobrica L. set fire to a nylon sheet covering Ms S. I.'s hut. The group reportedly then moved to a nearby building where they started yelling insults at Roma appearing at the scene.

According to B92, a group of Roma, including Ms S. I., began to chase the suspects and, having caught them, engaged in a brawl in which Ms S. I. suffered life-threatening injuries. (B92)

◆ Serbian Court Punishes Discrimination against Roma

On 19 April 2007, a Serbian court sentenced a security guard at a club in Belgrade to six months in prison, suspended for two years, for repeatedly denying a group of three Romani men entrance to the club solely on the basis of their ethnicity. The plaintiffs were represented by the European Roma Rights Centre (ERRC), Minority Rights Center (MRC) and the Humanitarian Law Center (HLC). The court's decision stated that the security guards violated the right to equal treatment

for all citizens, the provisions of the UN Convention on the Elimination of all Forms of Racial Discrimination (CERD), the Constitution of the Republic of Serbia, and the Charter of Human and Minority Rights. In order to prove discrimination beyond reasonable doubt, the three organisations staged a situational test in which two groups, one Romani, and one non-Romani, attempted to gain access to the club. The results confirmed that the Romani group was turned away, whilst the non-Romani group was allowed inside, despite the fact that each group dressed and acted in similar fashions; the only tangible variable was ethnicity. (ERRC)

◆ UN Women's Rights Committee Calls on Serbia to Address Discrimination against Romani Women

On 13 June 2007, the European Roma Rights Centre (ERRC), in partnership with the Serbian non-governmental organisations Bibija, Eureka, and Women's Space, welcomed the concluding comments of the UN Committee on the Elimination of Discrimination against Women (CEDAW) in their review of Serbia's compliance with

the International Convention on the Elimination of All Forms of Discrimination against Women. The ERRC, Bibija, Eureka and Women's Space had previously submitted a report to the Committee bringing attention to the critical situation of Romani women in Serbia.

CEDAW's comments highlighted the particularly vulnerable position of Romani women in Serbian society, as they face multifarious barriers to education, political representation, and legal justice due to the combination of sexual and racial discrimination. The Committee requested that Serbia take immediate action in a number of areas:

Domestic violence: The Committee cautioned that admission criteria for safe houses may represent "de facto discrimination against Roma women threatened by domestic violence." It urged Serbia to "review and monitor the application of admission criteria used by safe houses for victims of domestic violence in order to ensure that these do not exclude Roma women."

Education: Questioning the "lack of current spacing data and information in regard to education," the Committee showed particular concern with regard to "Roma women and girls and other marginalized groups," amongst whom rates of illiteracy and educational attainment levels are alarmingly low. It recommended that "special attention be paid to achieving equal access [to education] for marginalized groups of women and girl, in particular of the Roma minority [...] the Committee also recommends

that literacy and vocation programmes be provided to Roma women, in particular those who are elderly and illiterate."

Health care: The Committee noted concern about "the limited access to adequate health-care services for women, especially for women in rural areas and Roma women," and called on Serbia to "increase its efforts to improve the availability of sexual and reproductive health services, including family planning." It extended this concern to the area of early marriage, "particularly within the Roma population," due to the "negative effects of early marriage on women's enjoyment of their human rights, especially their rights to health and education," and as such urged Serbia "to enforce the legal minimum age of marriage, which is set at 18." The full text of the CEDAW Committee's concluding comments on Serbia are available at: <http://www.un.org/womenwatch/daw/cedaw/cedaw38/cc/Serbia.pdf>.

Prior to the release of the concluding comments of the CEDAW, the ERRC and its local partners have conducted a research in Serbia which has drawn attention to the situation of Romani women in Serbia. Research revealed that Romani women are often victims of both domestic and racially-motivated violence. Many lack sufficient education due to discriminatory practices in the local administration and the presence of strong, patriarchal traditions within the Romani community itself. Because of this lack of education and direct or indirect discrimination on the job market, many Romani

women lack access to formal employment and are forced to accept work in the "grey zone," excluding them from state social benefits. Due to widespread discriminatory practices amongst medical practitioners, many Romani women lack access to proper healthcare, especially in the field of reproductive and gynaecological health.

The ERRC/Bibija/Eureka/Women's Space parallel report on the situation of Romani women in Serbia is available in English and Serbian at: <http://www.errc.org/cikk.php?cikk=2136>. (ERRC)

✦ **United Nations High Commissioner for Refugees Evaluates Situation of Roma, Ashkaeli and Egyptian IDPs from Kosovo in Serbia**

In a March 2007 report on the "Situation of Internally Displaced Persons (IDP) from Kosovo in Serbia", the United Nations High Commissioner for Refugees (UNCHR) distinguished the Roma, Ashkaeli, and Egyptian communities (RAE) as particularly vulnerable groups amongst IDPs in Serbia. Many live in substandard conditions without access to proper housing and basic utilities. Most RAE IDPs are ethnically Romani and are subject to continued discrimination, according to the report.

Since most RAE have not registered with the authorities, it has become easy for the Serbian government to overlook their current situation. As a result, the UNHCR reports, many RAE IDPs become

“forgotten and further marginalized.” The RAE communities’ failure to register seems to stem from a legacy of “chronic unregistration”. Without legal registration, RAE cannot legally register at an address and cannot register their newborn children upon birth. Perhaps most tragically, without an IDP card or a basic identification documents, they are unable to access basic socio-economic rights such as health and social care, employment, education, or even their right to citizenship. This in turn perpetuates their poor standard of living and serves to create a “parallel world of people outside the system.” Currently, there is no legal mechanism that aims to aid the “chronically unregistered” in gaining access to

full citizenship, though several NGOs have endeavoured to provide assistance to RAE in obtaining such documentation.

Most RAE IDPs live in Belgrade spread out amongst 150 largely illegal and informal settlements. The standard of living in these settlements is nothing short of deplorable: People live in cardboard boxes or find shelter in deserted barracks, containers, or junk car bodies. They lack access to basic utilities such as heating, sanitation, and electricity. They are often subject to evictions or to the threat of evictions. RAE living in these conditions have few options for improving their lot.

Reliable information on the health condition of RAE IPDs is

scarce, a situation which, according to the UNHCR, “presents a serious failure in the [healthcare] system.” Many RAE reportedly avoid medical treatment, making the community as whole vulnerable to contagious diseases. Furthermore, many RAE who realise their right to medical treatment are subject to discrimination within the health-care system.

Most RAE IDP children – about 76% – do not attend school. The UNHCR suggested that these children are prevented from attending school because of chronic illnesses they may suffer from discrimination, poverty, and language and cultural barriers. Finally, the UNHCR noted a strong resistance on the part of the Serbian authorities to consider RAE IPDs a “special group”. (UNHCR)

SLOVAKIA

◆ Slovak Romani Ghetto to Become Economically Segregated

In early April 2007, the city of Kosice announced plans to economically segregate the Lunik IX district, according to the Slovakia newspaper *The Slovak Spectator*. Lunik IX is a suburb of Kosice which houses some 5,500 Roma in state-owned apartments. In recent years Lunik IX has become a segregated Romani community as a result of specific interventions by the local government to remove non-Roma from the area.

Currently, the unemployment rate in Lunik IX is nearly 100 percent and, as a result, most tenants are unable to pay water, gas, or electricity bills.

The city thus improvised a plan to provide better housing to those residents who are able to pay for housing and utilities, a plan which, according to City Council spokesman Tibor Ico, fulfils the town’s “duty to the residents who honestly fulfil their commitments,” and at the same time supposedly encourages those “whose debts are constantly rising” in the “demotivating”

atmosphere of their current living situation to get out of debt.

The town plans to segregate the community into three economically determined groups, depending on their debt and employment status. Evictions of some are reported to be inevitable. Several residents complained that they were unable to partake in the decision-making process of the city council, *The Slovak Spectator* reported. Many residents fear an imminent “war” in the ghetto as a result of the massive changes proposed to take place. (ERRC, *Slovak Spectator*)

SPAIN

◆ Recent Survey Reveals Poor Living Conditions of Spanish Roma

According to an April 2007 survey conducted by the Ministry of Labour and Social Affairs in Spain, the standard of living for the roughly 70,000 Roma residing within Spanish borders was alarmingly low, according to a

report in the International Herald Tribune. The vast majority of Spanish Roma live in poverty, suffering from direct discrimination on the job market and from high illiteracy rates. Forty-seven percent of those surveyed listed racism as their biggest problem.

Spanish Prime Minister Jose Zapatero's Socialist government

reportedly hopes to pass a law which would increase the ability of self-employed citizens, many of whom are Romani, to access social security benefits. Another proposed law suggests subsidies and tax breaks for companies employing marginalised social groups, such as Roma. (International Herald Tribune)

SWEDEN

◆ Swedish Minority Ombudsman Reports Rise in Housing Discrimination

According to the Swedish newspaper The Local of 8 July 2007, the Swedish Ombudsman against Ethnic Discrimination (DO) has reported an increase for the past year in the number of complaints about discrimination in access to housing based on ethnicity, with 43 complaints for the first half of 2007, compared with 60 for all of 2006.

Groups most likely to be discriminated against include Africans, Roma, Muslims, and Middle Easterners, according to The Local. The Local quoted a DO

lawyer as stating, "We have come across terrible situations whereby people have become trapped in ghetto-like areas. They have often applied for hundreds of apartments in an attempt to get out of the areas in which they have been placed. It is a situation that breeds despair." However, The Local reported, none of the 314 cases reported to the DO in the past five years have resulted in a court decision. (The Local)

◆ Owner of Campsite Compensates Swedish Roma for Discrimination

The owner of a campsite in Linhamn, Sweden, has agreed

to pay a group of Travellers 200,000 Swedish crowns (approximately 21,600 EUR) in an out-of court settlement, according to a May 2007 report by the Swedish newspaper The Local.

The Swedish Ombudsman against Ethnic Discrimination (DO) decided to sue the former owner of the campsite who, in 2004, refused entry to a group of Travellers who had received prior confirmation that spaces were available. Upon their arrival, they were told that the campsite was fully booked. The group reportedly watched as other groups entered the site after their rejection. (The Local)

TURKEY

◆ Oldest Romani Settlement in Europe under Threat in Turkey

Istanbul's Sulukule District, one of the oldest Romani settlements in Europe, was again the scene of demolitions in September 2007 by the Fatih Municipality within the implementation of an urban renovation plan, according to research conducted by the ERRC.

Sulukule, a district inhabited by around 5,000 people who are predominantly Romani, is famous for its musical entertainment culture and is a UNESCO World Heritage Sight.

Most recently in the series of demolitions was the tearing down of a four-storey building that housed three Romani families, forcing them to seek ref-

uge with relatives. In 2006, the Cabinet issued a decree which authorised the Fatih Municipality to proceed with the "immediate expropriation" of certain parts in Sulukule. On 22 February 2007, the Fatih Municipality destroyed a Romani house by 'mistake' while the owners were away from the neighbourhood. Since then, a total of 12 houses have been demolished.



In Turkey, Istanbul's Sulukule neighbourhood houses one of the oldest Romani communities in Europe. Urban regeneration plans proposed by Turkish authorities foresee the destruction of the neighbourhood as it exists today, and the virtual destruction of a major Romani heritage site. Residents of the neighbourhood were helpless as local authorities conducted housing demolitions before formal approval of the regeneration plan.

PHOTO CREDIT: HACER FOGGO

The urban renovation plan of the Fatih Municipality, which has not yet been approved by the Renovation Council, foresees the replacement of the old houses of Sulukule with new ones. The tenants and house owners in Sulukule could engage in a leasing agreement with the Municipality to buy or rent housing in the renovated neighbourhood or relocate to Taoluk, a far away district with cheaper accommodation built by the Prime Minister's Housing Development Administration (TOK). The terms of the leasing agreements, however,

are unaffordable for most Roma in Sulukule. Moreover, as the district's culture is built on musical entertainment, the majority of the Sulukule residents would lose their income if they were forced to move far away from the city centre.

Sulukule dwellers have been trying to bring their case to the Council of the State to reverse the decision of immediate expropriation, but they have not been successful so far. Following the most recent demolitions in mid-September, a civic platform called the Sulukule Platform, formed

with the participation of the Sulukule Romani Culture Protection and Cooperation Association and the Human Settlements Association, launched an awareness raising campaign called "We Must Save Sulukule". Sulukule is just one of the targets of urban renovation plans that are being implemented around Europe which resort in relocating poor inhabitants of districts with high real estate value. In many cases, Roma are amongst the foremost victims of such urban renovation plans that negate the housing rights of the original occupants of project sites. (ERRC)

UNITED KINGDOM

◆ Residents of Largest Traveller Community in the UK Face Eviction

According to information published by the European Roma Information Office (ERIO) on 8 June 2007, fourteen families living on eleven properties at the Dale Farm in Crays Hill, Essex, face eviction by the Basildon Development Control and Traffic Management Committee. Calls to suspend the eviction until alternate sites can be developed for the families have reportedly been ignored by the council.

Dale Farm is noted to be the largest Traveller community in the UK, with over 1000 residents, all of whom live on land that they legally own. Local councils, however, have been attempting to evict Traveller families from the property over the last five years. The area on which Dale Farm is located is part of the "Green Belt" around London, meant to provide an area of undeveloped land preventing "urban sprawl." However, Dale Farm, when purchased by the Travellers, was an abandoned scrap yard and thus far from an undeveloped green space; further, a new 800-home (non-Traveller) development is

currently under construction on the adjacent Gardner Lane, according to ERIO.

The Basildon Committee has not provided a plan for the relocation of the affected Travellers, though plans suggested by the Travellers themselves, including attempts to build a 15-family caravan park in Pitsea, have been rejected. There is a pending judicial review, though the eleven properties facing immediate eviction are not covered by the temporary injunction protecting the rest of the Dale Farm until the review is completed.

ERIO also reported that there is particular concern that the eviction process itself will be especially destructive. The company ordered to carry out the evictions, Constant & Co., which specialises in evicting Travellers, has in the past crushed and set on fire Traveller caravans instead of removing them, according to ERIO. (ERIO)

◆ London Gypsies and Travellers Fight Evictions

According to a 25 April 2007 report by The Guardian, Gypsy and Traveller families, who had been scheduled for "removal" from

their caravan site in east London, have launched a legal fight against the decision. The proposed eviction was ordered to make room for the city's Olympic Village, where the 2012 Summer Games are scheduled to convene. The London Development Agency purchased the sites with permission from the municipal government, according to The Guardian

An attorney representing three local women is fighting the evictions, insisting that the purchase of the caravan sites violates Article 8 of the European Convention on Human Rights (rights to respect for private and family life). The attorney contends that the fundamental rights of the Gypsy and Traveller population and their right to enjoy their "traditional way of life" are being severely violated by the planned evictions, The Guardian reported.

In early May, however, the court ruled against the Gypsy claimants, according to 24 Dash News. The judge reportedly ruled that the compulsory purchase order of the site "was justified," addressing the government's concerns that the case could disrupt the ongoing preparation for the games, reported 24 Dash News. (24 Dash News, The Guardian)

“Law is Key But Attitudes Are Just As Important”

During an interview with ERRC staff members in July 2007, Hungary’s first Minorities Ombudsman, Dr Jenő Kaltenbach, reflected on questions posed about his time in office

When you became the Ombudsman, what did you conceptualise as the most fundamental problem for Roma that must be addressed? Here I am talking about your personal priority issue.

In Hungary, this kind of sensitivity started developing in second part of '80s. Prior to that, Hungary was a country in which most of the people thought it to be a country of ethnic Hungarians; it was believed that nobody else was living in Hungary. It was thought that this was a homogeneous country because of the well known events in the 20th century. People simply learned that Hungary is in fact a country with a relatively mixed population; a percentage of about 10% of the people have an ethnic background other than Hungarian. The “Roma issue” was seen by most Hungarians as a social problem – a problem of exclusion, which was very much rooted in the nature of Roma themselves. So there were very

few people – some sociologists, some intellectuals – who acknowledged that this is not the case. At the end of the '80s and the beginning of the '90s, people started to think in alternative ways – they began to perceive Roma as a subcategory or group within rural society with special needs and special problems. But there were also people who perceived Roma as a group posing danger or risk. There was a sociologist, for example who wrote an article about Roma as presenting a security risk for the country or the social peace.

At the very beginning of the '90s in Hungary, a new path was opening for minority issues in general. For Hungary, the minority issue was always a priority issue, but it was suppressed during the Communist era, and after breakdown of the Communist system the issue simply came back as a reaction. This is another fact that contributes to the understanding of the whole of the Hungarian history.

Dr Jenő Kaltenbach was born in Ófalu, in Hungary, in 1947. He received his degree in law from Szeged Science University in 1975. Dr Kaltenbach has been until recently the Hungarian Parliamentary Commissioner for National and Ethnic Minorities Rights (the first ever Minorities Ombudsman), and Representative of the Republic of Hungary to the Council of Europe’s Commission against Racism and Intolerance (ECRI), of which he was Vice-Chair in the period 1998-2003. Since February 2005, he has been Vice-President of the European Ombudsman Institute. Further, he was a co-founder of the Minority



Roundtable, and co-developer of Hungary’s Minorities Act. The German minority elected him leader of their local government and he won the Minority Award in 1995. He is currently Head of the Public Administration Department of the Faculty of Law at the University of Science in Szeged, Hungary, and Lecturer at the Department of Public Administration of the Faculty of Law at the Eötvös Loránd University of Science, Budapest. He has been on the Board of Directors of ERRC for two years.

Naturally, at first, the centre of the whole minority debate was not the Roma question, and not even domestic minority problems: It was the issue of ethnic Hungarians living in the surrounding countries. But, to be credible, of course, you had to deal not only with the so-called “Hungarians beyond the border” but also the minority issue in the country. Therefore, there were two parallel debates concerning minority rights. From the very beginning, I was involved in this for two reasons. First of all, I am a member of a minority group; an ethnic German. Secondly, my professional background is geared towards dealing with minority issues; I am trained as a lawyer dealing with self-governments. I wrote my thesis about the self government system and I was one of the initiators of the so-called minority roundtable.

In 1990, the Hungarian government – the Ministry of Justice – drafted a law on the rights of minorities. The draft was very unsatisfactory for the people involved; primarily the ethnic groups of the country including Roma, of course. We had a meeting in Budapest and I suggested that the draft made by the government should not be accepted and a new draft should be worked out. That was the point at which my involvement began. It was in January, if I remember correctly, 1991. From that point I was very much involved in the preparation of the minority law in Hungary. This was a long, long negotiation between representatives of different groups on the one hand, and the whole range of negotiations with the government’s representatives on the other. In this period, it was very clear that minority rights issues should be part of the democratisation of the country, the creation of the rule of law system, the constitutional system, and it should be something which contributes to the solution of the social tensions between the mainstream and the – not only Romani – non-mainstream people.

It became obvious in 1995, when I was elected by the parliament, what the problems were. The problems and the key issues themselves were not a surprise for me. There had been two different kinds of problem areas in the field of Roma rights in Hungary. One was the integration of Roma into Hungarian society. What ‘integration’

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

You said that integration and identity and the preservation of identity were the fundamental issues that you wanted to deal with. Were you able to tackle these during your time in the office?

I do not think it is possible to do so in twelve years. It is a very, very long-lasting procedure. On the one hand it is a very old, non-tackled problem, it has been for more than several hundred years in this part of Hungary and not only in this part of Europe, but in all of Europe. Integration is an open-ended debate of the society. I do not believe one can simply solve it because new facts and new elements of the same problems will come up again and again. I think integration and society, in many respects the relation between them, is an open-ended, ongoing process, and the question should actually be “Are we closer to a peaceful relationship (between members of the society)”, or “Is there any progress from the beginning of the ’90s in comparison with the current situation?” Even the answers to those questions are very complex. Let’s examine one key aspect. If you look at the legal system of this country, there is huge development. At the beginning of the ’90s, there was nothing in our law to tackle minority rights issues. Only the constitution spoke about equality, but nothing else. The perception about what equality means was very weak and conservative. The terms “equality” and “equal treatment” differ because the term “equality” was generally conceptualised in an outmoded sense, and “equal treatment” was not known. So, compared with that earlier situation, the legal system and the legal tools have developed very significantly in the last 15 years. The other side of the coin is the implementation of laws. Are the legal instruments and tools alive? Are they used? Is the legal profession aware of them? Law-enforcement problems are an old Central

and Eastern European problem where there is traditionally a rather big gap between the legal reality and the everyday reality. In the Western countries this gap is relatively smaller.

I would say that, traditionally, lawyers relate to the laws in Eastern countries and in Western ones in a very different manner. The Western European idea is that the law should rather be a limitation and not so much an instrument of the state power; that it should not be a tool of the powerful, but one to protect citizen's rights. This was and partially is not the case in the Eastern part of Europe where law was and partially is still rather considered to be a tool for exercising state power.

You talk about certain phases with regards to addressing minority issues in Hungary since the collapse of Communism. Do socio-political changes and how the issues are addressed correspond to certain patterns?

There are phases, of course. I would say there was a very progressive phase at the very beginning, as in a marriage. Everybody's happy because there is a new situation. We all are happy because we are free, there is democracy, and we have to develop it, and so on. We have a lot of "naïve" ideas. We are full of illusion and progress. But then people realise that everyday life is something else and this is the same in the development of democratic institutions also. This pattern fits in the problem areas of minorities, including Roma. There were excellent times and soaring aspirations in the early '90s, when everything key was created including the Minorities Act and a lot of other legal tools to serve such areas as educational rights for Roma.

Honeymoon times?

Honeymoon times, yes, something like this. But then, there is another fact which is not less important in the case of Hungary. There was always an idea in Hungary that we have to play the role of the excellent student in the region. In other words,

there has been the prevalent belief that Hungary could make an impact on the regional situation by changing herself. We had to set the example, be the flagship for the surrounding countries because of the big Hungarian communities living in neighbouring states, and the idea was that then they would follow suit.

It was the same in the 1920s after the First World War. But then, people realised that it was not the case. The surrounding countries were not following the Hungarian example; not because they are evil or something, but simply because their situation was and is different. You cannot have a solution for everybody because the circumstances of the countries can bear a lot of differences.

So then came the disillusion phase and decline in enthusiasm, towards passivity. This happened in Hungary, too, by the end of '90s. Since then, minority rights issues are moving further and further away from the centre of policy-making and the centre of attention of the media.

In the early '90s, the media was very keen on dealing with these issues. As we, the Ombudsmen¹, were elected in 1995 to this new position we were very popular in the media. There were a lot of articles, TV shows and other media productions dealing with the Ombudsman-ship. I received a lot of media attention myself because the creation of the Minorities Ombudsman position was a novelty. No country in Europe had it. But then it turned out that in fact we had to take our job seriously. Ombudsman-ship is not window-dressing; it is not something that can be displayed like a nice flower. We have to make people uncomfortable by putting our fingers into the wounds of society. For whatever reason, in a country like Hungary, the media always follows the mood of the policy-making and politicians, not to the contrary as it is in some other countries. This is why there was a certain decline also in media interest, or a certain slide of the popularity of the whole minority rights debate, as soon as the policy-makers lost interest.

¹ *In Hungary, there are three "Parliamentary Commissioners" (Ombudsmen): the Civil Rights Ombudsman, the Data Protection and Freedom of Information Ombudsman and the National and Ethnic Minorities Rights Ombudsman. For further information, see: http://www.obh.hu/index_en.htm.*

But what about the people who are actually discriminated against?

The so-called “national” (language) minorities are small groups with an uncertain identity, not very well organised, not powerful, and they are not seen as important from the point of view of the politicians because they have few votes. In general, these groups are politically rather well integrated so you cannot bring people to vote because of their personal, ethnic background. By and large, they vote because of their political relationships, or political direction. But this has not necessarily been the case with Roma. Eventually politicians discovered Roma as an electorate, as potential voters. Some years ago, there was an article in one of the most popular daily newspapers in Hungary about the voting nature of Roma. It stated that Roma are in fact keen voters. There had been a prevailing belief before that Roma were not really active voters. The main perception of Hungarian politicians was “Do not pay attention to Roma, they do not vote anyway.” The article I am referring to stated that this was not the case; that the voting practice of Roma was more or less the same as the members of the mainstream society. It was news that they are voters. Some months later, I think, FIDESZ made a special agreement with the biggest Romani NGO and the biggest Roma political party, and immediately others sought to contact other Romani organisations.

Nowadays, we have right-wing Romani organisations and left-wing Romani organisations. This is not something evil, but the real problem is that those Romani leaders who are involved in political parties are always or too frequently, and unfortunately, not the agents of Roma to the party but rather the agents of the party into Romani communities, so their contribution to the change of the political concept of their party is rather modest. But, coming back to your question – Roma are by now a political factor in Hungary. Or at least, some Romani leaders play a certain role in Hungarian politics, a very limited role. But anyhow, politics discovered Roma as an electorate. I think nowadays Roma are as yet unable to use this perception as an opportunity in an effective or wise way.

Why do you think this is the case?

On the one hand there is no unified Romani community in this country. This is a very fragmented group without an agreement about what should be done. Different Romani leaders do not agree on almost anything. There is a permanent fight against each other and this is of course utilised from the outside, too. On the other hand, there is a very small and weak Romani elite for the moment, with a rather limited capability, which seems not to be able to organise the group and to play the role of a partner in the political debate. At the same time, the problems and needs of Roma are so enormous that even the whole country, Hungarian society, seems to be unable to tackle them or at least it will take a rather long time. But if we take a look at the achievements of some Western countries in this area, there are also not a lot of great success stories. Even powerful European organisations like the EU, for example, have great difficulties in finding the right way for a Europe-wide concept.

Can you tell us of about the practical side of your position, such as everyday activities, for example, how you reviewed your cases? What were the obstacles and, contrarily, what assisted you?

I think the Ombudsman-ship is basically an institution without tools, at least in the traditional sense. I mean, one cannot punish anybody or something like this. This is something which is very unusual in the legal culture of this country, and not only this country but the countries of the region. Everybody deems others to be important if they have power. People are accustomed to this kind of attitude. If there is a powerful person or institution, then you have to pay attention. It is not the case with our institution; Ombudsmen do not have these tools and this kind of power. So the main issue and challenge was to create the perception that we are powerful as far as the civil servants are concerned. Additionally, you have to create the perception that you are useful. People who are powerful are not obliged, or not forced to have good reasoning, because they are powerful. In our case, it is not enough; you have to explain why you take a stand. You have to explain your position in a very convincing way, because otherwise they will not follow you. I think it is one of the most difficult

tasks to create authority without having the old well known capacities for it.

Did you have anything or anyone assisting you in achieving authority?

All Ombudsmen must be very much embedded in society. I mean, they must have very good contacts with opinion-makers, the press, the media in general, the NGOs, of course, the representatives of the people you represent, the Romani community, and to minority communities in general. But this was not that difficult for me because I was involved before, so I knew all the people and – I hope this does not sound very arrogant – I had a certain reputation in these groups. So, I believe people trusted me because they knew me. I was not someone coming from outside, and I was probably able to preserve this kind of trustful relationship.

Have there been instances in which the interests of the Ombudsman Institution clashed with the interests of other groups defending rights?

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

Secondly, there are powerful and influential circles in society. I can at this point mention one of the cases to you. One of the most powerful professions in Hungary is the medical one. There was a case in a hospital where special rooms for the pregnant Romani women were established. They simply segregated non-Romani and Romani pregnant women. We undertook an investigation and, of course, the medical circles were very angry and regarded this as interference in their professional sphere. Several similar instances happened in many cases against local opinion leaders, primarily mayors. Local administrations and local politicians were distressed because most complaints were against them, naturally.

So, we have had a very controversial relationship with powerful segments of society.

But what was very important for me, at least, was not being seen as an agent of Roma, but to be seen as a neutral party and a reliable instance that is *not* biased in either direction. There was a difficulty convincing Romani representatives of this because many Roma and the Romani NGO leaders wanted to see me as one of them; which would in fact be a very dangerous thing from the point of view of the credibility of the institution. Just to give you an example, there was a demonstration at the end of the '90s. It was a walk demonstration. All of the Romani groups called me to join them. I told them "One would not ask a supportive judge to walk with you in the rally or to run in a race, would you?" I wanted to preserve neutrality and credibility. If you are involved in daily business taking sides, you lose credibility automatically.

You mentioned that, unfortunately, the law in Hungary renders the Ombudsman Institution without tools. Still, can you describe the potentials of this Institution in terms of addressing Romani matters?

It is very obvious that traditionally people look at a state-established institution in this part of Europe as something which would not be on their side. They are not part of the game. The Ombudsman's role is, at least partially, to convince people that this is their state and this state has to serve them and not to oppress them. They have an institution as their institution and they can have an impact, they can influence the decisions and priorities of politics. They are part of the game and not an instrument of game. This is not a novelty; this is the very philosophy of Ombudsman-ship – to contribute to the establishment of trustful relationships between citizens and the state, serving the idea that the state is serving the citizens' well founded and legitimate interests. This is much more important and much more difficult if the citizens belong to a minority because the fear that it is not their state is much, much more relevant than in the state-citizen relationship of the members of the mainstream society. So it was very important for me to give the impression and experience that this country is the home of everybody, every citizen in this country.

In terms of achievements and failures, if you look at your term from the perspective of a glass, is it half full or half empty? Is there anything that you can name as “I wanted to achieve that during my term, but I wasn’t able to?”

A long list!

I was not able to instigate more involvement of Roma in politics. As far as changes are concerned, to reform or amend the local election law or electoral law is the key practical issue. There are still strongly segregating legislations in Hungary. I cannot go into too much detail, but, there are two electoral laws at the local level. One is for settlements with more than 10,000 inhabitants, which, being a proportionate system guarantees a balanced political representation in local decision-making. But in the small communities, the system is segregating and provides to the relative local majority much, much more influence than it deserves, excluding the relative (frequently Roma) minority from public affairs. To change these local electoral laws was one of my objectives which I could not achieve. The Ministry of Interior was very much against the change. Of course, they did not formulate a very clear position; they merely said “Let’s wait for the next reform of the electoral law” and so on, for the sake of postponing.

Secondly, I was unable to implement one of the measures of the Hungarian constitution, namely the representation of minorities in the parliament. I think it is a shame, not just because the minorities have no representation in the highest decision-making body, but simply because the constitution can never be ignored in a rule of law state.

Thirdly, I think the so-called autonomous system for minority self-government is anything but autonomous. This has much more the features of a mode of participation in the decision-making processes of public bodies, but has no or very little authority to make autonomous decisions on matters pertaining to the group it represents.

As you probably know, I was against the final version of the Equal Treatment Act which enabled the creation of the specialised body, the Equal Treatment Agency. The Equal Treatment

Agency is the second best solution, not the best. I argued against the establishment of a new agency (practically a unit of the public administration) instead of the extension of the Ombudsman’s power simply because one of the most important requirements for such an institution is independence, but my argumentation was blocked for political reasons. The first bill, the draft law of 2000, was prepared by my institution – parallel to the drafting of the European Union’s Race Equality Directive – which was the first draft equal treatment law in Central and Eastern Europe (the third one on the whole continent by the way), in which we proposed different solutions in some respects from that of the official draft of the government from 2003. But the administrators and bureaucrats did not like it and those in powerful circles did not like it for different reasons and wanted something else.

What are the reasons for this – who blocked it?

Before the elections in 2002, there was no willingness on the side of the government to establish an equal treatment law. Afterwards the government was not willing to overrule the powerful circles of the central administration and they did not try to find a compromise with the parliamentary opposition which had been necessary to bring “our” draft through the parliamentary procedure.

In an article written about my period in office by a Hungarian journalist last June, it was stated, “his endeavours were blocked by the narrow-minded administration and by ignorant politicians.” This might be close to reality, and additionally there was also the inability of the people involved to exercise real pressure. One of the main problems or weaknesses in this field, in Hungary and I think in some other countries, too, is that Roma – for the reasons described earlier – fail to exercise pressure or effective lobbying.

If you compare your position to other Ombudsmen, do you think they experience the same barriers with regard to political or national action and reaction?

No, I do not. There are a increasing number of Ombudsmen because of the Race

Equality Directive. Although they are not only Ombudsmen, they are, in reality, Ombudsman-like institutions. But they are not known enough. I think even lawyers make mistakes and simply mix up the Civil Rights Ombudsman with the Minorities Ombudsman. Although the legal framework for them is the same or similar, the nature of each institution is very different. The Civil Rights Ombudsman does not really need to specifically seek support because of his legal status and because of the very nature of the issues under his jurisdiction; he or she was popular from the start. There is no issue that could be more popular than fighting the tax office for example, or the police. One is the Don Quixote. You are fighting against the state, everybody likes you, everybody is happy because you are fighting against the wicked institutions. But if you write on your flag that you are fighting for Roma, that is something completely different.

And it is the distinction between fighting for an issue and fighting for people which creates division?

Yes.

You mentioned the laws that you considered amending or changing. Hypothetically, if you would be a legislator one day, with full parliamentary support guaranteed, will these aforementioned laws be the same ones you would immediately act on or would you have something else in mind?

One of the key problems in Hungary, and probably in similar countries, is the creation of law itself. Some of the arrogance and the voluntaristic attitudes in law-makers' minds from the authoritarian past has prevailed. We simply create the law and period. It has to work. Society has to accept it, because we are the law-makers (Speaking about law-makers, I don't mean only parliamentarians but the powerful central administration as well, which has a great impact on the law-making process). It is an incorrect approach. You should prepare the law; I mean you have a lot of convincing work to do, you have a lot of PR work, and you have to achieve a lot of agreements between the law-makers and

the other parts of the society – trade unions, civil organisations, and interest groups and so on. It is a very complicated game and you have to prepare well, to lay the groundwork; a firm foundation. It is like the work of the peasant; you have to prepare the ground for your flowers because if you do not, they will not grow. This is something which is not very clear for most of the law-makers in Hungary: They simply think that they are the law-makers and they make a decision and everybody should accept that this is it. And this is much more the case in issues in which there is no powerful interest group present.

What would you want to change in the coming terms?

For me change is not the only issue. It is much more important to respect the constitution. My first argument is and would continue to be, please respect your constitution.

Was there any change in your work when Hungary joined the European Union? Did it have an actual effect on the last couple of years of your term?

There was a big difference and it was very impressive for me to observe the differences between my position and the position of the Data Protection Ombudsman, even during the accession process. You know that data protection is one of the pilot programmes of the EU. There is a Data Protection Directive and there is a data protection institutional system within the EU. Because of that, Hungarian politicians and Hungarian opinion-formers have been very much interested in the topic of data protection in general because it is a key EU issue. Even during in the accession process and afterwards, my data protection colleague was a very highly respected person because of the EU scheme and because of the powerful EU regulations backing his position. It was not the case for me, the Minorities Ombudsman. The EU does not care enough about minorities. There is no EU law, there is no EU institution system, there is no EU unit and there is no EU policy. Although during the accession process, in accordance with the Copenhagen Criteria, minority issues have always been part of the accession reports (the

annual reports of the EU about human rights, about Roma and about the state's respect for the Copenhagen Criteria), after Hungary became a member of the EU the attention on both sides, on the national as well as the European, went down rapidly. To change the relationship of EU institutions towards the minority, and especially Roma, issue, I think we need a much more active and effective lobbying by European (international) NGOs like ERRC and minority organisations because this kind of pressure is not to be expected from the Member States.

As far as gathering ethnic data is concerned, how do you interpret the possibilities granted by existing Hungarian regulations?

Well, this is a very complicated issue across Europe. There are different approaches. In short, there is an ongoing debate across Europe, because the legal situation of each country differs widely. I mean, if you compare the situation in the UK with that of France or Germany, there is a huge difference. And this is a very sensitive question in many countries. There are countries which simply deny that such issues exist.

We have here one of the strongest data protection laws and one of the most powerful Data Protection Ombudsmen. At the same time, the interpretation and the implementation of it is very unsatisfactory. The situation in Hungary concerning the right to free ethnic self-determination of the citizens is absolutely unacceptable because of the very open nature of misuse. You can declare yourself Roma today, a Serb tomorrow, a Ukrainian next and a German the day after that. According to estimations, one third of the members of minority self-government bodies in fact do not belong to the group they should represent. The absence of a strong regulation on how to handle ethnic data leads to many absurd situations. The reason for this absurdity is not that the legal environment is confusing but the fact that there are very problematic and confusing relationships, attitudes and perceptions by mainstream society to and about ethnicity. This is a common feature of all nation-state systems and concepts.

How would you solve this conundrum?

One should stop this very strange way of relating to ethnicity. Ethnicity is something that is a part of reality. I know, of course, all the events in the past – I know the risk, the dangers and so on. But as long as you treat or look at ethnicity as something unusual, or something which you have to suppress, something shameful, something which is a private thing which has nothing to do with public, as long as you do not stop with that concept you cannot solve any problems or issues relating to ethnicity.

One needs to 'healthily neutralise the concept of ethnicity'. We have to accept that – once you artificially deduct, take away the 'ethnicity factor' – the society might actually be poorer from the ethnic point of view, too. It also means not thinking that the only way to preserve peaceful coexistence is to deny ethnicity. All of our societies in Europe are more or less multicultural and the ideology resulting from this is multiculturalism. This became a certain kind of fashion in the '80s and '90s, and people connected to that idea a lot of expectations that the nice world of multiculturalism would win. It will not, in my opinion. The expectations are not real. In the end, simply because of the fact that all European societies are ethnically plural, and this is a growing tendency, we have to find something further and more than just the nation-state concept or we should re-interpret the concept of the nation-state away from the absolute dominance of one single language or one single culture per country. There are good examples not only outside Europe that this is possible. If we don't find a solution to the integration of our societies other than the traditional way, I'm afraid tension will grow and peaceful coexistence is in danger, and the first conflicts of this kind have already emerged.

If you go one step beyond the nation-state, then what?

We should not destroy the nation-state, no, that is simply not realistic. If you start to destroy the nation-state you will make chaos. But one should define the nation in another ways. Nation can not mean that you are in a tin can in which everybody has the same origin.

Is there need to define nation?

There is a need to define community! There is a need to define community because community means stability, security. Yes, I do not believe people can live well in a world that is rapidly changing day by day and you totally lose orientation. You need to have a certain level of stability around you, otherwise you will be angry and nervous and aggressive and so on. So you have to have an institutional system that is familiar to you. But this does not mean that the only way to define this structure or environment is the national way, in a traditional sense.

What has been done to change the opinion of the average Hungarian towards Roma?

Not too much. In the end, if you look at the different programmes, I mean projects, by NGOs, the EU, the Council of Europe, the Organization for Security and Co-operation in Europe, Hungary itself, the Roma Decade and so on, you would expect a behavioural change or an attitude change, but I do not see too much progress yet in this respect. The perception of Roma has not fundamentally changed in the mind of the everyday Hungarian, and the problem is that it is stated that this perception is based partially on their experience. But, nobody realises nor speaks about the fact that 'this experience' results from the situation of Roma in the first place. It is not by accident that the perception might be that Roma are mostly not well dressed, that they are unemployed, they are uneducated and so on. This is their real life experience. It confirms the prejudice. But nobody arrives at the conclusion and nobody drives the public mind to the conclusion that they (the majority) are also responsible, and they are part of the reason why Roma are in this situation.

Don't you feel that there is some kind of wariness in society towards talking about Roma? It seems that there is a huge emphasis on Romani issues, at least in this region, and somehow it is starting to backlash: People do not want to hear any more about it.

You might be familiar with the saying that to change the political system, you need a weekend;

to change the economic system, you need some years; and to change the mindset of the people, you need some generations.

If we stay with this issue of the image or the perception of Roma and who can form it or influence it, what about the minority self-government? What is your opinion of the minority self-government as an institution?

I think the Roma minority self-government system can not substitute the involvement of Roma in political life and active politics. This system will not give them real participation, so it gives them some nice toys, or something weak. The whole minority autonomous system – if it were autonomous – would serve the preservation of identity. But this is not the main interest or the main issue in the case of Roma. It serves the national minorities' interests to a certain extent, but not too much, because they are not autonomous. The problem is that in the case of the national minorities they are too integrated. They are losing or have already lost their identity and their own community. So there the task is to preserve or regain it, and the current system would serve this aim to a certain extent. If they were to be real autonomous bodies, it would be much better than now. In fact, the initial self-government idea is something which has relatively good intentions in its background. But in the case of Roma, the problem is not the identity, the problem is integration. And you cannot have an instrument for integration which serves first and foremost the preservation of ethnic identity. So a real integration system would involve Roma very naturally in the local political affairs, but because of the electoral law this is not possible.

In a settlement with a Romani population of about 40 percent, all mandates are won by the majority, by the mainstream. No Romani candidate reaches into the local government office because of the electoral system, although they constitute 40 percent of the population. If there were a proportional system, of course, you would expect that the candidates are represented at a similar percentage in the local council, but because of the electoral system they are not subjects of the local policy but objects or tools. This circumstance

has a certain impact on schooling too, which is another key area and this is in connection with the equality of opportunity in employment, etc. But as long as Roma are instruments of policy, not actors or role players or real subjects of action, there will not be real progress.

Do you see any conflict between integration and preservation of culture?

No, not at all. It is unfortunately the ruling perception and the ruling attitude is that if you are integrated then you automatically should lose your identity. This is because of the interpretation of the nation-state concept, where within the nation-state system integration means that one should lose anything that makes one different. It is valid in a nation-state concept of old fashion.

So, in the contemporary nation-state concept, there is this problem; would you affirm that?

Yes. There is a contradiction in the nation-state context between integration and preservation of identity. But I do not agree that this is the only way of interpreting the nation-state.

So in today's world, integration is a nice term for assimilation?

Of course if politicians, mainstream politicians, speak about integration they actually mean assimilation.

If we think of the integration policies of Hungary in the last 5 years, do you see any progress?

Let's look into the concrete issues. If you speak about integration, there are different fields in which you can observe if it works or not: Education, for example, housing, treatment or the relationship between the state organs in general, police, local administration, of course, employment and so on. If we look at these fields, I have not seen too much progress compared with the extent of the efforts made. We have been speaking for almost 20 years about the situation in the school system – the segregated classes, the treatment of Romani children, the relationships between Romani parents and the school, about the relationship between the

Romani minority self-government and the mayor or the local administration in general. And what I see – though there are good examples of course – is that there are hundreds of schools in Hungary, and hundreds of villages and towns in Hungary, in which more or less segregated education is a fact, an everyday reality. I do not see very much progress in solving this issue, although efforts have been made by the Ministry of Education and Culture. By the way, in this field, one of the problems is – although it may sound strange – the local autonomous system of government of this country itself. I can certainly understand that after 40 years of Communism, and after I do not know how many years of authoritarian rule, there was a big need for decentralisation, but it was a little bit too much. There is too much in the hands of the local government.

You mean the local self-governments?

The local administration, the local councils are in an absolutely key position in Hungary now concerning schooling. The central education administration of this country has almost nothing to say, or at least little influence.

You are saying that this is one of the major reasons that the implementation of government policy is fragmented?

Implementation of policy sometimes does not happen because of the key position of the local law-makers, local officials and the local policy-makers.

Do you see a role for the ERRC in fighting this?

Yes, but it is a very tricky issue because if you start to say that decentralisation is wrong, you would be immediately unpopular for political reasons. You would be deemed a Communist because centralisation is only connected with Communism.

If you look at the ERRC, after 10 years activity, and the environment we just talked about, what would be your recommendation for an issue to prioritise?

I completely understand that ERRC is foremost an international NGO, not a national

NGO, but your presence in the Hungarian environment and Hungarian relations is not very visible. And, if I am not wrong there have been some or certain tensions between you and local Romani organisations, or a part of the local Romani organisations.

As I was asked also this question some years ago, I can only expand on this saying that the ERRC should strengthen its relationships with allies; in other words, the relationship with specialised bodies in all EU Member States and also candidate countries. You should strengthen your contact and relationship with institutions sitting in the same boat, so to speak.

So you recommend building networks.

Yes, and do it proactively. For example, I cannot remember any event organised jointly by the Ombudsman and the ERRC, or something similar, and the Ombudsman is dealing with more or less the same issues. I believe Roma rights are human rights, of course, and that is why you should strengthen your contacts with organisations specialising in ethnic equality. Now there is a Minorities Ombudsman who is additionally Romani, which should be an additional, positive aspect for your possible, natural cooperation with the Minorities Ombudsman Office.

ERRC Advocacy Action Around the UN Committee on Economic, Social and Cultural Rights' Review of Hungary

Larry Olomoofe¹

IN MAY 2007, the ERRC attended the 39th session of the United Nations Committee on Economic, Social, and Cultural Rights (CESCR), at which the CESCR assessed the Hungarian government's adherence and implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Prior to the session, the ERRC submitted a shadow report on the situation of Hungary's Romani communities to the Committee (available online at: <http://www.errc.org/cikk.php?cikk=2138>), which its members used as a counter reference point in their overall assessment of the government's efforts. The ERRC also co-organised, with the Geneva-based NGO Centre on Housing Rights and Evictions (COHRE), a pre-session lunch meeting with the Committee Members at which the pertinent issues in each submitting organisation's shadow reports were presented.

The Committee Members were keenly interested in the plight of Roma in Hungary and wanted clarification as to what were the most pressing issues affecting Romani communities. To this extent, the ERRC presented four fundamental structural issues that were interlinked and gave us cause for grave concern – education, employment, housing, and health care. Mr Claude Cahn (Head of Advocacy Unit) from COHRE gave a presentation of the overall housing situation of Roma in Hungary, indicating that Roma had suffered negatively from various local municipal housing policy reforms and that Romani communities invariably lived in slums with little or no infrastructure and sanitation. This situation had obvious adverse effects for

those Romani communities and was a direct consequence of local housing policy that saw Roma resettled from one batch of social housing to another, more inadequate stock of houses lacking the basic facilities and functions.

Ms Judit Bari (PAKIV European Fund, Hungary) and Ms Krista Harper (University of Massachusetts, Department of Anthropology) also gave a joint presentation about the adverse impact inadequate housing was having on Romani people's health. According to their intervention, apparently "extinct" diseases such as Tuberculosis (TB) were beginning to manifest and become virulent once again amongst Roma in poorly sanitised communities. Ms Bari and Ms Harper also highlighted that access to public health services for Roma was extremely poor and that there was a lack of governmental acknowledgement or will to address this serious situation.

The ERRC contribution focused mainly around the causal connection between limited access to quality, mainstream education for Romani children and the disproportionately high rates of unemployment experienced by Roma. Hitherto now, the Hungarian government had not fully accepted the argument that lack of access to quality education was a causal factor behind the low rate of employment that Roma experience. The ERRC also highlighted that the situation was compounded by discriminatory practices in the field of employment by potential employers, but the sad, inescapable fact that the government refused to acknowledge was that the practice of segregated schooling that prevails in Hungary had a far reaching impact on generations of Romani children and, latterly, adults.²

¹ Larry Olomoofe is ERRC Human Rights Trainer.

² To their credit, the ERRC acknowledges that the Hungarian Ministry of Education and Culture has been particularly proactive in pushing for integrated schooling and has developed policies over the past five years aimed at ending the practice of segregated schooling.

Worryingly, during the pre-sessional meeting some of Committee Members promulgated typical stereotypes about Roma “in their countries” (notably, the Polish and Russian members, respectively), which were actually dismissed by other Committee Members (the Portuguese, Lebanese and Swiss delegates, in particular). This indicated the inherent value of conducting a pre-sessional hearing with UN Committee Members. The Committee’s final recommendations reflect positively upon the pre-sessional hearing in that much of what the Committee recommended the Hungarian government undertake is almost verbatim the recommendations outlined in the ERRC, COHRE and other parallel reports and presentations mentioned above. The following are excerpts from the Committee’s findings concerning its review of Hungary.³

* * *

**CONSIDERATION OF REPORTS
SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE
COVENANT**

HUNGARY

**Concluding Observations of the Committee
on Economic, Social and Cultural Rights**

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of Hungary on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/HUN/3) at its 6th, 7th and 8th meetings, held on 2 and 3 May 2007 (E/C.12/2007/SR.2 and 3), and adopted, at its 23rd and 24th meetings held on 15 May 2007, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of the State party, due on 30 June 1994 and submitted on 29 September 2005, which was prepared in general conformity with the Committee’s guidelines, and of the written replies to its list of issues.

3. The Committee welcomes the open and constructive dialogue with the delegation of the State party, which included many experts from various Government departments, as well as its frank answers to the questions asked by the Committee.

B. Positive aspects

4. The Committee notes with appreciation the recent adoption of legislative and other measures to combat discrimination and promote equal opportunities for disadvantaged and marginalized individuals and groups in the area of economic, social and cultural rights, in particular:

- (a) Act No. 125 of 2003 on Equal Treatment and the Promotion of Equal Opportunities establishing an Equal Treatment Authority, which investigates and decides on individual complaints about discrimination;

[...]

- (d) The Roma Integration Decade Programme Strategy Plan for the period 2007 to 2015;

5. The Committee welcomes the favourable position that the State party is taking concerning the elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

[...]

D. Principal subjects of concern

7. The Committee notes that, although the Covenant has been incorporated into the domestic law of the State party, most of the rights recognized in the Covenant are not directly applicable in the courts of the State party.

8. The Committee is concerned that the shared burden of proof under the Equal Treatment Act, requiring the victim merely to establish a prima facie case of discrimination, whereupon the burden of proof shifts to the

³ The full text is available online at: http://www.ohchr.org/english/bodies/cescr/docs/e_c12_hun_co3.doc.

alleged discriminator, is reportedly rarely applied by the courts. It is also concerned that the low level of resources provided to the Equal Treatment Authority since its inception and the recent reduction in its funding and the number of staff may adversely affect its capacity to deal with an increasing caseload.

[...]

11. The Committee is concerned about the extremely high unemployment rate among the Roma in the State party and about discrimination against Roma by private and public employers.

[...]

17. The Committee regrets that the statistical data on social security benefits provided by the State party in relation to personal and material coverage did not enable an assessment of the overall adequacy of the system and the identification of persons and groups who may not be sufficiently protected.
18. The Committee is deeply concerned about the “limited effectiveness of the cash transfer programme” in the State party and about the fact that social assistance levels do not ensure an adequate safety net for, in particular, the disadvantaged and marginalized individuals, families and groups, such as the Roma.
19. The State party notes the absence of criminal law provisions specifically prohibiting domestic violence and spousal rape.
20. The Committee is concerned that the number of women and girls trafficked to, from, and through the State party is not adequately documented and that the State party has not adopted a national action plan to combat trafficking.
21. The Committee is concerned about reports that the State party has a restrictive approach to family reunification of refugees, and that persons authorized to stay on the basis of subsidiary protection have no right to family reunification.

22. The Committee is deeply concerned that one-fifth of the Roma in the State party live in slum settlements, often without access to running water, adequate sewerage or located close to municipal dumpsites, and that Roma are frequently denied access to social housing, e.g. on the ground that they previously occupied accommodation without legal title or as a result of the distribution of social housing by local governments through public auction at high prices. It is particularly concerned about the increasing number of forced evictions of Roma, often without provision of adequate alternative housing, and about the Constitutional Court’s ruling that the need to implement eviction orders takes precedence over the right of children not to be separated from their families and placed in the State care system.
23. The Committee is concerned about the limited access to general practitioners and health care services in the State party, especially in rural areas.
24. The Committee notes with concern that every sixth man and every eleventh woman in the State party has mental health problems and that the suicide rate in the State party is among the highest in the world, especially among women.
25. The Committee is concerned that the average life expectancy of Roma is more than 10 years shorter than that of non-Roma, and that Roma are reportedly often denied access to health services, including emergency aid services; segregated in hospitals; and discriminated by health practitioners who allegedly provide medical services of lower quality to them or extort unjustified amounts of money from them.
26. The Committee is concerned about reports on aggressive behaviour and easy access to drugs and alcohol among school children in the State party.
27. The Committee is deeply concerned about the high number of Roma children segregated in separate schools, such as special remedial

schools for children with mental disabilities, or in separate substandard “catch-up” classes within schools, and that mainstream schools frequently put pressure on Roma parents to apply for private student status for their children. It is also concerned about the high dropout rate among Roma students at the secondary level and about their low enrolment in higher education.

- 28. The Committee is concerned about the limited opportunities for minorities, including for the Roma, to receive instruction in, or of, their native language and of their culture.
- 29. The Committee is concerned that the minority self-governments are insufficiently funded to discharge their responsibilities in the co-administration and co-management of educational and cultural institutions.

E. Suggestions and recommendations

- 30. The Committee recommends that the State party take legislative and other appropriate measures to ensure the direct applicability of all Covenant rights in domestic courts, that legal and judicial training take full account of the justiciability of these rights, and that it promote the use of the Covenant as a source of domestic law. It draws the attention of the State party to general comment No. 9 on the domestic application of the Covenant and invites it to include, in its next periodic report, information on court decisions giving effect to Covenant rights.
- 31. The Committee recommends that the State party ensure that courts apply the shared burden of proof in discrimination cases, in accordance with the Equal Treatment Act, and that the Equal Treatment Authority is sufficiently funded and staffed to deal with its increasing caseload. It requests the State party to provide, in its next periodic report, detailed information on the number, nature and outcome of cases decided by the Equal Treatment Authority in the field of economic, social and cultural rights.

[...]

- 34. The Committee urges the State party to intensify its efforts to reduce Roma unemployment through specifically targeted measures, including by enhancing professional training and sustainable employment opportunities in communities with significant Roma populations and increasing the number of Roma in the central and local governments. It also recommends that the State party ensure the strict application of anti-discrimination legislation by the courts, local governments and labour offices. The Committee further recommends that the State party take more effective measures to encourage the private sector to provide adequate employment opportunities for the Roma. The Committee requests the State party to collect disaggregated data on unemployment and informal economy participation of Roma, set specific benchmarks to reduce the employment gap between Roma and non-Roma, and include such data, as well as detailed information on the results of the measures taken to improve employment opportunities for Roma, in its next periodic report.

[...]

- 41. The Committee urges the State party to review its regulations on social assistance allowances and raise their amounts in order to better target the most disadvantaged and marginalized individuals, families and groups, such as the Roma, and provide them with a safety net that enables them to enjoy their economic, social and cultural rights. It also urges the State party to establish minimum standards for social assistance operated by local governments to ensure equal treatment for all those in need of social assistance.

[...]

- 43. The Committee calls on the State party to monitor closely the number of women and girls trafficked to, from, and through its territory; develop a national action plan to combat trafficking in human beings, especially women and girls; provide mandatory training on trafficking for the police, prosecutors and judges; and include in its next periodic

- report updated information on the number of reported trafficking cases, convictions and sentences imposed on perpetrators, and on the assistance provided to victims.
44. The Committee recommends that the State party review its regulations on family reunification of refugees, with a view to broadening the concept of family members, simplifying and expediting reunification procedures, and protecting the right to family life of all refugees, including persons authorized to stay on the basis of subsidiary protection.
 45. The Committee urges the State party to adopt and implement remedial measures relating to infrastructure in Roma settlements, extend the application of the Roma Housing and Social Integration Programme to all communities concerned, effectively enforce anti-discrimination legislation in the housing sector, refrain from distributing social housing through public auction at high prices; and increase the availability of social housing, in particular for the Roma. It also urges the State party to ensure that the rights of affected individuals, including children, are safeguarded and that alternative housing is provided whenever forced evictions take place, in line with the Committee's general comment No. 7 (1997), and to include disaggregated data on the extent of homelessness, the number of forced evictions and arrangements for alternative housing in its next periodic report.
 46. The Committee recommends that the State party intensify its efforts to ensure adequate access for all, including the disadvantaged and marginalized individuals and groups, to health care services, especially in rural areas. In particular, it recommends that the State party promote the recruitment and establishment of general practitioners in rural areas and implement public health prevention programmes, as well as programmes for sexual and reproductive health.
 47. The Committee recommends that the State party intensify its efforts to address the socio-economic causes of mental health problems and suicide and strengthen the provision of psychological counselling services at the local level, as well as training of health professionals on the causes and symptoms of depression and other mental health problems. It also requests the State party to include a section on the mental health status of the population in its next periodic report.
 48. The Committee recommends that the State party strengthen preventive health care services and improve public services, such as clean water, sewerage, waste disposal and sanitation, particularly in Roma communities, and increase its efforts to address poor nutrition, chronic stress and other factors contributing to the low life expectancy of Roma. It also recommends that the State party intensify anti-discrimination campaigns and training of public and private health care providers.
 49. The Committee requests the State party to adopt a national plan of action to prevent aggression in schools and to combat drug and alcohol abuse among children, as well as to provide, in its next periodic report, disaggregated and comparative data, on an annual basis, on the results achieved.
 50. The Committee urges the State party to take effective measures to end *inter-* and *intra-*school segregation of Roma children and to ensure that segregated pupils are mainstreamed into the regular school system without delay; to enforce the prohibition of segregation under the Equal Treatment Act and of limitations under the Education Act on free school choice and on the proportion of severely disadvantaged children per school; to provide effective incentives for integrated education; and to ensure that every application for private student status is reviewed by an independent child protection expert. It recommends that the State party allocate sufficient funds to the free provision of textbooks, mentorship programmes and scholarships for disadvantaged students, in particular for the Roma, with a view to reducing dropout rates at the secondary level

and increasing Roma enrolment in higher education. It also requests the State party to provide disaggregated data on enrolment, attendance and dropout rates of Roma at all levels of education, as well as on the extent and the forms of segregation, in its next periodic report.

51. The Committee recommends that the State party ensure adequate opportunities for minorities, including for the Roma, to receive instruction in, or of, their native language and of their culture and, to that end, increase resources allocated to minority language education, as well as the number of teachers instructing minority languages, in cooperation with local governments and minority self-governments.
52. The Committee recommends that the State party ensure that minority self-governments receive sufficient public funding to exercise their cultural autonomy and promote initiatives and programmes in the fields of education and culture.
53. The Committee recommends that the State party take appropriate measures, including education and awareness-raising campaigns, to integrate the values of

minority cultures into the national culture, while at the same time preserving the cultural identity of its minorities.

54. The Committee recommends that the State party adopt a national plan of action on human rights and that it proceed with the proposed establishment of an Inter-Ministerial Committee on Human Rights to coordinate the preparation of periodic reports to human rights treaty bodies, as well as the implementation of treaty body recommendations.

[...]

58. The Committee requests the State party to include a specific section in its next periodic report on the results of the measures taken to combat discrimination and enhance respect, protection and fulfilment of economic, social and cultural rights of the Roma under each of the Covenant rights. The Committee further requests the State party to include disaggregated data on an annual basis, as well as specific benchmarks, to enable an adequate monitoring and evaluation of the progress made in its next periodic report.

[...].

ERRC Training for Kosovo Officials Highlight the Difficulties of International Human Rights Treaties

*James Duesterberg*¹

ON 14 AND 15 June 2007, the European Roma Rights Centre (ERRC) participated in a training session for Court Liaison Officers from the Ministry of Justice in Kosovo. The session, organised by the European Center for Not-for-Profit Law (ECNL), was aimed at the “capacitation” of the liaison officers in human rights work, and the ECNL brought in Partners Hungary Foundation, an organisation working towards conflict resolution in emerging democracies, as well as the ERRC, to conduct the training. The programme as a whole was aimed at increasing the officers’ ability to play their part in accomplishing the mammoth – and yet quite ill-defined – task facing the Kosovo justice system: To bring the province into the fold of functioning national justice systems governed by positive legal conventions in line with international standards.

As an ERRC intern, I had the chance to sit in on the last two days of the week-long session, during which ERRC Human Rights Trainer Larry Olomoofe presented background information on the ERRC’s work, Romani issues, and the nuances of international human rights frameworks. As someone new to human rights work, I found the session quite interesting, both in terms of the content presented and the context in which it was received. A group of liaison officers from a Ministry of Justice, which is not that of an actual country, hearing a lecture on international legal instruments to which they have no access given by an advocacy group fighting for the rights of an ethnic group which has no nation-state with which to identify – in addition to the three-layered translation (from English into simultaneous Serbian and Albanian and vice-versa) – presented an interesting

example of the windy path to a globalised yet multicultural society, and a vivid illustration of the obstacles and challenges faced on the way. Most of all, the session showed both the promise and the uncertainty of a worldwide effort to eliminate discrimination through international institutions. The promise, evident in the presentation of the vast and expanding array of international legal instruments available to combat discrimination and in the participants’ clear interest in learning about them, was obvious; so, however, were the uncertainties. Kosovo’s uncertain constitutional status and shaky social fabric were reflected in the liaison officers’ reticence to engage fully in the difficult questions generated by the discussion.

Indeed, although the participants were clearly paying close attention to the presentations given – many took notes, and jokes, most of which addressed the bleakness of the situation, elicited immediate and knowing laughter – when Mr Olomoofe asked the liaison officers how they worked to help victims of discrimination, they fell silent. In response to the question, “what exactly do you *do* in Kosovo,” one officer responded, with only a hint of irony, “nothing.” Though they took in the information presented, they did not engage with it. Any comments made seemed to circle around the clichés of global human rights advocacy, and there was no attempt to question what Kosovo’s relation to these “fundamental universal principles” might be, but rather a weary rehearsal of the need to move towards international human rights standards.

Though off-putting, this attitude came off less as pessimism than simply a reflection of the profound uncertainty of the situation. One officer

¹ *James Duesterberg completed a summer internship at the European Roma Rights Centre in 2007. He is in his senior year at Washington University in Saint Louis, studying for a degree in Humanities.*

remarked that he hoped that they would be able to use the international human rights instruments “but we simply don’t know yet” whether it would be possible. One had the sense that the seemingly false note struck by many of the officers when asked to give their opinions was more likely a genuine affirmation of shared hopes, coloured by a feeling of frustration and a lack of clear possibilities for change.

Looming ominously over the session was the broader question of how diverse societies – not necessarily initially conforming to the (Western) model of constitutional republics with relatively cohesive “national” unity to which current convention members adhere – might integrate into international organisations based around this model. The case of Kosovo served as a pressing reminder for the uninitiated participant (i.e., me) of the obstacles that we face in creating a truly “flat”, seamless international community based around universally agreed-upon principles.

Strategic Litigation and the Importance of Legal Frameworks

Mr Olomoofe’s presentation focused on the idea of “strategic litigation,” a core component of ERRC’s activity, and its role in the development of a strong portfolio of civil rights protections for citizens. Strategic litigation aims to establish legal precedent and not only win a specific case; the point is the advocacy and the political situation surrounding it, with an eye to changing the framework with which similar issues are dealt in the future. Thus, cases like 1954’s *Brown v. Board of Education* in the United States – in which a case was brought by the National Association for the Advancement of Colored Persons (NAACP) to a local court claiming that segregated education violated the 14th Amendment right to equal treatment, and when denied was brought successfully to the Supreme Court, eventually resulting in nation-wide desegregation of the school system – become strategic vehicles for changing federal legislation. Sometimes with strategic litigation you may even take cases intending to lose – if the current legal framework is biased, a case can

be brought with full knowledge that it will likely fail, with the intention of gaining publicity and setting a precedent which can later be overturned, based either on revised interpretation (e.g. as happened when *Brown v. Board of Education* overturned the earlier *Plessy v. Ferguson* which had allowed for the discriminatory principle of “separate but equal” to be applied in education), or on the application of broader or higher laws.

It is this latter possibility – for a judgment based on a set of local laws to be overturned by reference to a broader legal framework with which human rights discourse is most concerned, especially in the case of developing or “democratising” countries. If a local – i.e., even national – law can be shown to be in conflict with an international legal commitment, then there is the potential to change national legislation through strategic litigation that brings the relevant cases to international courts, which can subsequently induce national governments to comply with their international commitments. In this way, prejudicial or unfair laws can be changed in an effort to stimulate a change in the legal or social culture of the country, as opposed to having to wait for the culture to change before being able to afford rights to disadvantaged minorities. This approach then “leads with legislation”, ensuring a democratic legal framework as an encouragement to a democratic and egalitarian culture that is truly open to minorities.

This approach is promising, innovative, and can often enact change at a pace that other types of activism simply cannot match. Yet it also reveals the unique problems faced by developing countries trying to ensure equality for institutionally and socially disadvantaged minorities; moreover, it makes manifest some of the implicit presuppositions of international “human rights discourse” which often are taken for granted. The venues for the international consideration of human rights abuses are all, necessarily, tied to international diplomatic organisations to which a state must be party in order for its citizens to have access to the corresponding courts. Amongst the main frameworks for international human rights law in Europe are the European Union’s Race Equality

Directive (RED), the European Convention for the Protection of Fundamental Freedoms and Human Rights (ECHR), the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM), and the United Nations' International Covenant on Economic, Social and Cultural Rights (ICESCR). These treaties and directives create binding legal obligations on the States Party to the treaty or the Member State in the case of EU legislation and, in some cases, these obligations imply sweeping changes: For example, once a plausible case has been brought, Article 8 of the RED shifts the burden of proof in discrimination cases to the defendant, who must then prove discrimination did not take place.

It seems almost redundant to point out that for the international treaties to be in force and effective in combating discrimination in a particular area, there must be a government in place which is a party to the treaty. Yet, the case of Kosovo provides an example of how it is not necessarily a simple matter of using incentives to get government leaders to sign treaties. It is rather a complex process of creating stable governments, civil societies, and legal cultures that can come to constitute a modern nation-state. Without these – without a stable constitutional framework and the necessary apparatus to enforce it as well as the culture to make it acceptable to the population – a head of state's signature on an international treaty is largely meaningless. International human rights law, which depends on the ability of codified law to be a potent actor in society, is thus dependant on and only truly meaningful for what we recognise as “modern nation-states” with the necessary, cohesive culture for this law to function.

The Case of Kosovo

What happens, then, when a country or region wants to move towards a modern rights framework yet does not enjoy the status of nation-state? Even if the globalised economic and political climate means that nationhood is the only desirable option, what if it is currently impossible? This is the question faced by Kosovo, a province in Serbia that is for all intents and purposes governed by a UN-led interim

administration (United Nations Mission In Kosovo – UNMIK), while still being technically considered a part of Serbia. Kosovo's status, in fact, has been in question for decades, but the current ambiguity is a legacy of the break-up of former Yugoslavia. When Yugoslav leader Josip Tito died in 1980, the Socialist Federal Republic of Yugoslavia (SFRY) began to fall apart, with ethnic and religious tensions fracturing the Republic. Kosovo, an area historically inhabited mostly by ethnic Albanian Muslims, had been an autonomous province within the federal unit of Serbia in the SFRY, with its own national and political institutions. However, the rise of Serbian nationalism in the wake of Tito's death and Serbian independence, led by Serbian leader Slobodan Milosovic, resulted in significantly increased central control by Belgrade. In response, Albanian nationalists began a guerrilla war against the Serbs, forming the Kosovo Liberation Army (KLA). By 1998, the KLA had gained effective control over part of the country, and was attracting large numbers of recruits from Albania, as well as a full-scale counter-offensive from the Serbian government which attempted to reinstitute control in the province. The Serbian government was accused of attempting to ethnically cleanse Albanians from Kosovo during this time, with a clear policy aimed at reducing Albanian influence and representation in the governing institutions of the province and the expulsion of tens, if not hundreds, of thousands of ethnic Albanians. In March 1999, what is known as the Kosovo War began, with NATO forces bombing Serbian targets as a response to Serbian police and military actions against Albanians.

After heavy losses by the Serbs, bombing was suspended and a peace treaty was signed with Milosovic in June. The treaty stipulated that Kosovo would be governed by an UN-led interim administration and that there would be no referendum on Kosovo independence (the stated goal of the KLA's actions) for at least three years. The terms of the treaty were enshrined in UN Security Council Resolution (UNSCR) 1244, adopted on 10 June 1999. With the exit of Serbian forces from Kosovo, there was an immediate, massive influx of returning Albanian refugees. This resulted in a reversal of the tide of aggression, with Albanians exacting

revenge on Kosovo Serbs and attempting to drive them out of the province.² Kosovo Roma, seen as Serbian collaborators and emphatically non-Albanian, were also the victims of widespread ethnically-motivated violence.³

Eight years later, the situation is characterised more by distrust and uncertainty than any sense of progress towards a stable solution. Official unemployment was over 50% in 2004,⁴ the latest date for which figures are available, and GDP was around 1,500 EUR per person.⁵ A cycle of high unemployment and crime has thus set in, with frustration over lack of economic opportunity often channelled into violence towards ethnic minorities (e.g. Roma and Serbs), who are consequently even more economically marginalised because of fear and discrimination.

Concomitant with and indeed contributing to the uneasy social climate is Kosovo's still-unresolved political and constitutional status. UNSCR 1244, which is still the framework for Kosovo's governance, is ambiguous. The resolution was passed in order to end the fighting and provide a solution temporarily acceptable to both parties (i.e., Serbia and the Kosovo Albanians); it was not explicitly a question of determining a lasting political solution. The document reaffirms both "the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region," and "the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo."⁶

Thus to the extent that it addresses autonomy, it is in the context of developing self-government without (at least not explicitly) an eye towards independence. In the past few years, the Kosovo Provisional Institutions of Self-Government (PISG), which includes a legislative assembly,⁷ has taken over some of the functions of UNMIK; however, UNMIK is the recognised authority with ultimate political, civic and military control.

Meanwhile, Serbia has essentially no power over Kosovo. The 2003 constitution of (the now-defunct) Serbia and Montenegro recognised *de facto* international control over the province of Kosovo, while still claiming it as part of the country.⁸ This situation, as recognised both by Serbia and the international community, means that on the international level, there is no "state" responsible for Kosovo. Over and above the social unrest this indeterminacy has caused, Kosovo citizens are essentially unable to access most of the instruments and guarantees provided by international human rights law. As Mr Olomoofe noted – and the court liaison officers nodded with weary understanding – in, e.g., the European Court of Human Rights which oversees the ECHR, you must take a State to court. Who would one take to court for violations occurring in Kosovo? The Serbian administrative and judicial systems do not govern Kosovo and thus cannot be held responsible for human rights violations within the province; yet UNMIK is not itself a state. PISG, the interim Kosovo government, does not represent a sovereign state, and thus not party to any international treaties.

² *Johnsson, Jessica. 2006. International assistance to democratisation and reconciliation in Kosovo. Available online at: http://www.pcr.uu.se/publications/other_pub/International_assistance_Kosovo_Johnsson_05_05_06.pdf, p. 7. Last accessed on 18 July 2007.*

³ *See, for example, the ERRC's 2006 report to the UN Human Rights Committee on the situation of Roma in Kosovo. Available online at: <http://www.errc.org/cikk.php?cikk=2531&archiv=1>.*

⁴ *European Commission. 2005. Progress towards meeting the economic criteria for accession: 2005 Country assessment. Available online at: http://ec.europa.eu/economy_finance/publications/enlargement_papers/2005/elp26en.pdf, p. 10. Last accessed on 18 July 2007.*

⁵ *World Bank. 2006. Kosovo Brief 2006. Available online at: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/KOSOVOEXTN/0,,contentMDK:20629286~menuPK:297777~pagePK:1497618~piPK:217854~theSitePK:297770,00.html>. Last accessed on 19 July 2007.*

⁶ *Resolution 1244/1999. Available online at: <http://www.nato.int/Kosovo/docu/u990610a.htm>. Last accessed on 18 July 2007.*

⁷ *See: <http://www.unmikonline.org/civiladm/index.html>. Last accessed on 18 July 2007.*

⁸ *Available online at: http://www.worldstatesmen.org/SerbMont_Const_2003.pdf.*

What is required, then, for people to gain meaningful access to “universal” human rights? For those living in Kosovo – not least minority Serbs and Roma – these rights are desperately needed, yet categorically out of reach. International courts and tribunals and the treaties that give them power depend on the agreement of States Parties or Member States; the idea of a Member State, in turn, must not be taken for granted but rather must be acknowledged as requiring a specific form of government, one based on the (Western, liberal-democratic) nation-state with a strong form of constitutional and precedent-based law and a

willingness to use law as the basic codification of social values (such as egalitarianism). Even if the state is legally bound to an international convention guaranteeing rights, for these guarantees to become effective, there must be local cultural and governmental apparatuses which enable and enforce these rights. For Kosovo – rent by ethnic distrust and prejudice, destroyed economically and socially by repeated wars, and most importantly victim of an uncertain constitutional status⁹ – the hope for accessing international treaties guaranteeing equality and universally-respected human rights must remain, for the moment, a dream.

⁹ *As of October 2007, there was significant progress towards a permanent solution for Kosovo’s uncertain status, with indications that actual independence was on the horizon. UN Special Envoy Martti Ahtisaari had proposed a draft settlement proposal to be the basis of a new UNSC Resolution. The proposal would institute a supervised transition to independence, though it envisions a significant international presence for the foreseeable future, with powers to veto laws in order to protect minority rights. See: <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2007&m=March&x=20070322164327MVyelwarC0.4178278>. Backed by the United States, the United Kingdom and other Security Council members, it still faces opposition from Serbia and more importantly Russia, which, as a permanent member of the Security Council, possesses veto power. See: http://www.setimes.com/cocoon/setimes/xhtml/en_GB/newsbriefs/setimes/newsbriefs/2007/07/10/nb-02. The US State Department’s website quoted an American official as characterising the proposed draft settlement as a way for both Serbia and Kosovo to “accelerate irreversibly [their] journey to a free Europe and the trans-Atlantic world.” See: <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2007&m=March&x=20070323165025MVyelwarC0.5508692>.*

Positive Duties to Combat Violent Hate Crime After *Šečić v. Croatia*

*Constantin Cojocariu*¹

The European Court of Human Rights (hereafter “the Court”) has in the recent years greatly expanded the ambit of the obligations binding State Parties under the European Convention on Human Rights (hereafter “the Convention”), by reading in the relatively sparse wording of the Convention an increasing number of positive duties.² The expanding body of case law on policing and criminal justice, especially in the context of Articles 2 and 3 of the Convention represents a more substantial thrust in that direction. The recently adopted *Šečić v. Croatia*³ judgment (hereafter “*Šečić*”), a case filed by the European Roma Rights Centre, expands the Court’s jurisprudence in this area and brings a long overdue condemnation by the foremost regional human rights body of hate crime, a particularly heinous and widespread phenomenon in modern day Europe. By extending the *Nachova*⁴ procedural obligations across the board to all perpetrators of hate crime, whether state agents or private individuals, *Šečić* opens the way for further crystallisation of the Court’s jurisprudence on the positive duties

which govern official response to racially-motivated violent crime. This article will provide a brief synopsis of that judgment, followed by a succinct exploration of positive duties in this field in light of *Šečić* as well as of other relevant case law of the Court.

The *Šečić v. Croatia* Judgment

On 29 April 1999, the applicant, a Croatian national of Romani ethnicity, was gathering scrap iron in a neighbourhood of Zagreb when he was violently attacked by a group of individuals. As a result of the beating received, he was hospitalised with multiple rib fractures and suffered long-term psychological damage. The attackers were known to belong to a skinhead group who would engage over the following years in numerous attacks against Roma.⁵

The applicant filed a criminal complaint with the relevant authorities in the immediate aftermath of the attack, and over the following years filed

¹ *Constantin Cojocariu was Staff Attorney at the ERRC from June 2005 through August 2007. As of September 2007, Mr Cojocariu had taken up the post of Lawyer for the Europe Programme with the London-based organisation Interights.*

² *See generally on positive obligations: Interights. 2006. Bulletin: Positive Obligations of States and the Protection of Human Rights. Volume 15, No 3; and Mowbray, A. R. 2004. The Development of Positive Obligations under the European Convention on Human Rights by the European Court of Human Rights. Oxford: Hart Publishing.*

³ *Šečić v. Croatia. Application no. 40116/2002. Judgment dated 31 May 2007.*

⁴ *Nachova v. Bulgaria. Application nos. 43577/98 and 43579/98, filed by the ERRC. Judgment by the Grand Chamber dated 6 July 2005. This case concerned the killing by Bulgarian military police of two young Romani men who had absconded from the army and the ensuing official investigation. The Court held that Bulgaria violated, inter alia, the positive obligations stemming from Convention Articles 2 (to conduct an effective investigation) and 14 (to investigate the possible racist motives behind the events), which are referred to here.*

⁵ *Similar incidents were documented in extenso by a number of non-governmental organisations including the European Roma Rights Centre and were referred to by inter governmental organisations. See, for example: European Commission against Racism and Intolerance. 17 December 2004. Third Report on Croatia. Pp. 10-12.*

numerous letters providing further clues to the police as to the identity of his attackers, requesting that the investigation be expedited. In spite of those appeals, the efforts undertaken by the authorities to elucidate the circumstances of the attack, identify and punish the attackers were very limited and, in particular, they failed to pursue obvious leads that could have helped find the perpetrators. At the time of the Court's judgment, more than eight years after the original incident took place, the investigation was still formally open and in the pre-trial phase.

The Court published its judgment in the *Šečić v. Croatia* case on 31 May 2007, holding that the Croatian government was responsible for violations of Articles 3 (prohibition of torture) and 14 (prohibition of discrimination) of the Convention. With regard to the violation of the prohibition of inhuman or degrading treatment, the Court reiterated that Article 3 in conjunction with Article 1 of the Convention gave rise to certain positive obligations – first, that states are required to take measures designed to ensure that individuals within their jurisdiction are not subjected to ill treatment, including ill treatment administered by private individuals,⁶ and second, and related, that states are required to conduct an official investigation which is reasonably expeditious, an obligation that is not limited solely to cases of ill treatment by state agents.⁷ Applying these principles to the facts before it, the Court noted in detail the shortcomings of the official investigation and concluded that “the failure of the state authorities to further the case or obtain any tangible evidence with a view to identifying and arresting the attackers over a prolonged period of time indicates that the investigation did not meet the requirements of Article 3 of the Convention.”⁸

With regard to the applicant's Article 14 claim, the Court reiterated the principle first expounded

in *Nachova* that States have an obligation to investigate possible racist overtones to a violent act, and extended it for the first time to cover ill treatment committed by private individuals.⁹ The Court noted that, in the case at hand, the applicant's attackers belonged to a skinhead group, “which is by its nature governed by extremist and racist ideology”,¹⁰ which in turn was indicative of the fact that the incident was motivated by racial hatred. The Croatian authorities ignored, however, the nature of the attack and allowed the investigation to last for more than eight years without undertaking any serious steps with a view to identifying or prosecuting the perpetrators. The Court deemed this to be “unacceptable”¹¹ and held that it warranted the finding of a violation of Article 14 of the Convention.

Positive Duties to Combat Violent Hate Crime

In *Šečić*, the Strasbourg Court reiterated the emphatic condemnation of racism and racist crime articulated in *Nachova*. Accordingly, since racism and racist violence and brutality, whether inflicted by State agents or private individuals, are “particularly destructive of fundamental rights”, a determined response from the authorities is required. Given this stark condemnation of racist crime, it is more likely that the Court will be willing in the future to extend the positive duties of authorities and aimed at preventing and prosecuting violent hate crime.

The Court has in its more recent case law developed certain positive obligations in the field of policing and criminal justice that could be extended to govern States' duties to fight hate crime.

On a number of occasions, the Court has sanctioned the absence and/or inappropriateness

⁶ *Šečić*, §52.

⁷ *Šečić*, §53.

⁸ *Šečić*, §59.

⁹ *Šečić*, §66-67.

¹⁰ *Šečić*, §68.

¹¹ *Šečić*, §69.

of existing domestic legislation acting as a deterrent against crime inflicted on certain vulnerable categories of individuals such as children subjected to corporal punishment, victims of rape or domestic servants.¹² Thus, in *X and Y v. Netherlands*, the Court held that there was a violation of Article 8 of the Convention because of the gaps existent in Dutch legislation, which did not allow effective prosecution of the sexual abuse of a 16-year old mentally disabled girl.¹³ Once the positive obligation to investigate possible racist motives behind violent crime was extended by *Šečić* across the board to cover ill treatment inflicted by private individuals, this strand of the Court's jurisprudence should mean in practice that an obligation may be construed whereby States put in place effective legislation combating hate crime, by providing, for example, that racist motives constitute aggravating factors in ordinary offences. Besides the case law invoked above, such a conclusion may be supported by the particular heinous character of hate crime as highlighted by the Court in *Nachova* and *Šečić*, as well as emerging European-wide legislative standards making racist motives an aggravating factor, which include, for example, the Framework Decision for Combating Racism and Xenophobia.

Besides the prerequisite of having legislation to act as a deterrent against racist crime, the Court has in a few cases insisted that additionally, the legislation has to be effective in practice as well. In *M.C. v. Bulgaria*,¹⁴ the Court looked into the effectiveness of the Bulgarian law making rape a criminal offence. The Court observed that the effective criminal investigation and prosecution of two men alleged to have raped a 14-year-old girl was made impossible by the fact that Bulgarian domestic practice made proof of physical resistance a requirement

for a prosecution for rape. The Court found a violation of Articles 3 (prohibition of torture) and 8 (right to respect for private and family life), reasoning that all forms of rape and sexual abuse necessitated effective criminal sanctions. The same reasoning was applied by the Court in *Siliadin v. France*,¹⁵ in which the Court found that French domestic legislation sanctioning servitude and forced labour failed to provide effective protection in practice to victims of such practices.¹⁶

Turning to the object of the present article, this obligation may require a more exacting scrutiny from the Court of the efficiency of legislation governing the investigation and prosecution of hate crimes in certain States Parties to the Council of Europe. This could be a crucial development, given the fact that the leniency exhibited by the Croatian authorities when dealing with the complaint filed by Mr *Šečić* is typical of the attitude manifested by authorities throughout the region when confronted with allegations of racist abuse, whether committed by state agents or by private individuals.

Conclusion

Šečić is an important judgment in that it consolidates the findings of the Court in the earlier *Nachova* decision by extending the protection offered by the Convention to members of ethnic minorities who are victims of racist abuse, regardless of whether that abuse is perpetrated by state agents or third parties. Moreover, as argued above, *Šečić* opens the way to challenges by human rights advocates in relation to the comprehensiveness and efficiency in practice of domestic legislation combating racially-motivated violence.

¹² Leach, Philip. 2006. "Positive Obligations from Strasbourg – Where Do the Boundaries Lie?" In *Interights Bulletin*. Volume 15, No 3, p. 123-126.

¹³ *X and Y v. Netherlands*. Application no. 8978/80. Judgment dated 26 March 1985.

¹⁴ *M.C. v. Bulgaria*. Application no. 39272/98. Judgment dated 4 December 2003.

¹⁵ *Siliadin v. France*. Application no. 73316/01. Judgment dated 26 July 2006.

¹⁶ Pitea, Cesare. 2006. "Preventing Slavery: Positive Obligations under the ECHR after *Siliadin v. France*." In *Interights Bulletin*. Volume 15, No. 3, p. 143-145.

Between Litigation and Freedom of Speech

*Leonid Raihman*¹

STARTING FROM 2002, in its reports and advocacy documents related to Roma rights matters in Russia, the European Roma Rights Centre (ERRC) emphasised that Russian media contributes to and often incites anti-Romani attitudes in society. However, before 2005, monitoring anti-Romani hate speech in the Russian media had not been conducted systematically and it did not show the true dimension of the problem. In rare cases, such human rights NGOs as the Information-Analytical Centre “SOVA” and the Northwest Centre for the Legal and Social Protection of Roma made attempts to raise the issue of anti-Romani hate speech. Romani NGOs such as the Federal National Cultural Autonomy and Roma Ural also contributed to the issue by sending a few letters of concern about hate speech appearing in newspaper articles and TV programmes.

Since 2005, the ERRC has implemented two projects on hate speech in the Russian media, which were supported by the British Government’s Fund For Global Opportunities and the Netherlands Ministry of Foreign Affairs. Amongst other activities, the projects included media monitoring in different regions of the country. During the first phase of monitoring, the situation was a very disappointing one. Whether newspapers or television, the content of reports was the same everywhere: “Roma are stealing”; “Roma are performing hypnosis with the aim of tricking people out of money”; “Roma are drug dealers”; etc. An endless line of news article titles could be seen on the Internet: “Romani swindlers have cheated [...]”, “A Romani gang has been arrested”, etc. It created the impression that the number of anti-Romani publications and reports exceeded all possible expectations, and that even

journalists already perceived Roma as people of a secondary category and, who voluntarily or not, were pushing others to hold such perceptions. There is no need to explain to what result such an attitude led in different times of history...

One of the results of rising interethnic tensions in Russia (also because of the perception of citizens of state representatives as the “fourth power”) was that, without any anxiety, society accepted and even supported mass-scale evictions of Roma, for example in Kaliningrad and Arkhangelsk. The conduct of law enforcement operations with the obvious anti-Romani title “Tabor” received very little criticism from journalists.

A litigation component had also been built into both projects, given that strategic litigation is one of the core means via which the ERRC attempts to foster social change. As regards the litigation aspect of the projects, the ERRC encountered difficulties in challenging hate speech via legal means. Some norms, for example Article 152 of the Russian Federation’s Civil Code, render activists from Romani and human rights NGOs unable to be fully involved in strategic litigation on hate speech. For example, a Romani activist can only apply for moral redress through a civil procedure if his/her name or name of the organisation is mentioned in the newspaper article or the TV programme. As it was seen from the monitoring, in their publications and programmes, Russian journalists did not mention specific names and simply referred to the whole community or the location of a Romani settlement.

This particular component of the law creates an enormous obstacle for Roma and other persecuted minorities in Russia to protecting their dignity through legal means in the case of hate speech. In addition to this problem, the

¹ *Leonid Raihman is the ERRC’s consultant on Roma rights projects in Russia.*

majority of Russian Roma, especially those who live in the suburbs and the outskirts or towns and cities do not read newspapers or use the Internet in their daily lives. In extreme instances of hate speech, when certain measures should be taken by Romani communities, Romani people felt rather reluctant to take action, referring to other problems and possible side effects, refusing to complain to judicial institutions. This is in stark contrast to the situation in neighbouring Ukraine where in cases of hate speech against, in particular, Roma, anyone may submit a complaint to the court asking for a public apology or seeking redress for moral damage on behalf of a local community, etc.

Under Russian criminal procedures, an NGO can submit a statement to the Prosecutor's Office requesting the initiation of a criminal investigation, for example, in a case of incitement to racial hatred in the Russian media. In particularly severe cases of hate speech, the ERRC has asked prosecutors to open a criminal investigation, as for example, in the case of the article "Keep money away from children!" published in the weekly "Nedelya Goroda" (Volzhskiy region) on 1 June 2006, wherein Romani women were repeatedly identified as thieves and swindlers. The article ended with the following announcement: "The Department of Interior calls upon local residents to inform [law enforcement officials] about places where people of Romani ethnicity live without permission." However, it can be seen that public prosecutors in the Russian Federation still hesitate to open criminal investigation under Article 282 (Incitement of National, Racial, or Religious Enmity) of the Russian Federation's Criminal Code in the context of hate speech, alleging the creation of enormous difficulties in proving racial motivation. Besides, the official opinion still prevails that a growing number of racially-motivated crimes would undermine the State's image. It is important to bring international experience fighting racially-motivated crimes in various forms to Russia – by conducting seminars

for the representatives of law enforcement bodies, by disseminating the relevant international law precedents to the judges, etc.

It should also be noted that the situation vis-à-vis freedom of speech in Russia has visibly worsened in the last few years. This consideration also influenced the ERRC policy of using more extrajudicial means in fighting anti-Romani speech in the Russian media rather than launching strategic litigation cases against journalists and media organs. In particular, advocacy actions against hate speech in the Russian media have been targeted simultaneously at the heads of both the media organ implicated as well as the Federal (or Regional) Service for Supervision of Law Observance in Mass Communications and Cultural Heritage Protection (hereafter "Rosohrancultura"), Russia's media oversight body. The ERRC sent a number of letters of concern to different media units with a copy sent to the Rosohrancultura because by its regulation,² it is authorised to exert soft pressure on the media to eliminate or amend certain practices. In its first response to an ERRC action, the Rosohrancultura denied the presence of hate speech in the articles to which the ERRC referred. However, later as in the case of the ERRC letter concerning articles published on the Russian Internet portal *Regions.ru*, the Rosohrancultura sent a warning to the editor-in-chief of the portal, in which it recommended that the portal be more careful in preparation of its materials, which can influence ethnic and racial questions.

Another opportunity to use legal means outside the field of criminal and civil law has included the Union of Russian Journalists. In 2005, the Union established a Public Collegium regarding Complaints against the Media. This independent structure works inside the Union and is authoritative amongst journalists. It accepts complaints from any person if the case has not been submitted to a court. In its decisions, the Collegium makes independent conclusions (which have tended to be

² Section 6 of the Governmental Regulation on Rosohrancultura (No. 301 from 17 June 2004) states: "Federal Service for Supervision of Law Observance in Mass Communications and Cultural Heritage Protection in purpose to realise its authority has the right: [...] 6.4. to restrain violations of the Russian Federation legislation [...] and to use measures of a restrictive, preventive, or prophylactic nature, directed at the prohibition and liquidation of the consequences of violations of requirements established in a certain sphere of activities."

negative towards the media), and asks the media to publish the decision in the newspaper, to discuss the decision during staff meetings, etc. In some cases, the Collegium informs the Rosohrancultura about its decision. The ERRC has filed complaints with this body and is currently awaiting the first decision of the Collegium in the case of anti-Romani hate speech (the complaint was filed against NTV, a mainstream TV channel in Russia).³

Returning to strategic litigation, which remains an effective way to turn public attention to a problem, even considering the complicated

situation vis-à-vis freedom of expression in Russia, one proposal can be invoked here. In its country report, “In Search of Happy Gypsies: The Persecution of Pariah Minorities in Russia” issued in May 2005, the ERRC recommended that Russian authorities “amend legislation to enable public organisations to litigate cases in the public interest, i.e. widen the scope of representative actions to allow organisations to pursue cases on behalf of members or constituents whose rights are affected.”⁴ It seems public discussion about such recommendations should be launched by NGOs in Russia.

³ Details of the case are available on the Union’s website at: http://collegium.ruj.ru/delo_021/jaloba_001.html. A decision in this case was pending at the time of publication of this article.

⁴ European Roma Rights Centre. 2005. *In Search of Happy Gypsies: Persecution of Pariah Minorities in Russia*. Budapest, p. 228. Available online at: <http://www.errc.org/cikk.php?cikk=2241>.

New Legal Director Highlights Opportunities Under Anti Discrimination Law to Challenge Racism Against Roma

*Geraldine Scullion*¹



I was born and grew up in Northern Ireland during a time of political and sectarian division, violence and discrimination. It was an early introduction to the suffering of people created by a society

divided by religion and national allegiance and its violent consequences. My parents taught me to see beyond the labels which divided and diminished us and to value people for themselves. I hated the narrowing effect that prejudice and bigotry had on all our lives and I was acutely aware, even as a young woman, that there must be a better way of resolving such conflict.

After graduating from Belfast's Queen's University with a degree in social anthropology, I moved to the north of England for further studies and became involved in welfare rights campaigns, particularly amongst the Asian communities who had immigrated to work in the then declining woolen textile industry. This was my first taste of the impact of real poverty compounded by racism and I was appalled that such conditions were tolerated in a wealthy and supposedly civilised society.

It was here that my commitment to social justice crystallised and I was determined to find a better way to ensure that socially excluded people enjoyed the benefits of the society in which they lived and to which they contributed. My experience of working with legal activists and campaigners taught me that rights had to

be backed up by legal action, so I decided to become a lawyer.

I completed my solicitors' finals at Manchester Polytechnic and served my articles in private practice before taking up a post with the North Manchester Law Centre, dealing with housing, family law and welfare rights in a socially and economically deprived area of high unemployment. During this time and in partnership with Women's Aid, I set up the first legal telephone helpline in the UK for survivors of domestic violence.

Upon returning to live in Northern Ireland, I worked for an NGO providing legal support to community groups working in areas suffering the effects of political violence and poverty, before becoming the first lawyer to join the Commission for Racial Equality for Northern Ireland (CRE(NI)) with a remit to develop its legal casework and strategy. Legislation to outlaw race discrimination had only been introduced in 1997 following intense campaigning by NGOs and human rights groups including criticism by the UN Committee on the Elimination of Racial Discrimination of the UK government's denial of the relevance or need for such protection in Northern Ireland. At the Commission, I oversaw the development of the first cases under the Race Relations (NI) Order 1997, including the first successful race discrimination case involving Irish Travellers who were denied service in a pub.

In 1999, the Commission for Racial Equality, the Equal Opportunities Commission and the Fair Employment Commission merged to form the new Equality Commission NI (ECNI). I was lucky enough to get the opportunity to become

¹ Ms Scullion was appointed Legal Director of the ERRC in May 2007.

involved in an anti-discrimination project in Bulgaria and in 2002/3 I spent six months working with the National Council for Ethnic and Demographic Issues in Sofia, where I contributed to the pre-EU accession drafting of the anti-discrimination law. The project also included devising and delivering training for judges, lawyers, prosecutors and NGOs in anti-discrimination law and practice on race issues.

The following year, I spent 4 months working as a legal expert in the office of the Legal Chancellor in Tallinn, Estonia. I delivered training on EU anti-discrimination law to the staff of the office and devised procedures to deal with discrimination complaints.

On my return to ECNI, I managed its Legal Enforcement Division as acting Legal Director in 2005 before seeking new challenges with the ERRC.

Throughout my working life, I have had a strong commitment to social justice and to finding practical ways to bring about improvements in people's lives. I do not want to live in a society, whether in Northern Ireland or anywhere in Europe, where great sections of people are despised and marginalised. The denial of the humanity of Roma diminishes my humanity and acts as a huge obstacle to the development of prosperous, stable communities where the differences between us are valued and cherished.

I joined the ERRC to do a good job and to use my skills and experience to make a difference. I have found that challenging discrimination through litigation can push changes onto reluctant authorities and governments. Giving people legal knowledge and arguments can have a dramatic empowering effect and will help them to access their rights and take their full place as equal citizens in their own communities. I know too that change is slow; in Northern Ireland there has been strong anti-discrimination legislation on

gender, religion and political opinion for over 30 years and awareness of the law is high amongst employers, but still the Equality Commission NI receives thousands of enquiries and hundreds of potential cases of discrimination every year.

Looking back, I realise how important are influences from outside which help to promote progress in an inward-looking society caught up in cycles of violence and repression. In the 1990s, with the help of American trade unions which refused to invest trade union funds in companies which had discriminatory employment practices, the McBride campaign² was instrumental in forcing the UK government to review its law and policy in relation to employment in Northern Ireland. Subsequently, the law was changed to outlaw discrimination on the grounds of religion and political opinion and new systems to implement and monitor fair employment were created.

Later, in the 1990s, following ground breaking case law at the European Court of Justice, equal pay and sex discrimination laws in Northern Ireland were strengthened; and Northern Ireland legislation has been dragged into the 21st century by the European Union's goal of implementing the principles of equality in the fields of disability, age and sexual orientation.

Within the ERRC legal department, I want to build on existing standards of excellence to ensure we are the best and most effective team of human rights lawyers in Europe. We will take a leading role in the fight against human rights abuses of Roma and to do this we will share our knowledge and expertise with other human rights lawyers and support strategic cases at domestic and international courts and other fora. Over the next months, the ERRC will develop its legal strategy; this will include, amongst other things, building up our anti-discrimination expertise and the development of race case law at the European Court of Justice which is well placed to have a powerful impact on law and practice in all the EU countries.

² *The McBride principles, named after Sean McBride (Irishman, holder of the Nobel Peace Prize, the Lenin Peace Prize and one of the architects of the European Convention on Human Rights), were adopted as US law in 1998. These required companies operating in Northern Ireland not to discriminate against employees on the basis of religion if they wanted investment from state pension funds from US cities and states where the McBride Principles had been adopted.*

O ramosaripe/teksto savo ŝaj ginaven tele "Turvinjipa" si kator katar raporto savo akharel pes, "Socialo Inkluzia Maŝkar Sociale Servisura: O kazo pala Rroma thaj e manuŝa save akharel pes "Travellers". O raporto si rezultato katar rodipe savo kerde o ERRC thaj Númena Centro de Investigação em Ciências Sociais e Humanas (Númena) thaj tradino si avri/printime po Marto(trinto çhon) 2007-to berŝ.

5. Rekomodacie/turvinjipa

Ande relacia pala rodipa save kerde e Ĉehikani Republika, Francia thaj Portugal po 2006-to berŝ o ERRC thaj Numena sikade opre varesave rekomodacia, turvinjipa pala inkluzia ando svako them Nacionale Planosko pala Socialo Inkluzia. E rekomodacie si kerdine po drom te vazden opre o efekto svakone themesko Nacionale Akciake Planosko pala Socialo Inkluzia gindosa pala e aktivitetura save si kerdine te vazden opre akseso sociale servisurenge pala Romane komunitetura. E rekomodacie save si dinde pharadine si pe duj sekcio kodola save si generale thaj kodola save si specialo kerdine pala varesave thema.

5.1 Generale

Akanutni strategia savi si kerdini katar o NAP ĉi phagavel problemo e Rromengo pala laĉhi socialo inkluzia sar si vi sikadino ando raporti. O ERRC thaj e Numena den adveto/turvinjipe te sa e guvernura dikhen pala e strategia savi kerda o NAP sar jekh ŝaipe te phagavel pes o problemo maŝkar e socialo politika savi indjarel ande socialo ekskluzia, kade kaj del elaboracia so trubul te pharuvel pes ande politika thaj ande programura. Speciale akcie kasko areslipe si te vazden opre egalutne ŝaipa pala e Rroma ando astaripe sociale servisurenge trudun te aven kator mainstream politikako pe kodi teritoria. Governonge politike trubun te pindžaren thaj te keren reakcia pala na-egaliteto maŝkar e Rroma thaj aver manuŝa pe kadi teritoria sar vi te gindin po socio-ekonomikano thaj kulturako

konteksto save ŝaj vazden opre ŝaipa thaj akcie e Rromenge. Po drom te kava kerel pes svako governo trubul te re-dikhel sa relevante politike sociale servisurenge pe kodi teritoria save akana egzistirin sarsave laipa kerde e politike thaj e programura sar vi te keren nevipa te godo trubul.

Astaripe/Implementacia mamuj-diskriminaciake legislaciako thaj aver aktiviteturenge: Maj anglal, musaj te phenel pes kaj si e diskriminacia jekh vasno faktori sasvo kerel drom e sociale servisurenge ande rromane komunitetura ande varesave thema, sar vi kvaliteto e servisurenge save astaren e membrura kadale grupengo. Governura trubun te keren maj bari participacia po drom te den zor e anti-diskriminaciake zakonoske (savo maj palal opril/ĉi del te kerel pes diskriminacia pala astaripe butjarimaske thanengo thaj sociale servisurenge). Ande Ĉehikani republika o governo trubul so maj sigo, te astarel laĉho mamuj-diskriminaciako zakono savo si o jekh drom Europake Konzioske Direktivasa 2000/43/EC pala "implementacia principonengo egalutne tretmanosko maŝkar manuŝa bi diferenciako pala rasaki thaj etnikani buĉim/origin."

Kidipe Disegregaciake Informaciengo: Po drom te so maj laĉhe kerel pes socialo politika thaj programura ande relacia pala sociale servisura pala Rroma, e guvernura andar opre sikadine thema trubun te keren laĉhi statistika, disegreguime katar etniciteto thaj te muken e informacie te ŝaj astaren pes publiko keripe thaj kidipe e statistikako si but vasno po drom te e guvernura keren so maj laĉhi strategia thaj programura.

Maj lači Edukacia Sociale Servisonge Recipienturengo: Governoske butjarne trubun te keren bare informaciake kampanje kasko areslipe trubul te avel te lokharen pharo sociale žutimasko sistemo pala manuša save astaren socialo zutipe trubun te den pes informacie sarsave beneficie šaj astaren pes, sarsave si e procedure te astaren pes gasave beneficie, sarsave si e kriteria thaj sarsave dokumentura trubun te astaren pes gasave informacie trubun te den pes ande diferente formatura thaj pe but čhiba po drom te astaren les so maj but recipientura.

Implementacia Speciale Aktivitaturengi te kerel pes Regrutacia e Rromengi ande Sociale Servisurengo Sektori: Po drom te astarel pes socialo inkluzia e Rromane komuniteturengi e membrura kadale grupaki musaj te oprin pes te palpale den po butjarimasko marketo maj anglal ande publike sfere. Astaripe butjarimaske thanesko e rromengo ande sociale servisurengo sektori trubul te avel šerutno levelo po drom te kerel pes sekuritato kaj kadale servisura šaj zutin vi e membrurenge rromane komunitetosko. Godolese e Rroma trubun te astaren than vi sar mediatora ando fremo sociale seervisoske sistemasko. Asatripe butjarimaske thanesko e rromengo trubul te vazdel pes opre maškar o sistemo.

Dinipe zorako efektive participaciake sa šerutne fakturengo ando NAP Proces: Participacia e Rromengi ando keripe planurengo, ando dizajno thaj implementacia e politikengo thaj programurengo save si ando fremo NAP-esko si but vasno pala lači implementacia thaj ciknjaripe sociale ekskluziako e membrurengo kadale komunitetosko. Šaj phenel pes kaj čidžanglipe šaj avel baro problemo sostar e Rroma či astarde bari participacia ande opre sikadine procesura thaj keripe programurengo, pe aver rig e guvernura musaj te len pe peste responsabiliteto sostar kava minoriteto či lia maj baro than ande kadala aktivitetura. Dži kaj e Rroma či astaren maj baro than ande politika thaj ande programurenge procesura ande fremo sociale inkluziako, lengi socialo ekskluzia či ka kerel pes.

Maj dur, but si vasno pala NAP strategia te šuven andre sociale servisoske butjarne thaj te avel len maj baro efekto ando proceso keripasko

thaj implementaciako e NAP-esko. Manuša pe kadale thana si maj paše e individualcurenca thaj e grupenca saven si ekspirianca sociae ekskuziasa thaj vaš odi si len maj baro šaipe te keren poitika thaj praksa po drom te phagaven opre sikadino probemo. Efektivo participacia trubu te intjare ande peste vi e reprezentaturen save keren buti e komuniteturenca thaj vi e guvernurenge butjarnen pe sa e levelura, kana kerel pes dizajno thaj planirimaski faza, sare vi regularo edukacia thaj nevljaripe socilae politikako thaj lengi kontribucia kana kerel pes evalucia, kana vareso kerel pes lečhes sar vi kana kerel pes bilačhes, kana kerel pes lači praksa sar vi kana trubun te keren pes neve amandmanura.

Keripe Mamuj-Diskriminaciake treningoske aktivitaturengo pala Socialo Servisoske Butjarne/Governoske reprezentantura: O ERRC thaj Númena turvinjin/den rekomodacia te o regularo treningo pala anti-diskriminacia, anti-rasizmo thaj perdal-kulturaki komunikacia avel dindo/te astarel les svako membro publike servisosko, sar vi e alosardine reprezentantura. Dži kaj si ande varesave thema kerdine gasave iniciative, kadi praksa si cikni thaj kerel pes na butivar.

Lačo Socialo Servisosko Sektori: But si vasno te socialo servisosko sektori butjarel lače vaš odi kaj vov šaj phagavel rromenge problema te astaren sociale servisura. Čehiakane, Franciakne thaj Portugaliake guvernura trubun te keren lačo lovengo fondo pala trubulipa e butjarnenge save keren buti ande sociale servisonge sektori sar vi te keren regrutacia (te arakhen manuša) maj but manušengi save ka keren buti ande kadale ofisura. Maj dur, trubun te den pes love vi pala civile societatoske organizacie save keren buti ando fremo administraciako sociale servisonengo. Kava si specialo vasno ande Francia kaj e Rroma (Travellers) trubun te pokinen po drom te astaren regularo socialo serviso maškar civile organizacie sar rezultato e bangipasko (došako) franciakane governosko savo či kerda lačo sistemo.

Edukacia thaj Evaluacia sa e manušengi save keren buti ando fremo Sociale Servisurengo: E ministra andar Čehikani Republika, Francia thaj Portugalo trubun te keren aktivitetura po drom te sa e manuša save lie than ande administracia thaj

socialo žutipe, socialo servisoske butjarne thaj civile societatoske aktora, rromane organizacie, aven informišime kaj e sociale servisura keren buti.

Maj dur, kadale manuša, sar vi governoske reprezentantura pe sa levela trubun te aven informišime pala svakone themesko Nacionale Akciako Plano pala Socialo Inkluzia thaj e aktivitetura save die but lače rezultatura ande rromane komunitetura. Akanutni situacia si phandini thaj trail ande jekh hierarhikano sistemo so maj dur či del zor pala keripe maj lače sociale inkluziako e rromengo. E ministra savengi buti si te len sama pala kava trubun te den informacie e themenge butjarnen save keren kadi buti save maj dur trubun te infirmišin e Rromen andar e komunitetura.

Sa e Rroma trubun te astaren lačo sastimasko sekuritato thaj penzia: Responsabilo barederipe trubul te kerel aktivitetura te e Rroma astaren katar o them/raštra sastimasko sekuritato vaj penzie/pensions. Maj dur, responsabile guvernura trubun te keren sekuritato/te sekurišin kaj e manuša katar kadale grupe naj ando baro problemo pala avutni socialo ekskluzia vaš odi kaj naj len šaipe te sar aver manuša astaren sastimasko serviso.

Redikhipe e efektorengo pala decentralizacia pe Administracia Sociale Servisurenge

5.2 Čehikani Republika

➤ **Zakono thaj Politika pala astaripe bešimaske thanesko/Housing:** Bi adžukarimasko, Čehikano governo trubul te kerel legalo definicia pala socialo urabanizmo/housing thaj te užes arakhel than pala Foronge kherengo urbanizmosko fondo (Municipality Housing Fund). Sa e zakonura thaj politika trubul te analiziril pes po drom te užes dikhel pes kaj lenge arerslipa thaj efektura keren kontribucija pala socialo inkluzia ande zakonula trubul te šuvel pes civilo kodo, foroske kheresko akto, akto pala dinipe telal e renta, thaj akto pala materiala save trubun pala keripe kherengo. Sa trubutne amandmanura trubun te keren pes so maj sigo.

➤ **Maj zurali kooperacia/amalipe maškar governoske departmanura:** Po drom te e sociale inkluziake procesura aven so maj zurale trubul te vazdel pes opre kooperacia maškar individuale departmanura lokale/thanutne governoske. Sar si vi dindi sugestia opre, sesa varesave semnura/signala save sikade voja thaj politikano kamipe opral politikane governosko sar vi relevante departmanurengi sar: urbanizmo, departmano pala sociale butja, departmano pala edukacia. Kana vakarel pes pala maj bare forura kaj si kerdino rodipe po tereno sar Prago, Ostrava, Brno thaj Plzen maj vasno si te e distriktura andar jekh foro keren buti jekh averesa/kooperacia po drom te utilizin egalutne strategie. Sa kava opre phendino sikavel kaj trubul te kerel pes sinhronizacia pala implementacia sociale inkluziaki po drom te vazdel pes opre lačo monitoringo thaj lači evaluacia.

➤ **Implementacia Nation-Wide Komunitetoske Planirimasko Sociae Servisongo ande Rromane Komunitetura kaj kava naj kerdino:** Implementacia kadale programosko trubul te avel sar mandato pe sa terenura jekhe themesko kaj si e Rroma pe rig (te kerel pes lengi korko-identifikacia, maj lače deso krisipe dinde governoske barederipasko). Kava programo, kaj si kerdini leski implementacia, sikada kaj si majlači ko-opracia maškar kodola save den socialo serviso thaj kodola save astaren kadala servisura.

➤ **Planiripe thaj Impementacia e Procesoski pala Nevljaripe Sociale Ažutimasko:** Bi adžukarimasko o Čehikano governo trubul te kerel plano thaj te kerel implementacia savi ka tradel po nevo drom akanutni forma sociale ažutimaski ando januari 2007 te beršesko. Čehikane oficiale butjarne šaj dikhen thaj te sikaven katar egzemplo savo sasa ande Slovakia thaj te kade či keren ande avutni vrama ekskluzia sociale ažutimasko katar varesave recipientura.

➤ **Keripe Agenciako pala Prevencia Sociale Ekskluziako:** E governosko ofiso pala pala Rromane Komunitetoske Butja kerda sugestia (proposal) po 2004 to berš pala

keripe agenciako pala prevencia Sociale Ekskluziako, vaj kad agencia vadži naj kerdini. Gasavi agencia bare zakoneske zorasa šaj kerelas akcie po forosko levelo, te kerel evaluacia thaj monitoringo kadale akciengi trubul te kerel pes so maj sigo po drom del zor čače pharuvimaske mamuj socialo ekskluzia.

5.3 Francia

➤ **Dinipe zorako pala aktivitetura save ka vazden opre Socialo Žutipe:** O Francikano governo trubul te nevljarel piro socialo programo savo si linkuime RMI-esa kade te e edukacionale programa save si dinde RMI-eske recipienturenge keren reintegracia po butjarimasko marketo. Fundone kursur/časura savengo ares si te sikaven e manušen te ramon thaj te ginaven naj sa so trubul te kerel pes. E francikane manuša save keren politika trubun te kiden pes thaj te keren analiza kaj god godo šaj kulturikani praksa e rromeng/travellers sar vi lenge trubulipa, kamipa thaj godo so von šaj te keren. RMI recipientura trubun te aven ando šaipe te alosaren tereno/than kaj te keren treningo sar vi te keren sertifikacia godo so kamen.; kava šaj avel vasno sar tereno pala astaripe butjarimaske thanesko e gruapake rromengi savi akharen pes travellers, save tradicionalno či bešen po jekh than thaj save sitjile te aven numaj kin-bikinara katar lenge purane thaj lengi familia. Specialo trubul te el pes sama te lenge rromnjange del pes šaipe te den ande integracia thaj te astaren integraciake servisura.

➤ **Ker te avel lokhes te astarel pes po nacionalo levelo/strato opcia pala Socialo Žutipe:** Francikano governo trubul te buxljarel akanutni lokalizuime opcia savi akharel pes “differentiated/pharadino RMI”, savo del šaipe e Rromange save akharen pes travellers thaj aver thanutne manušenge te astaren sociale barvalipa/beneficie, dži kaj von keren buti po aver than kava ka opril/či del e rromenge save akharen pes travellers te formao astaren buti ande tradicionalo forma e butjarimaski, ka žutil te ciknjarel pes/kerel pes redukcia na-formale butjarimaske aktiviteturenge ando them.

➤ **Nevljaripe Nationale Sociale Žutimasko registraciako thaj Informaciake Sistemsko:** Francikano governo trubul te nevljarel akanutno sistemo pala utilizipe e informaciengo ande sociale žutimasko sektori kade te e manuša save but mičkin pes/či bešen po jekh than šaj astaren pire beneficie save si phandine/ande konekcia lenge registrancianca vaj thanesa kaj bešen. E Rroma save akharen pes travellers thaj save si registruime ando socialo žutimasko sistemo trubun te astaren šaipe te miškin pes/te džan katar than po than bi brigako pala re-registracia svako drom kana aven po nevo than. Von trubun te džanen kaj šaj džan po svako than kaj si socialo servisosko ofiso ande sasto them/raštra thaj gothe te roden socialo žutipe. Kava so si opre phendino trubgul te ciknjarel levelo/strato pala dependencia/dependency pala astaripe sociale žutimasko.

➤ Nevljaripe e zakonosko thaj politikako po tereno e urbanizmosko kherengo keripe thaj sastimaske protekciako: Francikano governo trubul, bi adžukarimasko, te nevljarel akanutno francikano zakono thaj politika ande relacia pala urbanizmo thaj sastimaski protekcia saves si akana diskriminatoro areslipe thaj savo varekana kamel te kerel diskrimoinacia. Francikano governo trubu te pindžarel e karavanuren thaj te dikhel pe lende sar jekh forma pala bešimasko than.

5.4 Portugal

➤ **Dinipe zorako e Integraciake Aktiviteturenge save si ande relacia Sociale Žutimaske paragrafurencia:** Portugalesko governo trubul te nevljarel piro sociale integraciako programo savo si ande relacia pala RSI po drom te e edukaciake programura dinde RSI-eske recipienturenge sar rezultato den lenge reintegraciasa po butjarimasko marketo. E kursura pala ramosaripe thaj ginavipe naj dosta thaj trubul te kerel pes maj but. Manuša andar Portugal save keren politika musaj te džanen, kaj šaj thaj kana god šaj te keren rromani kulturaki praksa trubulipa e manušengi andar varesavi grupa.

RSI recipientura trubun te aven ando šaipe te alosaren sar savo treningo vaj sertifikato kamen; kava ja del šaipe Rromenge te astaren sertifikato pala buti pala savi si len intereso.

- **Ker šaipe pala dinipe žutimasko pala cikne butja/biznisura:** Iniciativa kaski ares si te žutin korko-žutimaske aktivitetura pala e Rroma trubun te aven maj barethaj maj buxle. Keripe publike kreditoske aranžmanurengo e manušenge (sar individualcura) saven naj va-resave sajekutne (permanente) love si maj baro aktivitetu ande kadi regia, vaš odi kaj si e Rroma ciredine pe rig (naj len šaipe) te len love sar udžile andar e banke/bank loans. Putaripe gas-ave kreditoske aranžmanurengo trubul te žutil vi špala kinipe e kherengo, sar vi te del pes šaipe rromane familienge te astaren PER. Vaš odi kaj si o zakono thaj o sistemo pala astaripe kadale lovengo but zuralo/rigid kava trubul te avel than kaj o barederipe trubul te žutil e Rromenge.
- **Nevljaripe e zakonosko thaj e Politikako pala urbanizmo/keripe e kherengo:** E Portugalesko governo trubul, bi adžukarimasko, te nevljarel akanutno zakono thaj politika ande relacia pala urbanizmo, pe thana kaj dikhel pes kaj si diskriminacia vaj kaj dikhel pes kaj šaj avel bari segregacia mamuj Rroma. O PER programo trubul specialo te nevljarel pes po drom te našel katar keripe e diskriminaciako thaj getoizacia rromane komunitetongo ando portugali. Keripe

neve urbanizmoske planosko trubul te avel paše paa utilizacia e Rromenge thaj naj numaj kodolenge save si registruime ande maj palutne 10 berša. Miškipe/movement ando regularo thaj adekvato socialo urbanizmo kodole Rromengo save bešen ande khera vaj gava kaj si segregacia thaj bilače khera trubun te vazen pes opre/te del pese lenge zor so maj sigo.

- **Dinipe zorako Sociale Žutimaske Programesko po drom te ciknjarel pes Diskriminacia:** Portugalesko governo trubul te bararel o levelo/strato re-dikhimasko spciale servisoske programengo po drom te phagavel pes diskriminacia mamuj Rroma. Kava specialo trubul te kerel pes ando fremo e administraciako thaj specialo pala sociae beneficie thaj urbanizmo. Nacionao governo či trubul te kerel elaboracia numaj pala e standardura vaj trubul te kerel akses pala publike lačhipa.
- **Vazdipe opre e Ko-operaciako maškar averčhande/diferente Governoske Departmana:** Portugalesko governo trubul te del zor pala maj lači ko-operacia maškar averčhande governoke departmana save lie than pala sociale servisura po drom te dikhen kaj si e strategije lače kerdine. Lači ko-operacia si specialo vasno maškar sociale-servisoske butjarne thaj butjarimaske ofisura. O socialo drakhalin/network si jekh drom maj dur te opre phendino kerel pes.

June 2007: Published the third issue of the Russian language Roma Rights (Prava Tzigan) on hate speech.

Conferences, Meetings, Seminars, and Campaigning

- 9-11 May:** Contributed to a panel discussion on the situation of Roma in Romania and Romanian Roma in Germany, organised by the Stadt Frankfurt/M: Frankfurt, Germany.
- 10-11 May:** Participated as a speaker in a seminar on access to employment in South-East Europe for vulnerable groups within the framework of the Bucharest process Co-operation on Employment in South-East Europe: Strasbourg, France.
- 19 May:** Conducted a training workshop on the situation of Roma in Turkey and in Europe for representatives of various human rights organisations and groups: Mersin, Turkey.
- 21-22 May:** Participated in the 23rd meeting of the MG-S-Rom Committee of Experts on Roma Issues and presented the ERRC reports “Ambulance Not On the Way: The Disgrace of Health Care for Roma in Europe” and “The Glass Box: Exclusion of Roma from Employment”: Strasbourg, France.
- 26 May:** Conducted a training workshop on the situation of Roma in Turkey and in Europe for representatives of various human rights NGOs and groups: İzmir, Turkey.
- 4-8 June:** Gave a presentation at the OSCE High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding: Bucharest, Romania.
- 7-9 June:** Participated at the opening ceremony of the first Roma Pavilion at the Venice Biennale, organised by the Open Society Institute: Venice, Italy.
- 11-12 June:** Participated in a seminar on the EU Racial Equality Directive: Zagreb, Croatia.
- 11-13 June:** Participated in the 10th International Steering Committee Meeting of the Decade of Roma Inclusion, organised by the Bulgarian Ministry of Labour and Social Policy: Sofia, Bulgaria.
- 14-15 June:** Conducted a two day training/capacitation programme for Liaison Officers from Kosovo as part of a five day training programme organised by the European Center for Not-for-Profit Law: Budapest, Hungary.
- 16 June:** Conducted a training workshop on the situation of Roma in Turkey and in Europe for representatives of various human rights NGOs and groups: Istanbul, Turkey.
- 19-20 June:** Met with various Romani NGOs to discuss the situation of Roma and cooperation opportunities: Bucharest, Romania.
- 20-21 June:** Hosted a meeting of human rights lawyers to discuss the principles of strategic litigation and possible cases from Turkey: Istanbul, Turkey.
- 25-26 June:** Participated in a seminar on the EU Racial Equality Directive: Istanbul, Turkey.
- 2 July:** Gave a presentation on EU Inclusion Policy and Roma at a conference organised

by the Northern Ireland Council for Ethnic Minorities: Belfast, Northern Ireland.

9 July: Presented information at ERRC offices to a group of Open Society Institute project coordinators and Central European University summer students: Budapest, Hungary.

10 July: Hosted a roundtable discussion on segregated education together with the Chance for Children Foundation (Hungary) and lawyers from the Romani Baht Foundation and the Equal Opportunities Initiative Association (Bulgaria): Budapest, Hungary.

11-13 July: Conducted research on the situation of Roma in state children's homes in Hungary, with the financing of the European Union: Borsod-Azauj-Zemplen and Baranya counties, Hungary.

12-13 July: Participated in the NGO meeting and exchange with the Management Board of the Fundamental Rights Agency concerning the priorities of the multi-annual framework and the cooperation with civil society: Vienna, Austria.

16 July: Chaired a local conference on Access to Education for Romani children, in conjunction

with the Roma Education Fund and The Romani Womens' Foundation Chiricli: Kiev, Ukraine.

17 July-9 August: Conducted research on the situation of Roma in state children's homes in Hungary, with the financing of the European Union: Budapest, Baranya County and Borsod-Abaúj-Zemplén County, Hungary.

19 July: Co-hosted, together with the Vojvodina Executive Council, the Vojvodina Secretariat for Labour, Employment and Gender Equality and the Open Society Institute's International Policy Fellowships program (IPF), a regional conference entitled "Romani Women in Serbia: The Way Forward": Novi Sad, Serbia.

25 July: Gave a presentation to the International Association of Political Science Students (IAPSS): Ljubljana, Slovenia.

2-3 August: Participated in an NGO review meeting organised by the Magenta Foundation and the Jacob Blaustein Institute for the advancement of human rights: Amsterdam, Netherlands.

27-31 August: Participated in the United Nations Preparatory Committee of the Durban Review Conference: Geneva, Switzerland.

EUROPEAN ROMA RIGHTS CENTRE

The *European Roma Rights Centre (ERRC)* is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the *ERRC* involves, in particular, strategic litigation, international advocacy, research and policy development, and training of Romani activists. The *ERRC* has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations. In 2007, the *ERRC* received the Max van der Stoep Award.

Chair of the Board	Erika Szyszczak (United Kingdom)
Board of Directors	Petar Antić (Serbia) ✧ James A. Goldston (USA) ✧ Deborah Harding (USA) ✧ Karel Holomek (Czech Republic) ✧ Jenő Kaltenbach (Hungary) ✧ Krassimir Kanev (Bulgaria) ✧ Isabela Mihalache (Romania) ✧ Viktoria Mohácsi (Hungary) ✧ Aleksandr Torokhov (Russia)
Executive Director	Vera Egenberger
Staff	Theodoros Alexandridis (Staff Attorney) ✧ Azam Bayburdi (Legal Assistant) ✧ Tara Bedard (Projects Manager) ✧ Dzavit Berisha (Research and Publication Officer) ✧ Constantin Cojocariu (Staff Attorney) ✧ Anita Danko (Staff Attorney) ✧ Savelina Danova/Russinova (Research and Policy Coordinator) ✧ Olga Demian (Legal Advisor) ✧ Patricia Dévényi (Librarian/Administrative Assistant) ✧ Andi Dobrushki (Senior Staff Attorney) ✧ Dóra Eke (Programmes Assistant) ✧ Csilla M. Farkas (Operations Director) ✧ Vera Gergely (Executive Assistant) ✧ Sinan Gökçen (Turkey Consultant) ✧ Mária Józsa (Accountant) ✧ Csilla Kacsó (Project Financial Officer) ✧ Zemfira Kondur (Ukraine Consultant) ✧ Natasha Kravchuk (Staff Attorney) ✧ Hajnalka Németh (Receptionist/Office Secretary) ✧ Larry Olomoofe (Human Rights Trainer) ✧ Julianna Oros (Financial Officer) ✧ Ostalinda Maya Ovalle (Women's Rights Consultant) ✧ Mónika Pacziga (Women's Rights Officer) ✧ Judit Pónya (Paralegal) ✧ Leonid Raihman (Russia Consultant) ✧ Geraldine Scullion (Legal Director)
Recent Interns and Volunteers	Melanie Black (USA) ✧ Alina Covaci (Romania) ✧ James Duesterberg (USA) ✧ Dunaeva Ekaterina (Ukraine) ✧ Scott Elliott (Canada) ✧ Vanessa Maeva Gree (France/Canada) ✧ Katya Ivanova (Bulgaria) ✧ Stephanie Keene (USA) ✧ Kalli Kofinas (USA) ✧ Julia Loske (Germany) ✧ Sarah Lysecki (Canada) ✧ Robert Mida (Hungary) ✧ Desiree Ryan (USA) ✧ Sarabeth Sanders (USA) ✧ Carrie Sherlock (Canada) ✧ Catherine Twigg (USA) ✧ Claudia Whitens (USA/Germany)

The *ERRC* was founded by Mr Ferenc Kószeg.

MAJOR SPONSORS OF THE *ERRC*

European Commission ✧ Foreign and Commonwealth Office of the United Kingdom ✧ Hungarian National Civil Fund ✧ Netherlands Ministry of Foreign Affairs ✧ Open Society Institute ✧ The Sigrid Rausing Trust ✧ Swedish International Development Agency ✧ Microsoft Hungary (special licence status)

EUROPEAN ROMA RIGHTS CENTRE

The *European Roma Rights Centre (ERRC)* is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the *ERRC* involves, in particular, strategic litigation, international advocacy, research and policy development, and training of Romani activists. The *ERRC* has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations. In 2007, the *ERRC* received the Max van der Stoel Award.

Chair of the Board Erika Szyszczak (United Kingdom)

Board of Directors Petar Antić (Serbia) ✧ James A. Goldston (USA) ✧ Deborah Harding (USA) ✧ Karel Holomek (Czech Republic) ✧ Jenő Kaltenbach (Hungary) ✧ Krassimir Kanev (Bulgaria) ✧ Isabela Mihalache (Romania) ✧ Viktoria Mohácsi (Hungary) ✧ Aleksandr Torokhov (Russia)

Executive Director Vera Egenberger

Staff Theodoros Alexandridis (Staff Attorney) ✧ Azam Bayburdi (Legal Assistant) ✧ Tara Bedard (Projects Manager) ✧ Dzavit Berisha (Research and Publication Officer) ✧ Constantin Cojocariu (Staff Attorney) ✧ Anita Danko (Staff Attorney) ✧ Savelina Danova/Russinova (Research and Policy Coordinator) ✧ Olga Demian (Legal Advisor) ✧ Patricia Dévényi (Librarian/Administrative Assistant) ✧ Andi Dobrushki (Senior Staff Attorney) ✧ Dóra Eke (Programmes Assistant) ✧ Csilla M. Farkas (Operations Director) ✧ Vera Gergely (Executive Assistant) ✧ Sinan Gökçen (Turkey Consultant) ✧ Mária Józsa (Accountant) ✧ Csilla Kacsó (Project Financial Officer) ✧ Zemfira Kondur (Ukraine Consultant) ✧ Natasha Kravchuk (Staff Attorney) ✧ Hajnalka Németh (Receptionist/Office Secretary) ✧ Larry Olomoofe (Human Rights Trainer) ✧ Julianna Oros (Financial Officer) ✧ Ostalinda Maya Ovalle (Women's Rights Consultant) ✧ Mónika Pacziga (Women's Rights Officer) ✧ Judit Pónya (Paralegal) ✧ Leonid Raihman (Russia Consultant) ✧ Geraldine Scullion (Legal Director)

Recent Interns and Volunteers Melanie Black (USA) ✧ Alina Covaci (Romania) ✧ James Duesterberg (USA) ✧ Dunaeva Ekaterina (Ukraine) ✧ Scott Elliott (Canada) ✧ Vanessa Maeva Gree (France/Canada) ✧ Katya Ivanova (Bulgaria) ✧ Stephanie Keene (USA) ✧ Kalli Kofinas (USA) ✧ Julia Loske (Germany) ✧ Sarah Lysecki (Canada) ✧ Robert Mida (Hungary) ✧ Desiree Ryan (USA) ✧ Sarabeth Sanders (USA) ✧ Carrie Sherlock (Canada) ✧ Catherine Twigg (USA) ✧ Claudia Whitens (USA/Germany)

The *ERRC* was founded by Mr Ferenc Kőszeg.

MAJOR SPONSORS OF THE *ERRC*

European Commission ✧ Foreign and Commonwealth Office of the United Kingdom ✧ Hungarian National Civil Fund ✧ Netherlands Ministry of Foreign Affairs ✧ Open Society Institute ✧ The Sigrid Rausing Trust ✧ Swedish International Development Agency ✧ Microsoft Hungary (special licence status)