

ROMANI HUMAN RIGHTS
IN EUROPE

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COOPERATION IN EUROPE

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TUESDAY, JULY 21, 1998

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC.

Members present: the Hon. Christopher H. Smith, Co-Chairman; the Hon. Steny H. Hoyer.

Witnesses present: Dr. David Crowe; James Goldston, Dr. Ian Hancock, and Livia Plaks.

The hearing took place in room 2226, Rayburn House Office Building, Washington, D.C., at 2:00 p.m., the Hon. Christopher H. Smith, Co-Chairman, presiding.

OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH

Mr. Smith. We have convened this hearing today to examine the situation of the Roma in Europe, a dispersed minority present in virtually every European country. Estimated at between eight and ten million people and the fastest growing population in Europe, the Roma are a people whose situation has actually worsened since the fall of communism.

The first indicators of the growing intolerance faced by Roma appeared in Romania. According to one author, more than 30 Romani settlements in Romania have been set on fire during mob attacks since the fall of Ceausescu regime.

On the day Romania joined the Council of Europe, September 20th, 1993, three Roma were killed, 14 houses set on fire, and four houses destroyed in the village of Handareni. For all practical purposes, there has been no accountability for these crimes.

Not long after this clear pattern of anti-Roma violence in Romania emerged, new problems arose in connection with the dissolution of the Czechoslovak Federation in January 1994. At that juncture, the Czech Republic implemented one of the most narrowly crafted citizenship laws of any of the 21 newly independent states of the OSCE community.

Thousands of Roma who had been long term or lifelong residents of the Czech lands, former Czechoslovak citizens, were left stateless and told to go to Slovakia. If the Czech citizenship law had sent a message, it is this: Roma are not welcome in the Czech Republic.

Not surprisingly, the Czech Republic has also witnessed an escalating pattern of racially motivated, deadly violence against Roma.

Elsewhere in the region it is not much better. In just the past 12 months, there have been reports of racially motivated murders of Roma in Bulgaria, the Czech Republic, and Serbia. The Council of Europe has reported on a pattern of torture of Roma in Slovakia. A U.S. special rapporteur has found similar problems in Bulgaria.

In Hungary, a non-governmental organization has reported that there are 132 segregated schools. On July 14th, just 2 weeks ago, it has reported that the home of a Romani family in Slovakia was fire bombed.

This desperate situation, and the apparent lack of any serious policy response on the part of national governments, has led this Commission to convene this hearing. Today we are anxious to hear from our expert witnesses not only on the nature of the problems, but equally, if not more importantly, we are anxious to hear about the response of the Romani communities to the problems their communities face.

I would like to, if you would like to make any opening statements, ask the gentleman from Maryland, Mr. Hoyer, the Ranking Member of the Helsinki Commission, to make any comments he may make.

OPENING STATEMENT OF THE HON. STENY. H. HOYER

Mr. Hoyer. Thank you very much, Mr. Chairman.

I am sorry that I am late.

Mr. Chairman, 4 years ago our colleague, Congressman Lantos, convened the first congressional hearing on the situation of the Roma. As you recall, I am sure, Dr. Hancock and Ms. Plaks, who are with us today, also participated in that hearing.

Unfortunately, the situation for Roma has not improved. Since that first hearing was held, the problems for Roma throughout Central, Eastern, and Southern Europe have profoundly and egregiously gotten worse.

Earlier this year, as a member of the Commission delegation, I met with representatives of the Romani community in Greece and had the opportunity to hear first hand some of those concerns.

Roma, as you have pointed out, Mr. Chairman, face widespread discrimination in housing, education, public places, and employment. In most of Europe, in fact, there is no comprehensive anti-discrimination legislation that would even provide a legal basis for the victims of such discrimination to seek redress.

Roma are the victims of pervasive police brutality, and in some countries, torture. They are the victims of racially motivated violence that all too often results in death.

The hate speech laws in Europe that are supposed to protect minorities simply do not work and, throughout the post-Communist region, Roma are subjected to vicious stereotyping, often from leading politicians.

We are not unmindful of that happening in this country. We guard against it in this country. It is not public policy in this country, but it happens in this country, and the premise behind the Helsinki Final Act was not only that we are fellow citizens' fellow keepers, but we are also the fellow keepers of the principles of Helsinki with citizens with whom we have bonds all over the world, and those citizens we have bonds are obviously, as our Declaration says, individuals endowed by God with certain unalienable rights.

And that is what this hearing is about. Roma in the Czech Republic, we see, have been denied citizenship, and Roma in the former Yugoslav republics have been especially victimized by the creation of small states based on ethnic kinship. Romani refugees are among those now fleeing the violence in Kosovo.

And how have Roma responded? Last fall when a young boy was killed by skinheads in Belgrade—the bigots of the world all too often act against those they perceive to be vulnerable—three thousand Roma turned out

to protest that death. When a Romani woman was killed in the Czech Republic this February—the second case in which a Roma was killed by being thrown into the icy waters of the Elbe and drowned—1,000 people came to mourn her and call for her killers to be put to death. In several countries Roma have called for the formation of self-defense units, not an irrational response, to provide the protection that governments have been unable or perhaps, more tragically, unwilling to provide.

Increasingly the cliché of the impoverished Roma waif is being replaced by a new kind of Romani activism. The Web page of the Roma Participation Project, one of a growing number of non-governmental Romani organizations, does not just show traditional pictures of village life, but also shows pictures of Roma demonstrating against racism in the Czech Republic, Roma political organizers meeting in Macedonia, Roma taking Internet courses in Hungary.

Where will this lead? I hope our witnesses will give us some insight into this question today, and I look forward to hearing from them.

The message that this hearing sends—and that we must send—repeatedly is that civilized men and women who come together and write words on papers trying to guard against discrimination must constantly raise opposition to discrimination wherever it is found, for whatever rationales are used to justify it, whoever it is directed against.

We all understand that every nation has groups that it is “respectable” to discriminate against because the majority has made a determination, not on individual performance, but on collective aspersions that somehow that group is not as worthy as their group was of protection.

And the lesson repeatedly of history is that such inclinations left unchecked by law or public discussion and criticism will eventually destroy civilized society, where only the strong, the dominant, the majority have rights.

And so it is not just the rights of Roma that we discuss today. It is the rights of all that we discuss today, and I look forward, Mr. Chairman, to the testimony.

I congratulate you for holding these hearings, and I want to thank particularly our staffer Erika Schlager, who I know has been particularly focused on this and visited Hungary, as you know, after the OSCE Parliamentary Assembly meeting in Copenhagen just last week.

Thank you, Mr. Chairman.

Mr. Smith. Thank you, Mr. Hoyer.

And before I introduce our witnesses, I do thank you for your very fine remarks.

As Mr. Goldston points out in his testimony, and I think all of this should be perhaps the headline for today’s hearing, “the flagrant ill treatment of Roma is the most serious human rights problem in Europe today.” A declarative sentence of that magnitude, we certainly need to spend more time on it, but there needs to be, I think, a mobilization to try to eradicate, mitigate in the short term and eradicate completely as soon as possible, this flagrant condition.

Thank you for your fine comments, Mr. Hoyer.

We are fortunate to have with us today an extremely knowledgeable and engaged panel of witnesses. Our first witness will be Dr. David Crowe. Dr. Crowe is a professor of history at Elon College in North Carolina, who has written extensively on Central and Eastern Europe, and is the author of the just released *History of Gypsies in Eastern Europe and Russia*.

We will then hear from Dr. Ian Hancock. Dr. Hancock is a professor of English, linguistics, and Asian studies at the University of Texas at Austin and head of the International Romani Union, United Nations Presidium.

Professor Hancock was appointed by President Clinton to the U.S. Holocaust Memorial Council and last year was awarded the Norwegian Rafto Prize for Human Rights.

James Goldston is the legal director for the Budapest based European Roma Rights Center. The European Roma Rights Center is an international public interest law organization which monitors the situation of Roma and provides legal defense to victims of human rights violations.

He is also a former U.S. Federal prosecutor and served on the OSCE mission to Bosnia-Herzegovina.

Finally Livia Plaks is the Executive Director of Project on Ethnic Relations. The Project on Ethnic Relations was founded in 1991 in anticipation of the serious interethnic conflicts that were to erupt following the collapse of communism in Central and Eastern Europe and the former Soviet Union.

It conducts programs of high level intervention and dialog, and served as a neutral mediator in several major disputes in the region. Ms. Plaks has been actively involved with Romani communities throughout Europe.

Thank you all for your participation today, and I would like to ask if you would begin, Dr. Crowe.

**STATEMENT OF DAVID M. CROWE,
PROFESSOR OF HISTORY, ELON COLLEGE**

Dr. Crowe. I think that the level of prejudice that both Mr. Smith and Mr. Hoyer referred to lies so deep within the fabric of Central and East European society that the question is where it comes from. I think that to understand really the depth and breadth of prejudice against the Roma in this region of Europe, you really have to look back deep in history.

But I think in looking back in history there is a point we often miss, which is we need to also talk about the Roma as a people with a rich history and rich culture and rich traditions. Though these traditions and particularly the history of the Roma for the most part is oral in nature, this does not make it any less valuable than that of the native peoples of North America or, say, the Jews for the first 1400 years of their history.

This is a group that has rich traditions that go back to India before the Middle Ages. We find Roma beginning to migrate westward during this particular period. We begin to see them entering the Balkans in the early modern period, in the 14th and 15th centuries.

When they enter Europe, particularly the Balkans, which has been their traditional European homeland, they were not treated initially with the level of prejudice that they would later be treated. In fact, their skills as metalsmiths and gunsmiths and as equine specialists and musicians were very highly prized.

But over time, we begin to see, particularly in Wallachia and Moldavia, the traditional states of future Romania, that the Roma begin to be enslaved; and there will exist from the 15th Century on a very deep institution of slavery involving the Roma that will last until 1864. I

think the body of prejudice that would develop in that part of the Balkans will, in part, come out of the stereotypes that developed during this long period of Roma enslavement.

In other parts of the Balkans, particularly when the Ottomans begin to enter the region in the 15th and 16th centuries. You begin to see that public attitudes toward the Roma begin to change. The Roma were viewed as different because of their dark skin and so forth and were inappropriately called Egyptians, thus the term "gypsy."

Increasingly they are looked upon as a Turkish fifth column. They are looked upon as something different, as something to be held under suspicion.

We do not know if the Roma brought their traditional lifestyle, nomadic lifestyle, completely from their trek across parts of Central Asia and Persia and the Byzantine Empire from that trek, but we do know that by the time we get into the 16th Century that increasingly communities all over the Balkans begin to pass laws that increasingly restrict Roma movement and settlement patterns, and with this growing institutionalization or forced nomadism upon the Roma come many of the stereotypes and the deep, deep impoverishment that is forced upon them by such legislation.

So that by the time we get to the period that in European history we call the Enlightenment, we find just the opposite in existence in terms of policies regarding the Roma. In the German states and in the Habsburg Empire, laws were passed that basically said the first time a Roma illegally traverse these lands, they will be branded. The second time they dared pass through these regions, they would be executed.

And with such legislation came growing bodies of stereotypes and so forth that still haunt the Roma today.

In the second half of the 18th Century, Maria Theresa and her son Joseph II begin to attempt to deal with the Roma in the Habsburg lands with policies that are eerily reminiscent of policies that would be put in place by your post World War II Communist governments in Eastern Europe.

Laws were passed that forbade Roma nomadism. Children were taken from Roma families and placed as orphans in Catholic German families, Austrian families, to be raised as good Roman Catholics.

And the purpose of this legislation was to destroy the fabric of Roma society, to rip from the soul of the Roma any sense of their past, any sense of their culture, any sense of their heritage.

Needless to say, the policies did not work. They went the way of this particular period in Habsburg history, and so you will find in most of Central and Eastern Europe the Roma return to a life of nomadism, but it is a nomadism that places them on the fringe of society, and the stereotypes, the prejudices continue to follow them as they move and expand.

In 1864, the Roma in Romania were finally emancipated. Some begin to move westward. Many others remained, and if you look at the Roma population of Romania today, you will find that many of the Roma continue to live in much the same areas that they did during the period of slavery. The settlement patterns of the Roma have not changed that much, and of course Romania has the largest Roma population in the Balkans.

In the 1920s, in the brief period of experimentation with democracy in Central and Eastern Europe, there seemed to be some hope that the situation for the Roma would change. You might say that a Roma enlightenment began to sort of bubble forth.

But unfortunately, what modest gains the Roma made in terms of drawing attention to their plight, attempting to gain some political muscle, went the way of democracy in the 1930s as fascist type dictatorships began to take over the region, so that by the time we get to the outbreak of World War II, we will find that, particularly in the Balkans, which were increasingly brought into the German Nazi alliance system, Nazi type Nuremberg laws were implemented by these various governments that had buried in them, of course, very strong anti-Roma doctrines and decrees.

And it is often forgotten when we talk of the Holocaust that of the three groups singled out for mass murder by the Germans, one of those three were the Roma, and if the Thousand Year Reich had survived and had taken over Europe, the German goal was to wipe every Roma from the face of the earth.

After World War II, in some of the new Communist regimes that were set up, there was momentary opportunity for the Roma. In Yugoslavia, Tito at least gave some brief thought to talk of creating a Roma state in Macedonia.

In Romania, the new Communist regime gave Roma briefly opportunities to take part for the first time in the history of Romania in the political process.

But for the most part, in Central and Eastern Europe the question of the Roma was pretty much brushed under the rug until the mid 1950s, and then we see all over the region, whether it be in Central Europe, Eastern Europe, or the Soviet Union, these Communist governments came to realize that they have a growingly large Roma population who are desperately impoverished and suffer from levels of prejudice that compromise the Communist claim to being on the pathway to creating sort of a Promised Land on earth.

And so in the 1960s and 1970s, throughout Central and Eastern Europe the Communist governments there will now try to implement a series of laws and decrees aimed at assimilating the Roma, not integrating them. They once again return to policies of trying to force upon the Roma a halt in nomadism. They try to force Roma children into the mainstream educational system. They try to set up job programs to sort of raise Roma unskilled labor achievement to a more skilled level.

And most of these policies require a great deal of investment, a great deal of money, but no thought is given as these policies are implemented into what the Roma needed, what their traditions were, what their cultural patterns were all about. The purpose was assimilation, not integration, with no respect whatsoever to the desires or needs of the Roma themselves.

The single greatest issue that even the Communist regimes realized facing the Roma was a deep seeded societal prejudice, and while to their credit they at least attempted to address some of the prejudice, the very policies they initiated tended to compound the prejudice.

And as we get into the 1970s and early 1980s, as we begin to see the Communist economies fraying, we see that in Hungary and Romania and Czechoslovakia, there is growing public resentment over what is seen to be a great deal of money spent on the Roma, and so the fact that

the Roma did not even initiate these programs, the fact remains that from the perspective of people in these countries, the traditional prejudice against the Roma was now compounded with growing resentment over government money spent on these policies regarding the Roma that oftentimes were not very effective.

We know, for example, that Roma children were instantly mainstreamed into the public school systems, and when they would come from families where the native language was Romani and not Hungarian or not Czech or not Slovak, that very oftentimes the young Roma children would struggle in the schools, and instead of sort of addressing the issue of these language deficiencies, increasingly Roma children were simply regarded as mentally deficient. To this day in Central and Eastern Europe, at least 25 percent of the children in schools for the mentally challenged are Romani children, and it has been proven time and again that this has nothing to do with their mental capabilities. It is just a question of linguistic inefficiencies, and this is one of the terrible tragedies and heritages brought from this period.

So what you have in the 1980s is a buildup of prejudice toward the Roma that explodes with the phenomenon of democratization. Tragically, the viper in the bosom of democracy, if we want to call it that, is, of course, the right to think and feel the way you want, and so it should come as no surprise that as Communistic systems began to fail in the late 1980s and early 1990s, that accompanying this was a new, more virulent form of anti-Roma prejudice we have not seen in that part of the world since the Holocaust.

Thank you.

Mr. Smith. Dr. Crowe, thank you very much for that extensive and especially the historical background that you provide the Commission, and without objection, your full statement and that of each of our witnesses will be made a part of the record.

Dr. Hancock.

STATEMENT OF IAN HANCOCK, PROFESSOR, UNIVERSITY OF TEXAS AT AUSTIN, AND INTERNATIONAL ROMANI UNION

Dr. Hancock. As the one Roma representative on the panel today, I was asked to address a couple of things. What do Roma want? And what truth is there in the frequently repeated allegations that we are not capable of organizing and show no interest in bettering ourselves and moving toward integration?

I cannot speak for all Roma, obviously. I can just give you some ideas of my own.

First of all, it depends who we are talking about, which part of a population numbering in the millions we are talking about, and in which country. The situation differs from place to place.

What the ordinary Roma want is very different from what the small, but growing intelligentsia wants.

I think the top of the list is security. Roma want to feel safe in their person, in their community, and they want to have a sense of hope for the future. One of the diseases that affects our people is hopelessness.

There is no point in pushing a child to make it through the system, to get an education, if you know that you are not going to be employed anyway at the end of it all.

There is great concern for maintenance of Romani identity, culture, language. In the best of times, these are aspects of identity, of existence, which are transmitted normally from generation to generation in the home; but in a time of crisis, other priorities push these things to the back and less time is spent on transmitting the language and the culture.

In fact, in many communities families say, "Why? Why do we even want to perpetuate our identity when it hurts us so badly?" A widespread and to me a very, very painful phenomenon is the denial of identity.

We are told not to tell people who we are. I was told this as a child, and everybody I know was told this as a child. What an awful thing, that just your very identity is a black mark against you for your life and your chances.

We need health care. We need special techniques of bringing aspects of health care into the community. We are dealing with a population which is not historically European, and whatever the genetic make-up is today, the roots, the core culture is not European. The language is not European.

This has not been recognized. This has to be recognized by administrators, educators, by Roma, too, because we are not all automatically experts about our own history.

In any case, our history has been taken from us. Most Roma do not know what our history is. It has to be learned from books and from other people, and we have to know our history to know ourselves.

Part of this process involves recognizing the very distinctive nature of Romani communities, widespread illiteracy, for example, which means educating with cassette recorded material. This has to be taken into account. And in so doing, we must consider the nature of the topics addressed, which are circumscribed by cultural restrictions. You cannot, for example, have a classroom with men and women and talk about health care and birth control and so on to a mixed audience, although this is done in some places with all the best intentions in the world, not knowing that it is in violation of cultural restrictions. There should be a sensitivity here to the different nature of Romani society.

We need job training programs, not simply work skills, but management training. At the OSCE meeting in Warsaw last fall, a representative from one of the Central European countries proudly announced that they had a number of Roma programs where Roma were being taught to help out and learn office routine, and so on.

This is not what we want. We want to be able to manage our own affairs, and not be helpers of non-Roma who are managing our affairs. Our voice must be louder, and we must have the confidence to manage our own affairs and to function in the larger world.

At the moment there are very, very few Roma who are in a position to cross the boundary between the Romani world, which is very separate and distinct, and the larger world of government and administration and so on, and such people pay a price, too, because they have a foot in two worlds and do not really belong in either.

We need to move toward self-sufficiency. It is like the old adage of not giving a hungry man a fish, but teaching him how to fish. This is what we need, and what I have observed in Europe and what I have understood from talking to administrators and government representatives in Eastern Europe, we are still a long way from this.

We are seen as a social problem that needs Band-Aids aplenty, but Band-Aids do not help. We have been treated historically as parasites, even as a disease of some kind. We have been called "a plague." We have been called all kinds of things.

And yet if you look at our history, we are the most inoffensive people. We came into Europe because of a series of historical circumstances Dr. Crowe has outlined, not with any intention of taking over, of occupying other people's territory; no kind of military or economic threat whatsoever. We have never wanted to do that.

And yet we have suffered a relentless barrage of persecution, enslavement, transportation, genocide, and it is still going on, and we are brushed aside for those very same reasons.

We do not have a territory; we do not have a national government. So when, for example, we try to make our voice heard in claims for the Swiss Bank reparations, the wind carries our voice away, and we are not even thought about.

It is not always a matter of intentional discrimination. Very often it is simply that we are just not thought about at all. It just does not occur to people to remember the Roma.

I want to give you very briefly a number of concrete examples of how culture, the difference in culture, the very distinctive nature of Romania sets Roma apart and creates barriers because of a lack of understanding from the larger societies.

I am thinking of real situations in the past little while, a number of them in this country. Most recently a film was shown called *Gadjo Dilo*, a Romani film, a very lovely film, but including a lot of commentary, discussion of a sexual nature.

This disrupted the Romani audiences. The men got up and left the theater when this kind of discussion started and then came back when it passed by, and of course, did not know when to come back and maybe came back too soon and got up and left again, and both on the East Coast and the West Coast at the premiers of this film, there was just chaos in the theater because there was no understanding of Romani culture. You just do not have this sort of dialog in mixed company.

A couple of months ago there was a story that made the National press about a young girl, 14 years old, who according to the newspaper coverage was sold, and the headline was that you could buy and sell human beings in the State of Arizona. She was a Romani girl, and the incident involved a betrothal, a marriage, and a bride price.

This was not understood at all by the journalists who completely misinterpreted it.

In Rostock in Germany some years ago, when the Roma refugees from Romania came to escape the pogroms, they were put into high-rise apartment houses and then came out and cooked on the sidewalk and relieved themselves in the bushes, and the press had a field day and said, "Look at these people who are uncivilized. They do not know how to live in proper housing."

The fact is that in conservative Romani culture, you cannot even have people living above people. One aspect of our culture involves ritual pollution, and if a person is in a state of defilement and is above another person, that person can be defiled, and so ideally Roma will live in one story dwellings.

Secondly, in Romani culture, you cannot have a toilet and a kitchen right next to each other, and so to maintain the cultural integrity, Roma in that situation were coming out onto the street to cook and do other things.

This was totally misinterpreted. The Roma were called dirty when, in fact, they were trying very hard to be clean, and so once again we have a situation of misunderstanding.

We have in this country frequently reports in the newspapers about Roma in hospital and all of the family and relatives show up and clog the passages and hallways in the hospital and cause the administration all sorts of problems.

This is a cultural thing, too. Being away from a Romani environment is being in a potentially harmful environment, and if you cannot go into a Romani environment, then the Romani environment will come to you if you are in a hospital when you are sick.

All of these things are very real to Roma, but they are not understood at all by a population, a world that sees us more in terms of romance, Disney, Stephen King. We have to get past this.

I cannot speak for all Roma, but speaking for myself, what I want desperately is to put aside the image, the stereotype, and make the public aware of the real Roma because until we are seen as a serious population, our problems will never be regarded in a serious way.

I think we need education on both sides. I would like to see education programs in the schools, in this country, too. Mr. Hoyer alluded to the fact that anti-gypsyism is a reality and a growing one in this country, as well.

One of the odd side effects of the Internet is that skinhead neo-Nazi groups in this country are learning from European Web sites that we are a target, too. It had not occurred to them before.

I would like to see, just as they have in Norway, a Ministry of Human Rights in countries that really need a Ministry of Human Rights. This would be a wonderful thing.

So to summarize, I suppose what I think Roma want most of all is security, hope for the future, confidence that there is nothing wrong with being a Rom, that you can be a good European without sacrificing any part of your identity as well, and that given an equal opportunity, we can contribute as much and perhaps more than any other section of the population.

Thank you.

Mr. Smith. Mr. Hancock, thank you very much.

I would like to as Mr. Goldston to come forward, if he would.

**STATEMENT OF JAMES GOLDSTON, ESQ.,
LEGAL DIRECTOR, EUROPEAN ROMA RIGHTS CENTER**

Mr. Goldston. Thank you.

Since 1989, hostility and violence against Roma throughout Europe have intensified, as we all know. The manifestations of racism are everywhere: skinheads with baseball hats roaming city centers, police officers pummeling Romani detainees with impunity, and "No Gypsy Wanted" signs posted in restaurants and employment offices.

I hope I do not overstate matters when I tell you that the ill treatment of Roma is perhaps the most important human rights concern in Europe today, and the problem is getting worse.

Now, I would like to just provide a very broad brush outline of the present situation, focusing on the post-Communist countries of Central and Eastern Europe not because, as has already been pointed out, Roma do not have problems elsewhere, as of course they do, but because they are numerically more concentrated in Central and Eastern Europe, and my organization, the European Roma Rights Center, based in Budapest, happens to have substantially more information about what is happening in Central and Eastern Europe.

I would like to touch on the principal human rights violations that Roma face, the kinds of responses that governments in the region are providing, and then briefly, if I have some time, just to touch upon why I think the United States has an interest in helping.

I would like to make something clear at the beginning. The human rights problems confronting the Roma in Europe are in no way of their own making. This is not at all a question of people lifting themselves up by their own bootstraps. It is a matter of fundamental human dignity, and it is a test not of the Roma, but of the post-Communist governments that have emerged in the region over the last decade.

The questions are not hard at all. Should the color of a person's skin determine whether he may walk the streets in safety, be served in a restaurant, or send his child to the school of his choice?

Does the rule of law extend to the weakest and most vulnerable of persons in a society?

These are the very basic, yet most important principles which are under challenge in Europe today.

Now, I would like to just touch upon three broad categories of human rights violations affecting Roma: racially motivated violence by skinheads and others; violence by law enforcement officers; and systematic racial discrimination.

In many parts of the former Communist Bloc, Roma are on the run, not voluntary nomads, just ordinary people in fear for their lives. The incidence of hate crimes is widespread. From Bulgaria to the Czech Republic, to Yugoslavia, young toughs who hold extremist views commit gruesome crimes of racial hatred against Roma victims.

Just a few examples. In central Slovakia in July 1995, a 17 year old boy was killed by a group of skinheads who spent part of the evening rampaging through a Romani neighborhood, beating, threatening, and cursing Roma and throwing Molotov cocktails at a pub frequented by a number of Roma in the area.

During the course of the melee, the skinheads captured the young man, doused him with a premixed solution of gasoline and polystyrene, and set him on fire. He died in the hospital 10 days later.

A year later in Albania, in July 1996, a 15 year old Romani boy died in a hospital in Tirana a few days after being tortured by a group of ethnic Albanians. He was doused with gasoline and burned alive by four men who insulted his ethnic origins during the attack.

The case of the young boy in Belgrade, Yugoslavia, who was mentioned earlier, beaten to death with lead pipes in October 1997.

And very recently, in May of this year, a 15 year old Romani boy in downtown Sofia, Bulgaria, was attacked by skinheads wielding knives and truncheons, dragged to a window on the second story of a building, and thrown to his death.

The very same night, hundreds of miles away in the Czech Republic, skinheads attacked and killed a 40 year old Romani man in the north-eastern town of Orlova.

The second principal human rights problem I would like to touch upon is violence by police and other law enforcement officers. Like skinhead violence, police ill treatment of Roma is pervasive. It is on the increase, and it is rarely punished.

Roma are subjected to a number of different kinds of police misconduct, and I would like to just address two: custodial misconduct and police raids on Roma communities.

Examples of custodial misconduct are legion. In Romania in July 1996, three teenagers were arrested by police in the Transylvanian town of Tirgu-Mures. The children were kept in custody for 5 days without legal authorization, during which time they were physically beaten. They had their heads shaved. They were interrogated repeatedly by the police. They were denied access to their parents, to a lawyer, or to a physician, and they were put on television and branded as criminals.

Two of the three boys were never charged with any offense. No one has been disciplined for these acts.

Since 1992, 14 Romani men in Bulgaria have died after having been last seen alive in police custody or as the result of the unlawful use of firearms by Bulgarian law enforcement.

In Ukraine, our organization has documented two instances in which police have sexually assaulted young Romani women, and in one case of attempted rape by police in the Trans-Carpathian region.

We have documented police beatings of Roma in detention in Macedonia and in Yugoslavia. We are aware of killings of Roma by the police in France, and we have confirmed reports of police abuse in Hungary as well.

I mention police raids as well. In a number of countries, law enforcement authorities target Roma communities for special armed assaults which take place in the middle of the night or early hours of the morning. Houses are searched, contents ransacked. Inhabitants are harassed or subjected to excessive force, and young men rounded up for arrest and questioning, in many cases in the absence of proper legal authority, such as search or arrest warrants.

In many cases, police officials readily admit that these raids target Roma communities because it is said Roma as a group are prone to criminality. In the Trans-Carpathian region of Ukraine, police raids in some communities take place on a regular basis, resulting in what the police themselves term "preventive arrests," young Roma men detained absent probable cause or reasonable suspicion to believe that they have been involved in criminal activity, solely on the theory that if they are Roma, they must have done something illegal.

As a police officer from one town explained, "The gypsy population is a special category, and those measures which can be applied to normal people just do not work on gypsies."

In addition to violence, another very serious human rights problem for Roma is systematic discrimination in virtually all spheres of public life, including education, employment, housing, access to public accommodations, and access to citizenship. This discrimination is pervasive and insidious, in part, because it reflects the underlying prejudice which an overwhelming number of non-Roma in post-Communist Europe harbor toward their Romani countrymen and neighbors.

Just to highlight a few examples, in the Czech Republic, Hungary and Slovakia, disproportionate numbers of Romani children are relegated to second class educational facilities, special schools designed for pupils suffering what are commonly termed intellectual or behavioral or language deficiencies.

These institutions offer little opportunity for skills training or educational preparation. Few graduates of such schools go on to higher education. Over representation of Romani students in these schools amounts to de facto racial segregation in education, yet another failed attempt at separate but equal.

In the Czech Republic, two recent studies suggest that Romani children are 15 times more likely to be placed in schools for children with learning disabilities than are non-Roma children.

In Hungary, in one school it was reported that last year Roma and non-Roma children were assigned to separate classes, required to eat in the cafeteria at different times, and graduated in separate ceremonies.

In the area of public accommodations, Roma throughout the region are systematically denied entrance to pubs, restaurants, discos, and other public places.

Roma are virtually invisible in the service employment sector in much of Europe. There are almost no Romani taxi drivers, shop assistants, kitchen workers, doormen. It is beyond the imagination of most non-Roma to employ a Rom as a house cleaner or even as a babysitter, not to mention the management responsibilities and positions that have been alluded to earlier.

And you are, of course, familiar with the discriminatory citizenship rules and procedures in a number of countries, including the Czech Republic and countries of the former Yugoslavia, which have left many Roma de facto or de jure stateless.

Now, serious and frequent as these violations are, they are often made worse by the lax or nonexistent response of governments. No government can completely eliminate racial discrimination and racially motivated violence. The key question, I believe, is given the scope and severity of the problems, are the authorities making a serious and determined effort to combat them?

Virtually without exception, the general trend in the region is not serious and not determined enough. Too often when acts of anti-Romani violence occur, the response of government officials, like that of the general population, is not outrage, but acceptance.

Just to touch on three different kinds of government responses, one, the adoption of anti-discrimination legislation; two, the enforcement of existing legislation; and, three, public statements by government officials. In all three areas, I would submit, government policies and practices have proven woefully deficient.

Beginning with the adoption of anti-discrimination legislation, as you know, most of the post 1989 constitutions which were promulgated in the countries of the former Communist Bloc contain grand phrases purportedly outlawing discrimination on the grounds of race or ethnicity, and yet many governments have yet to pass legislation specifically implementing these promises.

Thus, in many countries there still exists no law or administrative regulation expressly prohibiting racial discrimination, either generally or in specific aspects of public life.

Accordingly, few civil or criminal remedies are available to victims of racial discrimination, and criminal investigators often have no lawful power to investigate acts of racial discrimination, as such.

To the contrary, it is still not unheard of in Central and Eastern Europe for local governments to discriminate on the basis of race. In the summer of 1997, two municipalities in Eastern Slovakia issued ordinances expressly forbidding persons of Romani ethnicity from entering their respective villages and threatening to expel any Roma who dared to enter.

Governments have not only failed to pass adequate legislation. They have also not made use of what is already on the books. Perpetrators of violence and discrimination are rarely prosecuted for their actions. Those governments which have adopted racially motivated crimes provisions too infrequently apply them. Prosecutors often charge far fewer individuals than the evidence warrants in cases of group violence.

Complaints of police mistreatment of Roma widely encounter indifference, neglect, and hostility on the part of state authorities. To take one example, our organization recently documented 45 cases of police abuse of Roma in Bulgaria resulting in death or serious physical injury between 1992 and '97. In all of these 45 cases, written complaints were submitted to and registered with various law enforcement authorities, either the police or the prosecutors.

However, as of 2 months ago, only 2 of these 45 cases had resulted in conviction of the wrongdoers, and in many of these cases, the authorities did not even open a formal investigation.

Now, faced with widespread popular prejudice against Roma and criminal acts of violence, responsible government officials might be expected to speak forthrightly about the need for racial tolerance and the cost of racism. Unfortunately, when it comes to Roma, Central and Eastern Europe often lacks enlightened political leadership.

Anti-Romani speech is an effective and common strategy for garnering political support in a number of countries. Encoded anti-Romani statements are combined with hints that racist action will be tolerated. As a result, racism is not challenged. It is often encouraged.

Examples of this phenomenon are well known. In 1993, Slovak Prime Minister Meciar raised the specter of a higher birth rate among Roma to foment racist fears, stating, "The prospect is that this ratio will be changing to the benefit of Romanis. That is why if we don't deal with them now, then they will deal with us in time."

Last year, the deputy mayor of one Czech town, a member of the then ruling Civil Democratic Party, responded to criticism of segregationist housing policy in the Czech Republic by stating, "Most Roma do not know how to behave, and the town hall must find some way to deal with them."

And as recently as March of this year, in a forum in which even those who think racist thoughts might be expected to hold their tongues, that is, the United Nations Committee on the Elimination of Racial Discrimination in Geneva, at that forum a Czech Government official blamed high rates of Romani unemployment in the Czech Republic on "the lower level of social adaptability of Romanis" and their "frequently negative approach to work of any kind."

Now, before closing, if I could just make a few comments about why I think the American public and its elected representatives should concern themselves with the situation of Roma in Europe. There are, of course, many reasons.

Just to state a few, the flagrant ill treatment of Roma is, as I said, among the most serious human rights problems in Europe, if not the most serious, and the historic commitment of the United States to human rights for all peoples demands our attention to this issue.

In addition, I think the particular problem of racism is one with which we in the United States are familiar. We may have something, if not answers, then lots of hard won experience, to offer to our European friends. The long American history of race relations from slavery to the civil rights revolution gives us a perspective with which to talk about racial issues in a way that a number of Europeans are not familiar with.

We should draw upon our tradition of racial tolerance, our struggle with racial discrimination, and our proud identity as a melting pot of immigrants in helping our European partners address this most vexing of problems, acknowledging all the while that we, of course, in the United States have not solved the very serious racial problems which exist here.

Finally, it may not be long before a number of countries in post-Communist Europe formally qualify for a visa waiver arrangement with the United States. If and when that takes place, the treatment of Roma in these societies will become of more immediate relevance to U.S. foreign and immigration policy.

Waiting until that time to voice concern may diminish our leverage and risk heightening the perception that United States action is motivated solely by fear of large scale Roma exodus to the West rather than the long term commitment to the enforcement of international human rights law.

For these and other reasons, we in the United States have a clear interest in promoting ethnic and racial tolerance and insuring that Roma as a people are welcomed into the new Europe on a free and equal basis.

Thank you very much.

Mr. Smith. Mr. Goldston, thank you very much for that excellent statement and for the good work you do on behalf of the Roma.

I would like to ask our final witness, Ms. Plaks, if she would present her testimony.

**STATEMENT OF LIVIA B. PLAKS, EXECUTIVE DIRECTOR,
PROJECT ON ETHNIC RELATIONS**

Ms. Plaks. Mr. Chairman, Mr. Hoyer, it is a privilege to be present at this hearing and to testify on issues related to the Romani communities in Central and Eastern Europe.

From the preceding presentations by my colleagues, you have heard about the grim facts that form the reality of Romani life. This reality creates conflict between the Roma and their neighbors, fuels discrimination and hatred, and feeds a cycle of hopelessness and despair.

I would like to tell you what the Project on Ethnic Relations, which I represent, does to address these issues and how we aim to promote ethnic tolerance in Central and Eastern Europe.

Large segments of the world Romani community suffer from chronic abuse of human and civil rights and living conditions of severe economic deprivation. Difficult social, political, and economic transitions in Central and Eastern Europe have sometimes resulted in acute tensions and uncertainties that find expression in xenophobia and racism. Often the Roma are the first targets of such social discontent.

As part of the Project on Ethnic Relations' agenda for the prevention of ethnic conflicts, the issue of violence toward the Roma has been extremely important. PER has taken steps to improve the dialog between the Roma and the majority communities around them.

We are of the firm conviction that if Roma are driven from their homes by hate crimes, if walls are put up around their quarters, if they are stripped of their citizenship, and if swastikas and slogans appear calling for the darker skinned members of a nation to be destroyed, then humanitarian programs for improving literacy or increasing employment will have little chance for success.

The Project on Ethnic Relations has a rather large program with the Roma in Central and Eastern Europe, and our focus is on a few points that I would like to mention to you.

We focus mostly on practical steps. No. 1, we work with Roma leaders to define and debate the policy alternatives for their communities. A major effort will be required to prepare a new generation of Romani leaders who seek to break the tragic cycle in the Romani communities of poor education and poverty.

In 1993, the Project on Ethnic Relations formed the Romani Advisory Council, or PERRAC, which has played a central role in providing a voice for the Roma in national and international forums. The Council and its members, one of whom is Professor Ian Hancock, present here with us today, are a sounding board for the diverse Romani communities, and initiate and supervise cutting edge projects.

A policy paper concerning the choices and dilemmas that the Roma face, for example, whether it is possible to integrate into the mainstream society and yet not be assimilated by it, was commissioned by the Project on Ethnic Relations and written by two outstanding Romani members of the PER Romani Advisory Council from Central and Eastern Europe, Mr. Andrzej Mirga from Poland and Mr. Nicolae Gheorghe from Romania.

It has been extremely well received by governments, international organizations, and Romani leaders. Translated into seven languages, it has been the subject of international round tables and seminars, including one last November in Warsaw at the OSCE human dimension implementation meeting, co-organized by the Office for Democratic Institutions and Human Rights (ODIHR), the Council of Europe, and the Project on Ethnic Relations.

A special session in Strasbourg at a meeting earlier this year of the Specialist Group on the Roma (Gypsies) was devoted to a discussion of this document.

A second policy paper is planned that will focus on practical measures to deal with some of the urgent issues facing the Roma from the perspective of Romani intellectuals and political leaders.

Why was this policy paper of such great success? Simply because it was the first time that Roma leaders voiced their own ideas of how the Roma should be treated by governments.

Our second priority would be helping to open lines of communication between the emerging Romani leaders, national governments, and international organizations.

We have undertaken a number of confidence building measures at the international, national, regional, and local levels, which seem to have had some positive results.

At three major conferences in Czechoslovakia, in Romania, and Bulgaria, Romani leaders met face to face for the first time with governmental leaders in charge of minority issues to identify and discuss issues of vital importance to the Roma community and to develop action plans to address them.

Since 1993, the Project on Ethnic Relations has been a facilitator for representatives of the Roma communities to present their case in international forums, at OSCE, at the United Nations, the Council of Europe, and at the European Union. In fact, the Chairman of the PER Romani Advisory Council is also the Vice Chairman of the Specialist Group of the Roma on the Council of Europe.

I should note, as you already mentioned, Mr. Hoyer, that four Romani leaders, three from Central and Eastern Europe and Mr. Hancock from the United States have testified before the Subcommittee on International Security, International Organizations and Human Rights of the Committee on Foreign Affairs of the House of Representatives under the chairmanship of Congressman Lantos.

I had the privilege of introducing the group in 1994 at the testimony.

Our latest efforts have been concentrated on encouraging Romani participation in elections in Central and Eastern Europe since they are woefully under represented at every level of government.

We have conducted several projects for mainstream political leaders and representatives of the Romani communities in Bulgaria, Hungary, and Slovakia to see what practical steps might be taken and where there may be joint interest.

Some upcoming projects that are intended to strengthen the cooperation between the authorities and the Roma communities include:

(a) A consultation with the Governments of Romania and Bulgaria on setting up joint committees to advise them on how to design long range policy toward the Roma and improve the relations between the Roma and the majority populations.

(b) A discussion between leaders of Romani communities and relevant authorities concerning so-called Romani "criminality."

And (c) an examination of the plight of the Roma in Serbia during the ongoing crisis in the Balkans, in Kosovo and in Bosnia.

I would name our third priority as working with civil authorities and Romani leaders to reduce anti-Roma violence. Anti-Roma violence typically is racist in character and is sometimes abetted by the inexperience or indifference of law enforcement agencies and courts.

Therefore, we have especially tried to establish a wide variety of dialogs between the Roma and responsible authorities in local and central governments, as well as between the Roma and the majority communities.

Beginning in 1994, PER organized an international team of police management and mob violence prevention specialists to visit Romania and give expert advice on the prevention of ethnic conflict, especially mob violence against the Roma.

This initial activity was followed up by several seminars for senior police commanders on the control of ethnic tensions and the influence of the police on social and ethnic relations.

PER worked jointly with the Southern Police Institute of Louisville, Kentucky. Our cooperation with the Southern Police Institute has now expanded to Hungary, and there are other countries being considered as well.

It is a multi-year effort, and the results have been encouraging. A Department of Prevention has been formed at national level at the Police Inspectorate in Romania, and it has been credited with significantly reducing outbreaks of anti-Roma violence in rural communities.

Our fourth priority is working closely with the media in Central and Eastern Europe toward changing the overwhelming negative stereotypes about the Roma. We all know that the media has an important role to play in increasing or decreasing ethnic tensions.

We have organized seminars on this topic at the international level: for example, a discussion in Prague in 1996 that brought together Roma and mainstream media professionals from several Central and East European countries; at the National level, several meetings in Romania; at local levels in the Transylvania region of Romania.

Mr. Smith. Ms. Plaks, if you wouldn't mind holding that thought just for a few minutes, we do have a vote on the floor with about 6 or 7 minutes left before we physically have to be there.

Ms. Plaks. I would be pleased to.

Mr. Smith. And Mr. Hoyer will not be able to come back because of another committee assignment, but I would like to yield to him for any remarks he may want to make.

Mr. Hoyer. I want to thank all of the witnesses for both [an] educational and informational testimony, and by that I mean background and current events.

Dr. Hancock., I was very interested in your comments and your obviously unique perspective on the panel.

I was also struck by the fact I did not realize that 1864 was a particularly significant date, Dr. Crowe. As you mentioned, there seems to be a somewhat stark parallel with the United States in terms of slavery and the continuing struggle to fully recognize those African Americans who came out of slavery in the United States—although obviously, legally, we have done that in every state, paying quite a price in the Civil War to effect that end.

This is a problem of the millennia, not even of centuries, but there is no solution other than the work that all of you are doing, and I appreciate very much your testimony.

I regret that I will be unable to return, but I want to assure you that I will join Chairman Smith and Chairman D'Amato in continuing to focus attention on this particular issue.

One of the things that we have seen within the framework of the Helsinki process is that once civilized society says and believes something, even if it doesn't act out its beliefs, the more that it is held up to the mirror as dysfunctional when related to its beliefs, the more uncomfortable it becomes.

And therefore, I think the important service that this Commission can provide is to hold out this failure to perform as it relates to a particular group of citizens, and I am speaking of a world sense, world citizens, the more progress we will possibly make. We here understand

that academics and non-governmental organizations were instrumental in the emergence in the Soviet Union and Eastern Europe of democracy and greater freedoms and recognition of individual liberties, although as PER points out—and I do not know, Doctor, I think it was you—I forget which one of the professors said that the viper in the heart of democracy was, I suppose, the allowance to think for yourself.

I am not sure I would put it that way. It seems to me that is, of course, one of the great strengths of democracy, but it is a dichotomy that, as it lets loose the good instincts of mankind, it also lets loose the worst instincts of mankind, which is to hate and act against those who are different.

I think this hearing is a small step, but hopefully one that will be followed by much staff work, following individual cases, raising those individual cases, Mr. Chairman, as we did.

It was very easy when I took over chairmanship of the Helsinki Commission because it was the good guys and the bad guys, and there was no confusion. The Soviets were the bad guys, and the West were the good guys, and we could criticize with impunity, therefore, the bad guys.

Now it is a much more confused situation. I know when I and others criticize our Turkish friends and allies, who are an important ally of ours, for their abysmal performance as it relates to torture of the Kurdish population and other issues, it is a little more difficult because they are, after all, our friends. So it is not as easy as it once was.

But it is clear that an awful lot of our friends are adopting, Mr. Chairman, formal policies as well as tolerating non or extra judicial activities, either through lack of prosecution or, if prosecution, then down playing of the seriousness of the offenses.

But if we all keep paying attention to this, hopefully it will get better. That is what we have seen in the Helsinki process, and hopefully that is what we saw in this country. That is what Martin Luther King did for this country. He held us up to a mirror and said, "You are not living out the promises that you incorporated into the Declaration and into the Constitution."

So I thank all of you for the work you are doing, and look forward to working with you on this.

Thank you.

Mr. Smith. Thank you, Mr. Hoyer.

The committee stands in recess for 10 minutes.

[Whereupon, the foregoing matter went off the record at 3:15 p.m. and went back on the record at 3:30 p.m.]

Mr. Smith. We will reconvene the hearing, please.

I would like to apologize, Ms. Plaks, for the interruption. I just made the vote and so did Steny, but please continue with your testimony.

Ms. Plaks. Thank you, Mr. Chairman.

Let me get back to our fourth priority, namely, working with the media in Central and Eastern Europe toward changing the overwhelmingly negative stereotypes about the Roma.

We all know that the media has an important role to play in increasing or decreasing ethnic tensions, and as I started saying, we have tried to work with the media at the regional and national and at the local level.

Representatives of the media, including editors-in-chief of major newspapers and television programs and Romani leaders come together under our auspices to explore the question of how to report news about the Roma, its adequacy and fairness, and its impact on public opinion and behavior.

Media experts moderate these discussions and share their experiences on how to promote professional journalistic standards.

One important practical result was the establishment of an informal code in Romania of fair conduct in the media in reporting on interethnic relations and coverage of ethnic minorities.

Another practical outcome in the country was the establishment of a contact point between the media and the Roma which with PER support supplies mainstream journalists with accurate information about events in the Roma communities.

Mr. Chairman, it is my impression that following several years of neglect, indifference or hostility, governments have increasingly begun to commit themselves to programs for the Roma, but there is still a long road ahead.

A combination of prejudice, financial shortages, a lack of expertise, the very complexity of the issues will make any progress very slow indeed.

At the same time, the authorities are still often hesitant when it comes to outright condemnation of violence against the Roma. This gives the majority population mixed signals as to what it may or may not do.

It is clear that ethnic violence, social exclusion and discrimination toward the Roma are directly related to their social and economic deprivation. The European Union has also acknowledged this and, indeed, has made one of the requirements for prospective EU members a concern for the fate of the Roma.

I would like to mention here the European Union's Agenda 2000, which provides that no country shall be accepted as a member unless it has made specific improvements in the situation of the Romani population in its territory. Some governments in the region have started working on long term policy toward the Roma as a necessary remedy against social unrest in their countries. However, these efforts are often limited.

PER believes that the United States could provide important support by adding its voice to that of the European Union in encouraging the governments of Central and Eastern Europe to move forward with sound programs for the Roma.

Indeed, the fact of this hearing confirms that the United States is showing a growing awareness of the Roma issue and its importance in future U.S. policy toward the states of Central and Eastern Europe.

The states and governments with large minority populations have the responsibility to extend full human rights protection to all segments of society. At the same time the Roma representatives must show that they can shoulder some of the burden and can work together with governments.

We should encourage the states in Central and Eastern Europe to work together with Romani leaders on effective economic, educational, legal, and social programs, and on promoting a better understanding of the Romani culture in a majority society.

All of this is part of democracy building in these countries in transition. In fact, we call the way governments treat the Roma the litmus test of democracy in their countries.

The time for direct and concerted effort is short. The number of young, disenfranchised and disadvantaged Roma is growing. Many of them speak of taking the law into their own hands. If this, indeed, happens, then we may see a serious new wave of interethnic violence in Central and Eastern Europe.

Thank you very much.

Mr. Smith. Thank you, Ms. Plaks, for your excellent testimony and for all of our witnesses.

I would like to ask one opening general question for each of you. Are there any countries in Europe that you might consider to be success stories? Are there any government approaches that show some signs of bearing fruit?

And if you had to list the countries in order of the worst to the best, what countries would be considered the most egregious and which countries, you know, would get high marks?

Dr. Crowe?

Dr. Crowe. If we are talking just about Central and Eastern Europe, I think you are talking about varying degrees of bad or worse. I think Hungary, if you had to make a list, from positive to negative, I guess we would list Hungary as the best of the worst.

From that point on, it is just varying degrees of bad. If you had to take Bulgaria and Romania, I think the situation there is equally bad. I think the situation in Romania is bad because the economy is in such shambles, and I think that normally economic situations, given the fact that historically the Roma have always been at the very bottom of the socioeconomic system, literally on the fringe, that with the ongoing economic dislocation in Romania and Bulgaria, that their unemployment rates and so forth are extremely severe.

Tragically we have to list the Czech Republic at the bottom of that list, and the reason I say that is a tragedy is that in another sense the Czech Republic is the most hopeful of the democratic experiments in Central and Eastern Europe, and of course, I think that, you know, Prague is sort of a fairyland place. They have a president, Vaclav Havel, who I think has been a moral torch in that region for decades.

And I think that the plight of the Roma in the Czech Republic is especially bad because we do seem to see that the Czech Republic is something special, and so in contrast, the plight of the Roma there stands out as negatively unique.

And I think that in all of these countries there is a very, very, very long way to go before the fruits of democracy can even be begun to be realized by the Roma.

Dr. Hancock. I would have to agree with that. I think Hungary has the most programs with more or less a degree of success, but Romania and the Czech Republic, I think, are at the bottom.

The type of racism in each differs. It is more ideological, I think, in the Czech Republic, neo-Nazi rationale. In Romania, Roma are simply not human beings, and this is a legacy from slavery, and there is a lot to be learned from our own experience in this country.

There was no period of reconstruction or anything following the abolition of Roma, and attitudes have not changed that much. So this is where I think our attention should be focused.

Mr. Goldston. If I may just briefly, I would have to say in response to the question of any success stories bluntly no. With regard to Hungary, it is sometimes mentioned that the problems in some areas are not as severe there as in some of the neighboring countries.

I simply note that we have documented cases of police abuse of Roma in Hungary, that there are widespread problems of educational discrimination and discrimination in access to public accommodations in Hungary.

In terms of what is on the top or the bottom of the list, that is, I think, a very difficult thing to say. I would hesitate to do so. I would simply say given the resources of my organization and other monitoring organizations, we have found that racially motivated violence by skinheads and others is particularly severe in Bulgaria, the Czech Republic, Slovakia, and Yugoslavia, and we have noted numerous cases of violence by police and other law enforcement authorities in Bulgaria, Romania, Yugoslavia, Macedonia, Albania, and Ukraine.

But, again, those countries are on those lists as repeated offenders perhaps in part because the problems are so severe and in part because we may not have looked hard enough elsewhere.

Thank you.

Mr. Smith. Ms. Plaks?

Ms. Plaks. Thank you.

Once again, since we have been concentrating on working in Central and Eastern Europe, I have stories of success and stories of disasters from each one of these countries, and I also hesitate to put anyone on top and anyone on the bottom because we have had cooperation from the authorities in the type of work that we are doing in each one of these countries, and at the same time, I have seen disasters in each one of these countries.

Thank you.

Mr. Smith. Thank you.

Mr. Goldston., you mentioned the government responses. Have there been responses from the churches, the synagogues, the mosques, to try to rally (a) their own congregations and (b) the society at large to the injustice?

Because we all know that the greatest moral movements, the social justice movements, have either been aided or in many cases actually led by church people. Have they been involved in this issue?

Mr. Goldston. I do not think I'm competent to speak specifically to that question. What I can say perhaps is that movements of civil society, of non-governmental organizations, institutions and individuals in the civil sector have, both within and without the Roma community, some religious, many not, have organized increasingly over the last several years so that one can begin to talk, I think, about the existence of some kind of amorphous movement of sorts to achieve positive change.

I think this spans many spheres, from my sphere, the legal, to a variety of other ones, including cultural and religious spheres as well, and I think that is a development that is to absolutely be encouraged, to intensify and strengthen that kind of organization from below, as it were.

Mr. Smith. Yes, Ms. Plaks.

Ms. Plaks. Actually I have had experience with synagogues and churches that have rallied to the aid of the Roma, and it is very interesting to note that in the beginning of our work in Hungary, the spokesman for the Roma communities was a rabbi.

Thank you.

Mr. Smith. Let me ask. Last fall nearly 2,000 Roma fled the Czech Republic to seek asylum in Canada. Do you know what happened to those people who did flee, and what has been the response to the U.S. Government?

As you know, our asylum law, if there is a well founded fear of persecution, it is supposed to, but does not always, provide a safe haven for those fleeing those kinds of instances. I have been a major critic of not just this administration, but the two Republican administrations that preceded it, and now because of a lack of openness to refugees.

As a matter of fact, the "zeitgeist," if you will, in Congress is increasingly to close our borders rather than have more open borders, although we did score a success last year when there was an attempt to cut in half the number of refugee admissions, and I actually offered the amendment to stop that.

But I mention this. We have been very slow in helping the Bosnians, assigning too few slots for those escaping the tyranny that has occurred there. In Rwanda, I have raised as Chairman of the International Operations and Human Rights Committee in hearings we have had there and dialogs with the administration.

We are not offering asylum to people escaping ethnic cleansing and genocide in that part of the world. What about the Roma? What are we doing? In your view, are we assisting or are we just apathetic and ignorant and looking the other way?

Dr. Crowe. Well, I have been involved in several court cases dealing with Romania, Romania Roma who have sought to gain political asylum in this country, and they have been stopped by the INS, and that, of course, has gone to court.

So basically, I mean, again, I think in terms of asylum you are dealing with a very peculiar American institution, the Immigration Service, and from their perspective, they simply do not recognize the plight of the Roma as being as dangerous as it actually is.

So in terms of as a government, in terms of what policies we have, I think it is a very active policy against the Roma, and I think it is bound up in a total ignorance of the plight of the Roma in Central and Eastern Europe, which is if we took and rolled the clock back, the type of treatment that the Roma are receiving in Central and Eastern Europe is not unlike what happened to the Jews in Nazi Germany in 1933 to 1939.

I know of few people that are suffering on the scale that they are suffering and getting essentially no recognition internationally to the degree of the suffering.

Mr. Smith. Were the asylum judges getting guidance from the State Department, suggesting that because Romania is basically free that this kind of claim cannot be made?

Dr. Crowe. From what I can gather, they were basically dealing with the Immigration and Naturalization Service, and their guidance was coming from their lawyers, who were attempting to stop Roma who had entered this country illegally from acquiring political asylum.

Mr. Smith. How many Roma were you dealing with?

Dr. Crowe. In one case in Los Angeles, it was about 18, and there was another case in New York that was just one person.

But I think beyond that, I think the fact that INS is taking that position is also not informing. They are also not informing the Roma of this right to file for this type of asylum. It is a nonissue with INS, I gather.

Dr. Hancock. In my own experience in similar cases, the lawyers involved do not seem to have a very clear idea at all about what Roma are. In a case I was involved with recently, the State Department country report was being used for Romania, which said that although there are some problems, the human rights record is improving, and it is a vibrant country and so on.

And it was not clear in the court that Roma were not Rumanian ethnically. They are Rumanians by nationality, but not by ethnicity, and so this was repeatedly used to say that there was no need for asylum in this country. They could go back and be quite safe because the report said they would be safe.

And in a number of cases, it has been my job to convince the court that Roma are, indeed, a separate people with a history of persecution, and that is quite new to them.

Mr. Smith. Maybe you could give them a copy of this hearing record.

Dr. Hancock. Yes.

Mr. Smith. In addition to your oral statements.

Dr. Crowe. Well, it is in your government publications. If you look at the recent CIA international nations report, what you will find in that is that in the case of where it is usually officially recognized that Romania-Bulgaria make up seven, eight, 9 percent of the population, in the CIA's report they list it as like 3.1 percent.

And what this is tied into is you need to understand that it is not just a contemporary issue. During most of the post World War II period in all of these countries, the Roma were not recognized with a separate ethnic identity. There was a deliberate official policy of forced destruction of any sense of that.

And so when you come today and you see official government statistics cutting in half or two thirds the actual number of Roma in the population, even though they now officially have ethnic status, when you have what for the most part are doctored demographic records, sort of severely reducing their numbers, that in turn is an oblique way of attempting to erase that identity.

And this sort of spills over. So if you have someone from INS who picks up the CIA's nation report, Roma presence in that part of the world looks very, very small, and so in that sense the misuse of demographic data has become very useful in the hands of unfortunately the wrong people.

Mr. Smith. If you could answer the 2,000 that went to Canada, whatever happened?

Mr. Goldston. Yes. Well, the statistics I have are not conclusive, not complete, but I have what are reported to be the Canadian Government Immigration and Refugee Board statistics for 1997, which are for all persons coming from the Czech Republic, of whom the overwhelming majority, but not necessarily all, are assumed to be Roma, and as of the end of 1997, there were 19 positive decisions, two negative decisions, 277 applications withdrawn, and 1,065 applications still pending. Those are the only figures that I have on that subject.

If I could just address briefly your second question, I think it is always good, better than not, for the United States to say, of course, we will give asylum to people here who have a well founded fear of persecution abroad. That is the law, and it should be conformed with.

But I think the principal focus of United States Government activity in this area should be on putting pressure on governments in Europe and using our influence there to insure that conditions there are improved so that people do not feel that they need to leave because they cannot live securely while there.

And I think using whatever influence we have in NATO and other intergovernmental structures to make sure that conditions are improving and sending the signal that these countries will not be accepted in the elite international clubs until the situation changes dramatically is really what ought to be the focus of attention.

Thanks.

Mr. Smith. Thank you.

Ms. Plaks. Perhaps I could just add one small item. A couple of years ago there was a poll published in The New York Times which showed that from all the ethnic groups existing in this country, the lowest on the totem pole were the Roma; the most hated in the United States were the Roma. So perhaps this might have something to do as well with the way the Roma are considered by the INS.

Mr. Smith. Mr. Goldston, you talked about the violence and the fact that law enforcement agents, police often mistreat, do not properly prosecute skinheads and others. What is the response from the government when this kind of immoral and very un-police-like behavior is occurring? Do they deny it? Do they say they are going to launch an investigation?

Has the OSCE or any of the other organizations undertaken this police mistreatment issue?

Just as a sidebar, you know, one of the exacerbating problems in the north of Ireland was always the RUC, the fact that it was a very, very biased police force; that if a crime was committed against a Catholic, it was not investigated or was not likely to be.

I mean all of the human rights groups were pretty much in accord, and that led to a sense of impunity and lawlessness.

Mr. Smith. You know, what has been the response?

Mr. Goldston. I think there have been some efforts at police training on these questions, and perhaps Ms. Plaks or others can speak to that and how successful they have been, and I think to a limited extent that is very important.

But I think ultimately the response has been unsatisfactory because it has not been made perfectly clear in prosecutorial offices and police offices all the way from the top on down that as a question of political will, misconduct will not be tolerated.

This is not, of course, unique to the question of the Roma, although it seems to me that Roma are disproportionately represented among the victims of police abuse in this region, but this reflects the larger question of the fact that the rule of law still rests on fragile foundations in a number of societies in Central and Eastern Europe, and that the notion of police being accountable to the law is perhaps still relatively new.

And in that sense, it seems to me, that again, from the very top it needs to be made clear that prosecutions will go forward. Investigations will go forward, and people will leave no stones unturned when skinhead violence and police violence takes place, but as of today that has not happened sufficiently yet.

Mr. Smith. Let me just ask you a follow-up. Who makes up those police forces? Are they holdovers from the previous regimes or do they tend to be newer, hopefully more enlightened people?

Dr. Crowe. You know, that is the tragedy of all of this. As someone who has lived and worked in that area for decades, when the old system collapsed after 1989, a lot of what replaced it is certainly you have what I call the "old nomenclatura" still running things, but in many instances you had brand spanking new police forces, and in some cases we would joke about these new, young, fuzzy faced cops on the beat in Budapest and in Prague and so forth.

And in that environment, there was the golden opportunity to take policemen and police forces that were not tainted by the holdovers of the Communist past and train them in new, Western ways. They have the uniforms. They have got all of the equipment. Even their sirens are different.

But what was not different was no change in attitudes on public officials toward the Roma, and this is where the heart of the problem lies. There is no moral authority in any part of Central and Eastern Europe speaking out that this is simply wrong.

And the single greatest thing lacking in that part of the world is that no one in political leadership has seized the chalice of moral authority to simply say this is wrong, and until public officials from the presidents, the premiers on down, I mean, they are the ones that set public patterns of behavior, I think, and until they begin to speak out consistently again and again, then the word is not going to filter down to the bottom.

So a golden opportunity has been missed among the police. Again, these were brand spanking new forces, and yet the old attitudes still hold true.

Dr. Hancock. One means of addressing this, I think, has been initiated by the Project on Ethnic Relations in a sensitivity training workshop in Romania; isn't that right, Livia?

Ms. Plaks. A series.

Dr. Hancock. A series. Can you say something about that perhaps?

MS. PLAKS: Of course, it all comes down to political will, as Professor Crowe says, and if the message is not clear from the top on down, then nothing will be done.

But there has been some progress made in Romania, and the work is progressing in Hungary as well. It will take many years, nevertheless it has had an effect. There has been training with the help of the Southern Police Institute of Louisville, Kentucky. There has been training at all levels of police, from the highest level down to the lowest.

Of course, this will not encompass everyone in the entire country, and it will take a long time before the results can be truly seen.

It has helped in ameliorating the situation. That is as much as I can say. It has helped.

Our efforts were initiated by the rampant mob violence against the Roma and burning of houses in Romania in the early '90s and that seems to have stopped. That is as much as I can say for the moment.

Thank you.

Mr. Smith. Mr. Goldston? Oh, Dr. Hancock.

Dr. Hancock. One thing I would love to see undertaken by the ERC, and the Project on Ethnic Relations is a formal report on Roma criminality because this is the single most common charge leveled against our people, that we are by nature criminals.

When you pull it apart and you look at the nature of the crime and tie it in with arrest rates, conviction rates, police bias, and so on, you get a very different picture, and I think if this picture were made public, it would be a major step toward changing public attitudes, and it would correct a very damaging myth.

Mr. Smith. Excellent point.

Mr. Goldston. Can I just say with regard to the question of police in Romania, we have found, in fact, that the community raids which were so prominent in the early part of the 1990s have been followed unfortunately with a series of police raids, as I alluded to during the course of the formal remarks, and we have documented a substantial number of formal police unlawful actions targeted at Roma communities over the last few years, which seem to be the more recent phenomenon.

So I certainly welcome this dialog with the police, and I think it is worthwhile, but the results seem to be somewhere down the road still.

Mr. Smith. Do you know if any of those police trained in Quantico? Because many police forces to come here for high level training. It is something that we might inquire as to who from Central and Eastern European countries come and whether or not that might be made part of the curriculum.

Mr. Goldston. Yes, I do not know, and I think it would well be worth investigation.

Ms. Plaks. Some of them have come to the United States for training, but only at very high level and for short periods of time, and this would not yet have an effect down the line.

Mr. Smith. But there is no indication that when they come, any of the police instructors here even raise the issue or are aware of the issue. So it is something this Commission, I think, could do to at least make an inquiry and find out, and then provide some background for them.

Dr. Hancock. I suppose you are aware that there are a number of so-called Gypsy crime squad units in this country, who specialize and travel around and give talks. They have publications. So that is something that we do not need in this country.

If people from Europe interact with those groups in this country, it is going to sustain damaging attitudes.

Mr. Smith. Oh, of course. No, I am talking about it from a human rights point of view, due process, everyone is equal under the law point of view.

Let me ask maybe one final question. Preventive arrest, which was a term, Mr. Goldston, you used, how widespread is that? I mean that is an absolutely absurd notion to arrest somebody because they happen to be of an ethnic background, because they ought to be arrested sometime in their lifetime.

Does it happen often?

Mr. Goldston. Well, again, we encountered the phenomenon in the Trans-Carpathian region of Ukraine where the police were quite candid about the fact that this was taking place and justified it on the grounds that Roma as a group were prone to criminality.

But we have also encountered it in the context of this police raid phenomenon in several other countries in the region, and it stems, in part, it seems to me, from prejudice against Roma. It stems, as well, in part, from outdated notions of law enforcement and what constitutes an arrest and what powers police in a democratic society ought to have to round people up and just check them, bring them in even if there is not probable cause or reasonable suspicion to believe they have been involved in a crime.

But I think it is a more widespread phenomenon than simply in Ukraine.

Mr. Smith. I do have another question. Dr. Crowe, why do you think so little is known about the Roma experiences during the Holocaust?

Dr. Crowe. I was going through the number of war crimes trials yesterday, and in the index of the 30 volumes, published volumes, the Roma are mentioned four times.

Now, you will find the Roma are mentioned just as a group, a part of a group of victims, but in terms of specific acts against the Roma, they are mentioned four times.

Jehovah's Witnesses, who were imprisoned for nothing more than the fact that they would not take an oath of allegiance, and at any point they took an oath of allegiance to Hitler could be let out, they are mentioned 30 or 40 times.

I think it is because of the ingrained prejudice throughout the Western world toward the Roma, and second, I think people just do not care.

And I worked very closely with the Holocaust Museum, and they have given attention to the Roma issue, but in terms of being identified as one of the three major groups, first of all, I think we failed as scholars, and I will be honest about it. We have not done the work that should be done. Roma scholarship on this issue is just beginning.

But in the end, I think it is because it is just not considered important, and I think that the fact that historically the Roma have always been sort of pushed to the fringe of society, we just simply dismiss them as people.

And I think that is not just a failing in Central and Eastern Europe. I think it is a failing in the entire Western world. I mean it is our failing. It is not just failing in part of Europe.

And I think that part of this process of what is going on here today is part of underscoring the fact that these are human beings, and these are fathers and mothers and grandmothers and children, and that they bleed and they cry and they hurt just like we do, and the more that we can underscore the humanness and the uniqueness of the Roma in terms of their heritage and past, the more I think we can begin to sort of draw greater attention to that issue.

Dr. Hancock. That means getting past the stereotype.

Dr. Crowe. And you had a question about what do the police say. I think imbedded in one of your earlier questions about the police was what do the police say in response to how they treat the Roma.

Consistently they justify their behavior by saying, by blanketing, "They are all criminals," and that is the reason we have these special squads and everything, and that is imbedded in a stereotype and distorted statistics.

Because once they say that, then they will come back, and you will see this in the press. I mean I have a collection just from the Czech Republic of articles on the Roma just since January of this year. The collection of articles on the Roma is this thick, and they consistently deal with Roma criminality.

And it has been proven by what little good data we have that, you know, for every statistic on Roma criminality, you can cut in half or two thirds the reality.

But this has been a habit of behavior since the late 1980s, and it is a very tough wall to beat up against to try to sort of get, as Dr. Hancock says, true data, true statistics, and I think once we get a handle on those, you will find that what is being put out in the press in Prague or in Budapest or in Sophia is much, much less.

And even if you did have the situation where there might be a greater percentage of crime, you need to understand that being on the fringe of society, being principally unskilled laborers traditionally, when these economies have gone sour, the first people to be unemployed are the Roma.

I mean there are villages and towns in Central and Eastern Europe where Roma unemployment levels run 75 to 90 percent, and there is no safety net. There is nothing.

And so if you see a person on the street begging, that person might be, you know, starving to death. I mean, it is happening. It is happening in that part of the world.

Mr. Smith. Mr. Goldston?

Mr. Goldston. Just to return very briefly to the question of success stories, I wanted to just amplify my response, if I might, in two respects, one at the mega level and perhaps the micro level.

At the mega level, cases are going on. Litigation, legal cases in defense of Roma whose rights have been violated are happening throughout the region.

They are slow. They are going to take time, but the European Court of Human Rights in Strasbourg just heard oral arguments in the first case involving an applicant from a Roma from anywhere in Central or Eastern Europe this past June. A decision will be issued hopefully before the end of the year, and that will matter.

It will take time, but that will have some significance.

Secondly, on the micro level, I have had the privilege in my office in Budapest of working with a number of Romani law students in the last year and a half who have impressed dramatically with their intelligence and their determination and their commitment.

Not to toot the horn of the ERRC, but we are funding three or four dozen Roma law students throughout the region. In 5 years, they will all be lawyers. A number of them will be working in business. A number of them will be working in human rights. A number of them will be working in other fields.

They will have a dramatic impact, and over time I think the odds are on their side.

Mr. Smith. You know, in a way you anticipated a follow-up question I had in terms of, you know, I have always felt that attorneys in a democracy, even an emerging democracy, are the Helsinki monitors of that country.

In addition to those lawyers that are being trained that are ethnic Roma, are there others who are willing to cross that line, you know, regardless of race, color, origin to help the Roma community?

For instance, if somebody is aggrieved or needs a defense attorney, how does the typical person in the Roma community go about getting competent representation?

MR. GOLDSTON: In my experience, a typical person in the Roma community does not get competent representation. That reflects, again, the combination of racism and the very poor legal systems and legal aid systems available to people who often lack the means to hire counsel.

But I will say we have had some success in our organization in providing support for lawyers who are committed generally to human rights and whose commitment to human rights does extend to representation of Roma.

That is not always the case, and getting members of the legal community who have awakened to the need for human rights protection, to extend that to this most vulnerable minority is often a difficult task.

But little by little, I think we are having some success in that regard.

Dr. Crowe. I think in fairness to these countries, I mean, I think we need to remember that from the mid 1930s on until 1989, they lived under some form of dictatorship, and so the traditions of civil law that we think of are basically pretty immature.

And even though most of these countries, when they recreated themselves as democracies in post 1989, fell back on, say, constitutions of the '20s and '30s, the tradition of law in a mature way and of lawyers and the legal profession is just starting.

And so it is hard for us to understand this, but you simply do not have the mature legal profession with the traditions of democracy and civil law and criminal law imbedded in those traditions that you do in the Western world, and it might underscore the fact that, you know, there might be some sort of Western aid needed in this context to help develop that tradition, but it is certainly not in existence now.

Ms. Plaks. May I?

We have found many times that it is a matter of expertise, that many of these countries, as Professor Crowe said, lack expertise, as well as a strong tradition of democratic institutions.

Let me give you an example. We found, and I am sure that my colleagues here are all familiar with this issue, that the Roma misdemeanors are kept separately in the police files from the misdemeanors of the majority population.

And when we pointed this out to police in Romania and in some of the other countries, they thought that there was nothing wrong with it. It took a long discussion and debate to convince authorities that there might be something wrong in this kind of approach.

So it is something that involves educating the authorities, as well as the general population.

Mr. Smith. I want to thank our four very distinguished panelists not just for being here, but for the exemplary work you do on behalf of the Roma and on behalf of human rights in general.

And if we could be of any service to you, our Commission and our expert staff, please continue to ask us, and we will do all that we can so that we can work arm-in-arm on behalf of human rights and the Roma in particular.

So thank you very much, and this hearing is adjourned.

[Whereupon, at 4:10 p.m., the Commission was adjourned.] [Written inserts follow.]

STATEMENT OF CHAIRMAN ALFONSE D'AMATO

Today's hearing of the Commission on Security and Cooperation in Europe is held to review the issue of Romani human rights in Europe. Most Americans know the Roma as "Gypsies." In Europe, the Roma number between eight and ten million people, and are the fastest growing minority group. Critically, the Roma have been subjected throughout their history to prejudice, discrimination, persecution, actual enslavement and, during the Holocaust, Nazi extermination programs that are believed to have killed five hundred thousand Roma.

Now, conditions are so bad that a Roma civil rights movement not unlike the American civil rights movement may be brewing. This development will be an increasingly important feature of European politics for some time to come.

With the fall of the Wall and the end of communism in Eastern Europe, conditions for Roma have actually worsened. Always on the bottom of the social and economic ladder, Roma were helped by socialist education and employment policies. Now, Roma have fallen back into the class of those "last hired and first fired." Worse, they are once again the victims of governmental and private discrimination, open persecution by radical political groups, and even lethal assaults by "skinheads" that the authorities seem unable to resolve.

Some specific examples of these problems are as follows:

Since the fall of the Ceausescu regime, more than thirty Roma villages in Romania have reportedly been torched by mobs. Romania joined the Council of Europe on September 20, 1993. On that day, three Roma were killed, fourteen houses were set on fire and four houses were destroyed in the village of Hadareni. The criminals who committed these acts have not been effectively prosecuted.

The Czech Republic came into being on January 1, 1994, and adopted a citizenship law apparently designed to exclude Roma from Czech citizenship. Thousands of Roma who were Czechoslovak citizens, and who resided in the territory that is now the Czech Republic, were rendered "stateless" by this law. This law has been heavily criticized by the Commission, by the United States, and by other European states.

This legal attempt to exclude the Roma is popular. Czech resistance to criticism of this law has sent the public message that Roma are not welcome in the Czech Republic, encouraging both public and private prejudice and discrimination, and even an increasing number of incidents of lethal racial violence against Roma. This situation is taken so seriously by the international community that some Roma have been admitted to other countries as refugees, because they have been able to demonstrate both a "well-founded fear of persecution," and a lack of protection and legal redress at home.

Racially motivated murders of Roma have been reported in Bulgaria, the Czech Republic, and Serbia. According to the Council of Europe, Roma have been tortured in Slovakia, and according to a U.N. special rapporteur, also in Bulgaria. In Hungary, a non-governmental organization reported that there are 132 segregated schools. On July 14, 1998, it was reported that the home of a Romani family in Slovakia was fire bombed.

We are fortunate to have with us today an expert panel of witnesses. I look forward to hearing from them about the conditions Roma face and their likely responses as communities and individuals to these conditions.

Our first witness will be Dr. David Crowe. Dr. Crowe is a professor of History at Elon College in North Carolina who has written extensively on Central and Eastern Europe and is the author of the just-released book, *A History of Gypsies in Eastern Europe and Russia*.

We will then hear from Dr. Ian Hancock. Dr. Hancock is a professor of English, Linguistics, and Asian Studies at the University of Texas at Austin and the head of the International Romani Union United Nations Praesidium. Professor Hancock was appointed by President Clinton to the U.S. Holocaust Memorial Council and, last year, was awarded the Norwegian Rafto Prize for Human Rights.

James Goldston is the Legal Director for the Budapest-based European Roma Rights Center. The European Roma Rights Center is an international public interest law organization which monitors the situation of Roma and provides legal defense to victims of human rights violations. He is also a former U.S. federal prosecutor and served on the OSCE Mission to Bosnia-Herzegovina.

Finally, Livia Plaks is the Executive Director of Project on Ethnic Relations. The Project on Ethnic Relations was founded in 1991 in anticipation of the serious inter-ethnic conflicts that were to erupt following the collapse of communism in Central and Eastern Europe and the former Soviet Union. It conducts programs of high-level intervention and dialogue and serves as a neutral mediator in several major disputes in the region. Ms. Plaks has been actively involved with Romani communities throughout Europe.

Thank you all for being here today. We look forward to your testimony.

STATEMENT OF CONGRESSMAN TOM LANTOS

Mr. Chairman, I want to commend you for holding this hearing. I also want to commend my friend Congressman Hoyer, the ranking Democratic member of the Commission, for his strong support and interest in this issue. I want to pay tribute to both of you for holding his very important hearing on the Roma in Europe. The Roma are a persecuted minority with little political influence here in the United States or anywhere else. There is little constituent interest in this group. Holding this hearing reflects the purest of concerns for the human rights of this much maligned and much abused group of people.

The Roma have been misunderstood and persecuted for centuries. The common stereotypical image of the Roma, or "Gypsies," as they are often called, is a romantic one—people who wander from place to place in painted wagons, wearing brightly colored clothing, telling fortunes, dancing and playing wonderful music.

Unfortunately, Mr. Chairman, their reality is not at all romantic. The Roma arrived in Europe from South Asia at the beginning of the millennium. They were mistakenly assumed to be from Egypt, and they were thus given the misnomer "Gypsy." Many settled into a nomadic lifestyle in the mountains and forests of Central and Eastern Europe. They were never accepted in these areas, and were subjected to enslavement and persecution. In some instances they were killed for sport.

During the Second World War, the Roma were targeted for extermination by the Nazis. Although we do not have accurate records of Nazi atrocities relating to the Roma, it is estimated that at least 500,000 Roma were killed, frequently in collaboration with the local population. I welcome the efforts that have been made by the U.S. Holocaust Memorial Council in recognizing and acknowledging the suffering of the Roma during the Holocaust with special exhibits and educational programs.

Although they were not subjected to extermination under the Communist regimes that followed World War II, discrimination and police abuse continued. More recently, the Roma have been subjected to brutal discrimination and egregious human rights abuses in the former Communist countries of Central and Eastern Europe and the Newly Independent States, and particularly in the Czech republic, Slovakia, Romania, and to a lesser extent in Poland. Today, Mr. Chairman, the Roma are the largest dispersed minority in Europe, and they number some eight to ten million.

As you know, Mr. Chairman, in the spring of 1994, I chaired the first congressional hearing focusing on the Roma in Europe. Witnesses at that hearing your years ago—including Professor Ian Hancock and Livia Plaks, who also will participate in today's hearing—testified to ever-growing problems and the urgent need to address the abuse and the mistreatment of the Roma. I am sorry to say that in spite of our interest, concern and resolve, the conditions for the Roma have not improved. They continue to be subjected to bigotry, discrimination, and vicious human rights abuses.

Since the end of the Communist system, subsidies for housing and other social benefits have been drastically reduced or eliminated. As a consequence, the standard of living for the Roma has drastically declined. With the economic transformation and adjustments taking place in these areas, unemployment is very high.

While these are problems that face many of the citizens of Central and Eastern European countries, the problem for the Roma is even more serious. In addition to difficult economic circumstances, they are targets of widespread police brutality, official and unofficial discrimination, and racially motivated violence which local authorities do little to stop.

Mr. Chairman, it is essential that the countries of Central and Eastern Europe understand the importance of respect and regard for human rights—including the human rights of sometimes unpopular minorities such as the Roma. I want to call particularly attention to the treatment of the Romani minority in the Czech Republic. I want to focus on the Czech Republic—not because it is the only area where abuse, discrimination and official disregard of human rights is taking place—but because our expectations for the Czech Republic are so much higher. The Czech Republic is in the process of admission to NATO. The United States government has already taken major steps along the process of ratifying the Czech Republic's admission to the North Atlantic Alliance. At the same time, the government in Prague must understand that admission to NATO includes a commitment to the development of a democratic civil society—and this includes respect for the human rights of Roma. Human rights is not an abstract concept—it must be applied particularly in regard to unpopular minorities.

I am concerned in particular with the discriminatory elements in the Czech Republic's citizenship law, which have fallen upon the Roma. The Czech citizenship legislation has made it particularly difficult for Roma to claim Czech citizenship, even for Roma who were born in the Czech lands and who have lived their entire lives in that country. I would find it very difficult to consider any country an equal partner in NATO if that country practices such blatant discrimination against an unpopular minority.

Mr. Chairman, there are many other countries where such human rights abuse continues to be a problem. Many of those countries also seek admission to NATO. It is important that these Central and East European governments recognize that one critical measure that we in the Congress will consider in our relations with these countries is their observance of human rights—and one of the critical measures of readiness for admission to NATO is treatment of the Roma.

I welcome this hearing as a reflection of the strong interest of the Congress in the human rights of the Roma. It is important for our own Administration to understand our concern and commitment on this issue, and it is equally important that our friends in Central and Eastern Europe understand this. Thank you, Mr. Chairman and Mr. Hoyer, for your efforts in this regard.

THE ROMA OF CENTRAL AND EASTERN EUROPE: AN HISTORICAL OVERVIEW

DAVID M. CROWE

The Roma (singular Rom), or as they are more commonly known in the United States, the Gypsies, have a rich, diverse history and culture that dates back to their traditional homeland in India. According to Professor Ian Hancock,

the ancestors of the present-day Romani population were a conglomerate of non-Aryan peoples brought together as a military force known as the Rajputs, who left India during the first two decades of the 11th century as they pushed back the Muslims troops of Mohammed of Ghazni. They were not driven out of India, nor did they leave India as captives.¹

Over the next few centuries, the Roma gradually made their way westward, traveling through the lower Central Asia, Persia, and then into the Byzantine Empire. By the end of the Middle Ages, there is some evidence of a Roma presence in the Balkans, though concrete historical documentation does not surface until the 14th century. Initially, the group that early modern European chroniclers referred to as "Egyptians" (thus Gypsies) were highly prized as gunsmiths, metal smiths, equine specialists, and musicians. Over time, particularly in Romania's historic provinces, Wallachia and Moldavia, such attitudes changed. The first mention of the Roma in Wallachia and Moldavia comes from church records that show Romanian noblemen giving gifts of Roma slaves (*robi*) to monasteries.

In other parts of the Balkans, the Roma remained free, where they were often found among the lower classes. The gradual Ottoman Turkish takeover of the Balkans in the 15th and 16th centuries saw the status of the Roma decline further because they were often incorrectly associated with the hated Muslim Turks. The Roma, like many crafts and trades people of that era, offered their highly prized skills to rural settlements and towns on a seasonal basis. They now faced a growing body of restrictions on the amount of time that they could stay in certain areas. These new limitations were coupled with a new body of prejudice against the Roma that centered around fictitious, irrational stereotypes that became an integral part of the fabric of not only Central and East European society, but the entire western world. These stereotypes fostered prejudices that continue to haunt the Roma to this day.

By the mid-16th century, the Roma in Central and Eastern Europe, their principle place of western domicile, were increasingly trapped in a lifestyle of forced nomadism that pushed them to the edge of society, or enslavement in Wallachia and Moldavia. Their condition worsened over the next two centuries as governments throughout Central and Eastern Europe sought harshly to restrict their movements. Some Habsburg rulers in the early 18th century forbade the Roma to enter their kingdom. For a first offense, a Rom was branded. If caught traversing Habsburg lands a second time, the Rom was executed. Similar policies existed in other German states during this period.

¹ Ian Hancock, *The Indian Origin and Westward Migration of the Romani People* (Manhaca, TX: International Romani Union, 1998), v.

Habsburg policies changed in the second half of the 18th century under emperors Maria Theresa and Joseph II, though they remained inhumane and insensitive to Roma culture and traditions. Spurred by distorted Enlightenment ideas, Maria Theresa implemented a series of policies that tried to force Roma assimilation by forbidding them to live as nomads, kidnapping their children, and placing them in foster Catholic homes. Others aspects of these policies sought to destroy any Roma sense of their own past and heritage. Maria Theresa's son, Joseph II, continued these policies, though by the end of his reign in 1792, he had serious doubts about them, particularly after 41 innocent Roma were executed in his Slovak lands for crimes they did not commit. The only thing good to come from these policies was an incisive Roma census that gives us our first complete glance of Roma life in the Habsburg empire at this time. Moreover, these policies did promote growing a sedentarization trend among Hungarian Roma that continued well into the 19th century. Unfortunately, Roma settlement often meant the loss of any sense of their rich past.

Over the next century, the Roma increasingly moved out of the Balkans, spurred by their emancipation in the new Romanian state in 1864 and the growing socio-economic and political upheavals in the region. With the exception of Hungary, Roma throughout most of Central and Eastern Europe continued their nomadic way of life. When given the opportunity to integrate, the Roma quickly adapted. Unfortunately, they continued to be haunted by the age-old prejudices and stereotypes that depicted them as untrustworthy thieves and irresponsible wanderers.

For a brief period after World War I, Roma in Central and Eastern Europe seemed to enjoy something of a cultural and historic enlightenment as the fruits of postwar democracy took brief root in the region. Though traditionally a nomadic group of diverse clans with rich oral traditions, the various Roma groups of this part of Europe attempted to adapt their nomadic traditions to this new environment. Roma intellectuals hoped to create a greater sense of Rom self awareness among Roma throughout Europe, and develop some political muscle. They also wanted to preserve their collective heritages. Unfortunately, whatever modest gains Roma leaders made in the 1920s and early 1930s were swept away by the new, fascist-oriented dictatorships that took control of much of Central and Eastern Europe during this period.

The outbreak of World War II saw all of the countries of Central and Eastern Europe increasingly drawn into the German orbit as direct allies or as German-occupied territories. The Germans now tried to force their allies to adopt an array of anti-Roma laws designed to rip the Roma from the fabric of society and force them, as undesirable "asocials," into concentration camps, slave labor camps, and after 1942, into the Final Solution's death camps. From the German perspective, the Roma, along with Jews and the handicapped, were seen as people without any value, and thus were to be "exterminated." While it is still difficult to determine the number of Roma who died in the Holocaust, estimates range from 250,000 to 1 million. Tragically, Roma losses have received little mention or recognition, which has meant that few Roma Holocaust victims have ever received compensation for their considerable losses and suffering.

After the Holocaust, we hear little of the Roma in Central and Eastern Europe until the mid-1950s, when the region's new Communist governments begin to discover that they had relatively large, fast growing Roma populations that suffered from extreme impoverishment and low educational attainment levels. Moreover, the Roma remained victimized by a body of prejudice that remains the principle stumbling bloc to their integration into Central and Eastern Europe societies. Since the plight of the Roma contradicted Communist claims of societies supposedly free of "capitalistic" injustice, prejudice, and discrimination, leaders throughout the region mounted expensive, but often insensitive efforts to force the Roma to assimilate. Roma nomadism was outlawed and their children rapidly mainstreamed into public schools without any regard to language or socio-economic deficiencies. Roma children who exhibited any sort of educational difficulty were often designated mentally challenged, and sent to schools for the retarded. This practice continues to this day. Roma settlements were randomly destroyed and their occupants forced into government housing projects without any regard to Roma desires or needs. Job training programs were created to help move the Roma from traditionally unskilled jobs to skilled positions.

Many of the policies were driven by fears of high Roma birth rates vis 08 vis almost zero population birth rates among non-Roma throughout Central and Eastern Europe. Efforts to curb Roma growth centered around forced assimilation and rather gruesome efforts in Czechoslovakia to sterilize Roma women. Though some remarkable gains were made in Roma educational, housing, and employment areas from the early 1960s through the early 1980s, the Roma paid a price for them. The policies were often implemented without any regard for Roma traditions or input. They were also driven not by a desire to integrate the Roma into society, which meant blending Roma traditions with those of non-Roma, but by efforts to force the Roma to assimilate, and give up all hints of their past.

Moreover, a new body of anti-Roma prejudice surfaced, driven by misplaced jealousy over what many non-Roma saw as expensive government policies that favored the Roma over non-Roma. This prejudice intensified throughout the 1980s, a period when the economies throughout Central and Eastern Europe suffered tremendous declines. Thus, it should come as no surprise that when communism began to collapse in the late 1980s, the more open environment that replaced it saw a new, more virulent form of anti-Roma prejudice surface that had not been seen since the Holocaust. The Roma now were viewed throughout the region as the cause of everything gone awry.

Over the past decade, the Roma, often the largest majority in nations that are almost ethnically pure, suffer from discrimination and prejudices that have deep roots in the past. During the Communist era, these prejudices were seen as the single greatest barrier to the improvement of the quality of Roma life. Yet democratization has also offered the Roma new opportunities for economic, organizational, and political growth never possible under communism. Unfortunately, their continued deep impoverishment, coupled with an environment of harsh prejudice and discrimination, creates an explosive situation that can only be viewed as potentially destabilizing, particularly given the size of the Roma communities in the region. As Vaclav Havel has noted, the plight

of the Roma is the litmus test of the democratization experiment in the Czech Republic. The same could be said for the rest of Central and Eastern Europe.

ROMA POPULATION ESTIMATES (1993)¹

Bulgaria	500,000-800,000	(total population: 8.5 million)
Czech Republic	200,000-300,000	(10.3 million)
Hungary	550,000-800,000	(10.3 million)
Romania	1.4-2.5 million	(22.7 million)
Slovakia	458,000-520,000	(5.3 million)
Yugoslavia	400,000-600,000	(11.1 million)

¹Jeremy Druker, "Present but Unaccounted For: How Many Roma Live in Central and Eastern Europe? It Depends on Whom You Ask." *Transitions*, Vol. 4, No. 4 (September 1997), p. 23.

STATEMENT OF JAMES A. GOLDSTON

Since 1989, hostility and violence against Roma throughout Europe have intensified. The manifestations of racism are everywhere—skinheads with baseball bats roaming city centers, police officers pummeling Romani detainees with impunity, and “no gypsy wanted” signs posted in restaurants and employment offices. I do not think I overstate matters when I tell you that the ill-treatment of Roma is the most important human rights concern in Europe today. And the problem is getting worse.

I wish to provide a very broad brush outline of the present situation. I will focus on the post-Communist countries of Central and Eastern Europe—not because Roma do not have problems elsewhere, but because they are more concentrated—and we have more information about human rights conditions—in the East. I will discuss, first, the principal human rights violations which Roma today face; second, the responses of governments; and finally, why the United States should be interested in helping.

Before I begin, let me just say a word about myself and the organization I represent.

I am the Legal Director of the European Roma Rights Center. Prior to my present tenure, I worked for five years as an Assistant United States Attorney in the Criminal Division in the Southern District of New York.

Based in Budapest, Hungary, the ERRC is an international, non-governmental organization which monitors the situation of Roma in Europe and provides legal defence to victims of abuse. Since its establishment in January 1996, the ERRC has undertaken first-hand field research in more than a dozen countries, and has disseminated numerous publications, from book-length studies to advocacy letters and public statements. We litigate in domestic and international courts in cases where the human rights of Roma have been violated. Recently, we filed an amicus brief in the first case involving a Roma applicant from anywhere in Central or Eastern Europe to come before the European Court of Human Rights in Strasbourg. ERRC publications, and additional information about the organisation, are available on the Internet at <http://www.errc.com>.

I would like to make something clear right at the start. The human rights problems confronting the Roma in Europe are not of their own making. This is not a question of people lifting themselves up by their own bootstraps. It is a matter of fundamental human dignity—a test, not of the Roma, but of the new governments that have emerged in the wake of communism.

The questions are not hard: Should the color of a person’s skin determine whether he may walk the streets in safety, be served in a restaurant, or send his child to the school of his choice? Does the rule of law extend to the most vulnerable of persons? These are the very basic—yet most important—principles which are under challenge in Europe at this time.

I. THE TYPES OF HUMAN RIGHTS VIOLATIONS THAT ROMA FACE

I wish to discuss three broad categories of human rights violations which Roma suffer—racially-motivated violence by skinheads and other private parties; violence by law enforcement officers; and systematic

racial discrimination. Violence by skinheads gives rise to some of the most heinous acts and is generally heightened in its cruelty by the additional element of racial animus—that is, the perpetrators are attacking Roma because they are Roma. A number of the most serious racist crimes have been inflicted upon children. Violence by the police—those entrusted with the enforcement of law—is of obvious concern to all societies—particularly those (including some in post-Communist Europe) where the rule of law still rests on less than secure foundations. Systematic discrimination is dangerous precisely because it is often as subtle as it is pervasive.

A. RACIALLY-MOTIVATED VIOLENCE BY SKINHEADS AND OTHERS

In many parts of the former Communist bloc, Roma are on the run. Not voluntary nomads, just ordinary people in fear for their lives.

The incidents of hate crime are widespread—from Bulgaria to the Czech Republic to Yugoslavia, young toughs who hold extremist views commit gruesome crimes of racial hatred against Roma.

- In central Slovakia, in July 1995, 17-year-old Mario Goral was killed by a group of skinheads in just such circumstances. Goral's attackers spent part of the evening rampaging through a Roma neighborhood, beating, threatening and cursing Roma, as well as throwing Molotov cocktails at a pub frequented by Roma. During the course of this melee, the skinheads captured Goral, doused him with a pre-mixed solution of gasoline and polystyrene, and set him on fire. The mixture coats the victim's skin and makes extinguishing the flames more difficult and the burns deeper. Goral died in the hospital ten days later.
- In Yugoslavia in October 1997, 14-year-old Dusko Jovanovic was beaten to death with lead pipes by a group of skinheads in downtown Belgrade.

And skinhead violence is, if anything, on the increase.

- Just two months ago, on May 15, a 15-year-old Romani boy in downtown Sofia, Bulgaria was attacked by skinheads wielding knives and truncheons, dragged to the second-story window of a building, and thrown to his death.
- The same night, hundreds of miles away, skinheads attacked and killed a 40-year-old Romani man in the northeastern Moravian town of Orlova.

The Czech Republic has been experiencing a wave of anti-Roma violence of late. Earlier this year, skinheads in two different parts of the country firebombed the Krnov home of one Romani woman, leaving her in critical condition, and beat unconscious another Romani woman in Vrchlabi and threw her into the Elbe river, where she drowned. Police sources told the press that the attack in Krnov was the seventeenth "extremist attack" against Roma in the town since 1993.

According to testimony provided to ERRRC, late one evening in May 1997, two Romani men were beaten and chased by a mob of fifteen non-Roma in the western Czech town of Klatovy. The attackers shouted taunts such as, "We will kill you" and "We will get you now, Gypsies," then pursued one of the victims to a house. There, they tried to break down the door, shouting, "We want your children. We'll put them in the fire. We'll roast your children." The second victim was so severely injured that he had to be hospitalised for ten days.

Overall, in the Czech Republic, 12 Roma have been killed by skinhead violence since 1989; others have been seriously injured. A Czech monitoring organization has reported 1250 racially-motivated acts of violence in the past nine years.

B. VIOLENCE BY STATE OFFICIALS

The second major human rights problem for Roma today is violence by police and other law enforcement authorities. Like skinhead violence, police ill-treatment of Roma is pervasive, it is on the increase and it is rarely punished.

Roma are subjected to several different kinds of police misconduct. Two are most common: mistreatment in custody and the execution of police raids targeting Roma communities in the absence of normal due process protections.

1. CUSTODIAL MISCONDUCT

As with skinhead violence, Romani children are among the victims of police violence. A recent case from Romania is illustrative.

In July 1996, three teenagers—15, 16 and 17 years old—were arrested by police in the Transylvanian town of Tirgu-Mures. The children were kept in custody for five days without legal authorization, during which time they were physically beaten, had their heads shaven, were interrogated repeatedly by the police, were denied access to parents, or to a lawyer or physician, and were paraded on a local television station and branded as criminals. Two of the three boys were never charged with any offense. Noone has been disciplined for these unlawful acts.

Hungarian police, too, have engaged in violence against Roma. In February 1997, two Roma were severely beaten in the western Hungarian town of Szombathely. One of the victims was beaten so badly in the head, stomach and chest that he vomited blood and lost clumps of hair, eventually losing consciousness. Two different police officers told him that, if he did not sign a confession admitting to theft, he would be beaten to death.

Since 1992, 14 Romani men in Bulgaria have died after having last been seen alive in police custody, or as a result of the unlawful use of firearms by Bulgarian law enforcement.

ERRC has documented two instances in which police have sexually assaulted young Romani women and one case of attempted rape by police in the Transcarpathian region of Ukraine in 1996.

In the Czech Republic, we have received reports of a number of cases of police violence.

On 8 June, 1994, a Romani man named Martin Cervena1k was arrested in the village of Jenikovice, near the town of Horšovský Týn in western Czech Republic. At 3:30 pm he was seen being brought to a hospital. When his family phoned, the police indicated that he had fallen. In fact, Cervenák died of a gunshot wound to the head. A government report absolved the police of any wrong-doing. However, no thorough investigation has ever been carried out to dispel persisting suspicion of police responsibility for the death.

In Macedonia and Yugoslavia, police beatings of Roma in detention are widespread. In France, two Roma were killed by gendarmes in 1997, and an eight year old Romani boy was shot and killed by French police in 1995 as he crossed the Italian border fleeing the Sandjak region of Serbia with his family.

2. POLICE RAIDS

In a number of countries, law enforcement authorities target Roma communities for special raids—armed assaults in the middle of the night or early hours of the morning during which houses are searched, contents ransacked, inhabitants harassed or subjected to excessive force, and young men are rounded up for arrest and questioning, in many cases in the absence of search and arrest warrants and other legal safeguards required in the ordinary course. In many cases, police officials readily admit that such raids target Roma communities because Roma, as a group, are said to be prone to criminality.

In the Transcarpathian region of Ukraine, police raids in some communities take place on a regular basis. Some result in what the police term “preventive arrests”—young Roma men are detained absent probable cause or reasonable suspicion to believe they have committed a crime—solely on the theory that, if they are Roma, they must have done something illegal. As a police officer from the Transcarpathian town of Mukachev explained, “the Gypsy population is a special category and those measures which can be applied to normal people just don’t work on Gypsies.”

In Romania, where police raids on Romani communities replaced mob violence as the principal human rights violation affecting Roma from 1994 onward, ERRC has documented numerous police raids, all involving physical abuse. To give one example, in the early morning of August 25, 1995-masked policemen, in riot gear and accompanied by dogs, stormed Romani homes in the villages of Acis and Mihaieni in Satu Mare county. Police broke into houses, pulled residents out of beds, and beat men, women and children. Such raids are carried out in a manner designed to make accountability for violence impossible to prove—the police rarely have prior written authorization, they almost never show warrants, and the victims are seldom able to obtain medical certificates attesting to injuries.

In Albania, Bulgaria, Greece, Italy, and Turkey, we have received reports that police regularly single out Roma communities for similar raids, which commonly involve night invasions of Gypsy settlements, searches of women and children, and acts of intimidation such as holding guns to people’s heads. Greek police officials have been reported targeting Roma because, in the words of one, “they are Gypsies, they are prone to steal.”

C. RACIAL DISCRIMINATION

Another serious human rights problem for Roma is systematic discrimination in virtually all spheres of public life—education, employment, housing, access to public accommodations, and access to citizenship. This discrimination is pervasive and insidious in part because it reflects the underlying prejudice which an overwhelming number of non-Roma in post-Communist Europe harbor toward Roma. I will not

take the time to discuss all the many ways in which discrimination against Roma manifests itself, but let me just highlight some of the most egregious examples.

1. EDUCATION

In the Czech Republic, Hungary, and other countries in Central and Eastern Europe, disproportionate numbers of Romani children are relegated to second-class educational facilities—special schools—designed for pupils suffering from what are commonly termed intellectual or behavioral “deficiencies.” These institutions generally offer little opportunity for skills training or educational preparation. Few graduates of such schools go on to higher education. Over-representation of Romani students in these schools amounts to de facto racial segregation in education—another failed attempt at “separate but equal.”

The Czech Republic is illustrative. According a study published in 1991 by a working group of the Federal Ministry of Work and Social Affairs, Romani children are 15 times more likely than non-Roma to be placed in schools for children with learning disabilities than. More recent statistics confirm the severe racial disparity: while only 4.2% of all primary-aged children attended special schools in 1996-1997, the figure among Romani children was 62.5%.

In Hungary, in one school, it was reported last year that Roma and non-Roma children were assigned to separate classes, required to eat in the cafeteria at different times, and graduated in separate ceremonies.

2. ACCESS TO PUBLIC ACCOMMODATIONS

Throughout much of post-Communist Europe, Roma are systematically denied entrance to pubs, restaurants, discos, sports arenas and other places of public accommodation.

In 1996, a survey conducted in five Bohemian towns in the Czech Republic by the monitoring organisation HOST showed that well-dressed Roma were refused service in 24 of 40 restaurants. Dark-skinned foreigners mistaken for Roma have also reported being refused service in Czech public establishments.

In April of this year, the Hungarian press reported that close to half of the popular nightclubs in a town in south eastern Hungary deny entrance to Roma. According to the report, in December 1997, the local Roma self-government informed the mayor of the town about these discriminatory practices, but was told that the operation of private clubs could not be restricted without court action. The police chief reportedly said that, although discrimination against Roma is against the law, the police cannot force owners to serve Roma customers.

3. EMPLOYMENT

As a result of widespread and often quite open discrimination, Roma are virtually invisible in the service sector in much of Europe. There are almost no Romani taxi drivers, shop assistants, kitchen workers in pubs and restaurants, or doormen at banks or hotels. It is beyond the imagination of most non-Roma to employ a Rom as a house cleaner or baby-sitter. If lucky, Roma are employed as garbage collectors, street sweepers, or factory workers and agricultural laborers. The vast majority, however, are simply unemployed.

4. ACCESS TO CITIZENSHIP

Nowhere is the effect of discrimination more consequential than in the field of citizenship. Nonetheless, in the Czech Republic and some successor states to the former Yugoslavia, Roma are discriminated against in access to citizenship.

The Czech citizenship law has been the subject of much criticism on the part of international governmental and non-governmental bodies. Here I will limit myself to reiterating the principal problems: the five-year criminal record requirement, inadequate efforts to publicize a possible waiver of that requirement, and discriminatory and inconsistent application of the law's provisions. Together, these have deprived thousands of Roma previously resident in the Czech Republic of citizenship and its attendant benefits "holding government office, voting, obtaining social benefits, and exposure to a criminal sentence of expulsion upon conviction of a crime. According to the Prague-based monitoring organization, Tolerance Foundation, 846 Slovak citizens were sentenced to expulsion by Czech courts in the period January 1993 to June 1997. Roma constituted the overwhelming majority of defendants in the approximately 167 cases individually monitored by Tolerance.

Similarly, in Macedonia, Roma have suffered large-scale discrimination in access to citizenship. The 1992 citizenship law imposed unduly stringent requirements in breach of European standards—including a 15-year-residence requirement, a physical and mental health pre-condition, and unreasonably high administrative fees—which have disproportionately affected Roma. As a result, thousands of Roma who have genuine and long-standing ties to the territory of Macedonia are presently de jure or de facto stateless in their own land.

II. THE RESPONSES OF GOVERNMENTS

Serious and frequent as these violations are, they are often made worse by the lax or non-existent response of governments. No government can eliminate completely racial discrimination and racially-motivated violence. The key question is: given the scope and severity of the problems, are the authorities making a serious and determined effort to combat them? Virtually without exception, the general trend in the region is: not serious and not determined enough.

Too often, when acts of anti-Roma violence occur, the response of government officials, like that of the general population, is, not outrage, but acceptance.

I will briefly consider three categories of government action to combat racial intolerance, violence and discrimination: the adoption of specific anti-discrimination legislation, the enforcement of existing legislation, and the statements of government officials. In all three areas, government policies and practices have been deficient.

A. THE ADOPTION OF ANTI-DISCRIMINATION LEGISLATION

Most of the post-1989 constitutions promulgated in the countries of the former Communist bloc contain grand phrases purportedly outlawing discrimination on grounds of race or ethnicity. Nonetheless, nine years into the post-Communist transition, many governments have yet to pass legislation implementing these promises. Thus, in many countries, there still exists no law or administrative regulation expressly prohibiting racial discrimination—generally, or in specific fields of pub-

lic life. Accordingly, few civil or criminal remedies are available to victims of racial discrimination, and criminal investigators often have no lawful power to investigate acts of racial discrimination as such.

To the contrary, it is still not unheard of in Central and Eastern Europe for local governments to discriminate overtly on the basis of race or ethnicity. In the summer of 1997, two municipalities in eastern Slovakia issued ordinances expressly forbidding persons of Romani ethnicity from entering their respective villages, and threatening to expel Roma if they tried to settle there.

B. ENFORCEMENT OF EXISTING LEGISLATION

Governments have not only failed to pass adequate legislation. They have also not made use of what is already on the books. Perpetrators of violence and discrimination against Roma—whether state authorities or private parties—are rarely prosecuted for their actions. Those governments which have adopted racially-motivated crimes provisions infrequently apply them. In addition, in cases of group violence, prosecutors frequently charge far fewer individuals than the evidence warrants. Defendants accused of racially-motivated crime are not uncommonly released pending trial, and may commit further crimes, giving rise to reticence among Roma about reporting abuses. Complaints of police mistreatment of Roma widely encounter indifference, neglect and even hostility on the part of investigative organs.

To take one example, human rights monitors have documented 45 cases of police abuse of Roma in Bulgaria between 1992 and 1997 resulting in death or serious physical injury. In each of these cases, a written complaint was filed with law enforcement authorities. Nonetheless, only two of the 45 cases have resulted in conviction of the wrongdoers. In many of these cases, the authorities refused even to open a formal investigation, let alone provide a remedy.

Failed or delayed prosecutions of serious crimes against Roma litter the post-Communist legal landscape:

- In the Czech Republic, in September, 1993, a group of approximately 40 skinheads chased four Romani boys into the Otava River in Pisek. When the boys attempted to climb out of the river, they were beaten and kicked back in, until one of them, 17-year-old Tibor Danihel, drowned. The investigation was hindered early on, when the trial judge and the local deputy mayor publicly belittled the case. More than two years elapsed before any defendant was placed in custody, during which time a number of potential Romani witnesses were allegedly intimidated by the continued presence in the town of some of the responsible skinheads. In June, 1997, the České Budějovice regional court affirmed convictions for only four defendants and imposed sentences of no more than 31 months' imprisonment. No one was charged with or convicted of murder. The Supreme Court returned the case to the regional court for retrial, where it remains uncompleted—nearly five years after the crime.

- In Slovakia, the parents of Mario Goral—the Romani teenager burned to death by skinheads in 1995 “have yet to receive a penny of compensation.

- Indeed, judicial officers have gone out of their way to devise creative, if unsupported, legal theories justifying why—even where the law clearly authorizes punishment for racially-motivated crime—it

should not be enforced. One of the most astonishing examples of this inventive legal reasoning took place in the case of Hradec Králové in the Czech Republic.

On 30 October, 1995, two white youths threatened to beat up and throw four Romani passengers from a train running between Hradec Králové and Sadova, and one of the Roma was kicked as he was getting off the train.

Both perpetrators were subsequently prosecuted and charged with violation of Sections (1) and (2) of Article 196 of the Czech Criminal Code concerning violence against a group of inhabitants and individuals. On November 20, 1996 the District Court in Hradec Králové found the defendants guilty under Art. 196(1), but acquitted them of the charge under Art. 196(2) (the racially-motivated crimes provision). The Court reasoned, in part, that this provision did not apply, because (i) it prohibits violence or threats carried out on account of, among other things, the “race” of the victims, and (ii) the Romani victims “belonged to the same race” as the defendants.

The premise of the District Court Opinion was that members of the Roma minority are not a distinct racial group in the Czech Republic, and thus that prohibitions against threats or violence motivated by the race of the victims do not apply to them. In so holding, the District Court relied on a narrow, biologically-rooted notion of race according to which Roma, like Czechs, are members of the same, “Indo-European” race.

The District Court’s cramped, anthropological interpretation of the concept of “race” was at odds with international jurisprudence, which, over several decades, has affirmed that prohibitions against racial discrimination and racially-motivated threats or violence—such as those contained in Art. 196(2)—are to be interpreted broadly, to provide the broadest possible protection to victims of abuse. The opinion thus demonstrated the danger that other courts might similarly undermine the clear intention of racially-motivated crimes provisions in refusing to apply them to Roma victims. The case was returned to the district court earlier this year. The second time around, the defendants were found guilty of racially-motivated crimes. Once again, however, no mandatory jail time was imposed.

In short, throughout the region, even where the tools to combat racially-motivated violence exist on paper, police, prosecutors and judges all too commonly fail to apply them to protect Romani victims.

C. ANTI-ROMA STATEMENTS BY GOVERNMENT OFFICIALS

Faced with widespread popular prejudice against Roma, and criminal acts of violence, responsible government officials might be expected to speak forthrightly about the need for racial tolerance and the costs of racism. Unfortunately, when it comes to Roma, Central and Eastern Europe often lacks enlightened political leadership. Anti-Romani speech is an effective and common strategy for garnering political support in a number of countries. Coded anti-Romani statements are combined with hints that racist action will be tolerated. Major politicians flirt with extremist imagery, implicating the state in anti-Roma violence. As a result, racism is, not challenged; it is encouraged.

Examples of this phenomenon are well-known:

In 1993, Slovak Prime Minister Vladimir Meciar raised the spectre of a higher birthrate among Roma to foment racist fears: "The prospect is that this ratio will be changing to the benefit of Romanies. That is why if we don't deal with them now, then they will deal with us in time."

Czech public officials have also made anti-Romani public statements. In July 1997, Zdeněk Klausner, Senator from the then-ruling Civil Democratic Party (ODS) and Mayor of Prague 4, published an article in a municipal newspaper, in which he reportedly recommended that Roma be moved out of Prague. Despite statements of disapproval by the Prime Minister and the Minister of the Interior, the Civil Democratic Party undertook no disciplinary measures against this prominent public official.

Shortly after Senator Klausner made his remarks, the deputy mayor of Ostrava, also a member of the Civil Democratic Party, responded to criticism of segregationist housing policy by stating, "Most Roma don't know how to behave and the town hall must find some way to deal with them; what Klausner suggested seems to me a sensible solution."

In the summer of 1997, the deputy mayor of the Mariánské Hory district of Ostrava (in the north-eastern Czech Republic) was quoted as saying, "Roma don't respect the night-time ban on noise, they encourage their children to rob cars, they spit on people and throw rubbish in places other than rubbish bins, thereby constantly increasing the threat of rats and fleas."

And as recently as March of this year, in a forum in which even those who think racist thoughts might be expected to hold their tongues—the United Nations Committee on the Elimination of Racial Discrimination—a Czech government official blamed high rates of Romani unemployment on the "lower level of social adaptability of Romanies" and their "frequently negative approach to work of any kind."

III. WHY THE US PUBLIC AND GOVERNMENT SHOULD CARE

Why should the American public and its elected representatives concern themselves with the situation of Roma in Europe? I think there are several reasons:

A. The flagrant ill-treatment of Roma is the most serious human rights problem in Europe today. The historic commitment of the United States to human rights for all peoples demands our attention to this issue.

B. The particular problem of racism is one with which we in the US are familiar; thus we may have something—if not answers, then lots of hard-won experience—to offer to our European friends. The long American history of race relations—from slavery in the 18th and 19th centuries to the civil rights revolution of the 20th—gives us a perspective with which to talk about race in a way which many Europeans are not familiar with. We should draw upon our tradition of racial tolerance, our struggle with racial discrimination, and our proud national identity as a melting pot of immigrants in helping our European partners address this most vexing of problems.

C. It may not be long before a number of countries in post-Communist Europe formally qualify for a visa-waiver arrangement with the US. If and when that takes place, the treatment of Roma in these societies will become of more immediate relevance to US foreign and immigration policy. Waiting until then to voice concern may diminish our leverage and risk heightening the perception that US action is moti-

vated solely by fear of large-scale Romani exodus to the West, rather than long-term commitment to the enforcement of international human rights law.

For these and other reasons, we in the United States have a clear interest in promoting ethnic and racial tolerance and ensuring that Roma as a people are welcomed into the new Europe on a free and equal basis.

OSCE COMMITMENTS OF SPECIAL RELEVANCE TO ROMA

The following are excerpts from agreements of the Organization on Security and Cooperation in Europe (formerly the Conference on Security and Cooperation in Europe) that are especially relevant to Romani issues. General human rights commitments are not reproduced here, although they are directly applicable to Roma.

**EXCERPTS FROM THE DOCUMENT OF THE COPENHAGEN
MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION
OF THE CSCE [1990]**

IV

(30) The participating States recognize that the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power.

They also recognize the important role of non-governmental organizations including political parties, trade unions, human rights organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities.

They further reaffirm that respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States.

(31) Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law.

The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms.

(32) To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice.

Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. In particular, they have the right

(32.1) to use freely their mother tongue in private as well as in public;

(32.2) to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation;

(32.3) to profess and practise their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue;

(32.4) to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs;

(32.5)—to disseminate, have access to and exchange information in their mother tongue;

(32.6)—to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations.

Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights.

(33) The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take the necessary measures to that effect after due consultations, including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State.

Any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned.

(34) The participating States will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation.

In the context of the teaching of history and culture in educational establishments, they will also take account of the history and culture of national minorities.

(35) The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.

The participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned.

(36) The participating States recognize the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities. Such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice.

Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law.

(37) None of these commitments may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes and principles of the Charter of the United Nations, other obligations under international law or the provisions of the Final Act, including the principle of territorial integrity of States.

(38) The participating States, in their efforts to protect and promote the rights of persons belonging to national minorities, will fully respect their undertakings under existing human rights conventions and other relevant international instruments and consider adhering to the relevant conventions, if they have not yet done so, including those providing for a right of complaint by individuals.

(39) The participating States will co-operate closely in the competent international organizations to which they belong, including the United Nations and, as appropriate, the Council of Europe, bearing in mind their on-going work with respect to questions relating to national minorities.

They will consider convening a meeting of experts for a thorough discussion of the issue of national minorities.

•T2(40) The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies). [Emphasis added.]

They declare their firm intention to intensify the efforts to combat these phenomena in all their forms and therefore will

(40.1)—take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(40.2)—commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property;

(40.3)—take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information;

(40.4)—endeavour to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures;

(40.5)—recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts;

(40.6)—consider adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports;

(40.7)—consider, also, accepting those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies.

EXCERPTS FROM REPORT OF THE CSCE MEETING OF EXPERTS ON NATIONAL MINORITIES, GENEVA 1991

The participating States, concerned by the proliferation of acts of racial, ethnic and religious hatred, anti-semitism, xenophobia and discrimination, stress their determination to condemn, on a continuing basis, such acts against anyone.

In this context, they reaffirm their recognition of the particular problems of Roma (gypsies). They are ready to undertake effective measures in order to achieve full equality of opportunity between persons belonging to Roma ordinarily resident in their State and the rest of the resident population. They will also encourage research and studies regarding Roma and the particular problems they face.

They will take effective measures to promote tolerance, understanding, equality of opportunity and good relations between individuals of different origins within their country.

Further, the participating States will take effective measures, including the adoption, in conformity with their constitutional law and their international obligations, if they have not already done so, of laws that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism, and policies to enforce such laws.

Moreover, in order to heighten public awareness of prejudice and hatred, to improve enforcement of laws against hate-related crime and otherwise to further efforts to address hatred and prejudice in society, they will make efforts to collect, publish on a regular basis, and make available to the public, data about crimes on their respective territories that are based on prejudice as to race, ethnic identity or religion, including the guidelines used for the collection of such data. These data should not contain any personal information.

They will consult and exchange views and information at the international level, including at future meetings of the CSCE, on crimes that manifest evidence of prejudice and hate.

EXCERPTS FROM THE CSCE DOCUMENT OF THE MOSCOW MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE [1991]

III. (42.2) [The participating States] recognize that effective human rights education contributes to combating intolerance, religious, racial and ethnic prejudice and hatred, including against Roma, xenophobia and anti-semitism.

EXCERPTS FROM THE CSCE HELSINKI DOCUMENT 1992—THE CHALLENGES OF CHANGE

TOLERANCE AND NON-DISCRIMINATION

The participating States

(30) Express their concern over recent and flagrant manifestations of intolerance, discrimination, aggressive nationalism, xenophobia, anti-semitism and racism and stress the vital role of tolerance, understanding and co-operation in the achievement and preservation of stable democratic societies;

(31) Direct the ODIHR to organize, in autumn 1992, a CSCE Human Dimension Seminar on Tolerance;

(32) Will consider adhering to the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not already done so;

(33) Will consider taking appropriate measures within their constitutional framework and in conformity with their international obligations to assure to everyone on their territory protection against discrimination on racial, ethnic and religious grounds, as well as to protect all individuals, including foreigners, against acts of violence, including on any of these grounds. Moreover, they will make full use of their domestic legal processes, including enforcement of existing laws in this regard;

(34) Will consider developing programmes to create the conditions for promoting non-discrimination and cross-cultural understanding which will focus on human rights education, grass-roots action, cross-cultural training and research;

(35) Reaffirm, in this context, the need to develop appropriate programmes addressing problems of their respective nationals belonging to Roma and other groups traditionally identified as Gypsies and to create conditions for them to have equal opportunities to participate fully in the life of society, and will consider how to co-operate to this end.

**EXCERPTS FROM THE CSCE BUDAPEST DOCUMENT 1994—
TOWARDS A GENUINE PARTNERSHIP IN A NEW ERA**

ROMA AND SINTI

23. The participating States decide to appoint within the ODIHR a contact point for Roma and Sinti (Gypsies) issues. The ODIHR will be tasked to:

- act as a clearing-house for the exchange of information on Roma and Sinti (Gypsies) issues, including information on the implementation of commitments pertaining to Roma and Sinti (Gypsies);
- facilitate contacts on Roma and Sinti (Gypsies) issues between participating States, international organizations and institutions and NGOs;
- maintain and develop contacts on these issues between CSCE institutions and other international organizations and institutions.

To fulfil these tasks, the ODIHR will make full use of existing resources. In this context they welcome the announcement made by some Roma and Sinti (Gypsies) organizations of their intention to make voluntary contributions.

24. The participating States welcome the activities related to Roma and Sinti (Gypsies) issues in other international organizations and institutions, in particular those undertaken in the Council of Europe. •A

**SELECTED EXCERPTS FROM THE U.S. DEPARTMENT OF
STATE'S ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS—
REPORTING ON ROMANI MINORITIES FOR CALENDAR YEAR
1997**

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ALBANIA

**SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION,
DISABILITY, LANGUAGE, OR SOCIAL STATUS**

CHILDREN

Child abuse is a little-reported problem, but authorities and NGO's believe it exists. According to numerous reports, organized criminal elements kidnap children, especially young girls, and send them to Italy and elsewhere to work as beggars and prostitutes. Romani children particularly are used as beggars, in full view of the police, who take no action either for the children or against the adults who use them. Child Hope, an NGO funded by the European Union, operates a center for street children.

BULGARIA

[INTRODUCTION]

The Government generally respected the human rights of its citizens, but problems remained in some areas. Police used unwarranted lethal force against suspects and minorities in some cases. Security forces beat suspects and inmates and at times arbitrarily arrested and detained persons. Government control of the police is not sufficiently complete to ensure full accountability. This results in a climate of im-

punity and inhibits government attempts to end police abuses. Conditions in some prisons are harsh, and pretrial detention is often prolonged. The judiciary is underpaid, understaffed, and has a heavy case backlog; corruption also exists. Constitutional restrictions on political parties formed on ethnic, racial, or religious lines effectively limit participation for some groups. Both the Government and private citizens continued to obstruct the activities of some nontraditional religious groups. Discrimination and violence against women remain serious problems, and some women are victims of trafficking and forced prostitution. Societal mistreatment of Roma is a serious problem. The limited social service system does not adequately assist homeless and other vulnerable children, notably Romani children. Further, security forces harass, physically abuse, and arbitrarily arrest and detain Romani street children.

**SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,
INCLUDING FREEDOM FROM:**

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

Police officers used unwarranted lethal force against criminal suspects, as well as against members of minority groups whether or not suspected of any crime, resulting in several deaths.

[. . .]

On February 2, a Plovdiv traffic police officer shot to death Elin Elenov Karamanov, a 29-year-old Rom from Plovdiv, under questionable circumstances. Karamanov had been with a friend who claimed that they were both looking for scrap iron near the Maritsa River when they suddenly noticed a policeman about 100 feet away. The friend said that he ran away, but Karamanov remained. The next day, Karamanov's wife went to the police station, where she was told that an unidentified man had been killed. When she then went to the morgue she discovered her husband's remains. According to a forensic expert, the cause of death was a gunshot wound to the head, behind the right ear. An investigation was under way at year's end.

On February 18, a policeman, and a civilian hunter who came to the assistance of the police officer, shot Boris Vasilev Kalinov and Vasil Strahilov Kalinov, both Romani men, who were allegedly stealing cables. Boris Kalinov was wounded in the knee by the policeman, and Vasil Kalinov was shot to death from a distance of roughly 7 feet. Boris later denied resisting arrest. The policeman claimed that the two men were attacked by 14 Roma wielding pickaxes and shovels and had no other recourse than to use deadly force. An investigation was under way at year's end. The civilian who fatally shot Kalinov was accused of murder. The military prosecutor in Plovdiv started criminal proceedings, but no progress was reported by year's end.

[. . .]

Kolo Todorov, a 32-year-old Rom arrested in mid-May for theft, was reportedly shot and killed while trying to escape detention in Assenovgrad.

On June 5, police in Sofia shot in the head a citizen of mixed-race parentage named Petar Robert Karandzha: He died the next day. The police claimed that he was shot while attempting to escape from investigative detention. The Bulgarian Helsinki Committee expressed concern that no evidence was presented that Karandzha had threatened

others' lives or safety or that the police had exhausted other means of restraint. An internal investigation took place, and the police involved were exonerated.

[. . .]

On January 29, 1996, a 17-year-old Rom, Anguel Zabchikov, died while in police custody in Razgrad, apparently as a result of a beating. The police told Zabchikov's family that he fell and fractured his skull while fleeing the police and died instantly. The police later reported that he died as a result of excessive alcohol in the bloodstream. In addition to the fractured skull, Zabchikov's family described numerous signs of severe beating and handcuff marks on both wrists. Criminal proceedings were terminated in 1997 by the Military Prosecutor's Office in Varna on the grounds that there had been no abuse committed by the police officers involved. Following an appeal by Zabchikov's mother, the Regional (Civil) Prosecutor's Office in Razgrad initiated criminal proceedings, but on March 4 the investigation was suspended. However, the European Court of Human Rights agreed to try the case.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

In February masked police raided a Romani neighborhood in Pazardjik and beat local residents in what was seen as retaliation for the theft of food from a grocery earlier that day by several Romani protesters. The Human Rights Project reported that approximately 60 Romani citizens were beaten in the course of the raid. According to family members, one man died in June as a result of improperly treated wounds received from the police during that incident. No criminal prosecution of those responsible for the mistreatment took place, although the district court agreed to consider civil claims.

[. . .]

Human Rights Project reported that in April two Romani theft suspects in Nedyalsko were handcuffed by police and tied to a tractor. The police, who had earlier beaten the suspects along with two others, forced the Roma to run after the tractor for approximately 1 kilometer. The police then drove the tractor (with the two Roma still attached) to the village square, where villagers stoned and beat the two men. The victims are preparing to file a complaint.

[. . .]

On June 4 and 5, Danail Mladenov, a 23-year-old Rom from Valchedram was taken to a police station and questioned regarding a theft. Although police records indicated that he was not implicated in any theft, police officers allegedly attempted to obtain a confession by beating the soles of his feet (as well as his palms). His family asserted that he had visible injuries resulting from mistreatment. Mladenov filed a complaint with the Military Prosecutor's Office, but the prosecutor refused to initiate criminal proceedings.

[. . .]

Also in July, the families of three Romani girls between the ages of 10 and 14 accused the Elhovo police of brutality. They alleged that the police threatened the children with firearms, forced them to crawl on the ground while verbally abusing them with ethnic slurs, and then slapped the eldest and hit her with a truncheon. The girls were then reportedly intimidated into confessing to theft. The parents maintain

that they were not informed of the detention of their daughters and have submitted a complaint to the Military Prosecutor's Office in Sliven; no action was taken on the complaint by year's end.

In September a Rom, Ivo Karlovo, was arrested on suspicion of theft of a cow in Sopot. The police allegedly beat Karlovo with batons and metal wire and extinguished a cigarette in his palm while verbally abusing him with ethnic slurs. The Human Rights Project filed a complaint with the Military Prosecutor's Office but has yet to receive a reply.

In October four police officers allegedly assaulted Roma in three cafes in Sofia's Hristo Botev neighborhood. Witnesses claimed that the officers, who were drunk, beat bystanders and forced a couple out of bed and then made them crawl naked on the floor. Yanko Atanassov and his son Nikolai told Human Rights Project personnel that they were seriously injured in the attack. Yanko claimed to have been handcuffed and then beaten by the officers, and Nikolai said the policemen forced him to burn his father's genitals with a lighter.

A Human Rights Watch report released in 1996 documenting police mistreatment of Romani street children stated that police harass and physically abuse the children. Children described being chased, kicked, and grabbed by police on the street.

SECTION 5. DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

The Constitution provides for individual rights, equality, and protection against discrimination, but in practice discrimination still exists, particularly against Roma and women.

CHILDREN

There is apparently no provision for due process of law for Romani and other juveniles when they are detained in Labor Education Schools run by the Ministry of Education (MOE). Living conditions at these reform schools are poor, offering little medical, educational, or social opportunities. Generally, staff members at these institutions lack the proper qualifications and training to adequately care for the children. Degrading and severe punishment, such as the shaving of a child's head, reduction in diet, severe beatings, and long periods of solitary confinement, are common at the schools. In 1996 the MOE acknowledged problems at the schools, attributing the cause to a lack of funding. In late 1996, the National Assembly enacted legislation providing for court review of sentencing to such schools and addressing other problems in the reform school system (see Section 1.e.).

The vast majority of children are free from societal abuse, although some Romani children are frequent targets of skinhead groups; homeless or abandoned children were particularly vulnerable. Some Romani minors were forced into prostitution by family or community members. Little police effort was expended to address these problems. New legislation calls for the establishment of shelters for homeless children.

NATIONAL/RACIAL/ETHNIC MINORITIES

Ethnic Turks comprise almost 10 percent of the population. Although estimates of the Romani population vary widely, several experts put it at about 6 percent. (Bulgarian Muslims or "Pomaks" are a distinct group of Slavic descent, comprising 2 to 3 percent of the population, whose ancestors converted from Orthodox Christianity to Islam. Most are

Muslim, although a number have become atheists or converted to Christianity.) These are the country's two largest minorities. There are no restrictions on the speaking of Turkish in public or the use of non-Slavic names.

[. . .]

In the 1992 census approximately 3.4 percent of the population identified itself as Romani. The real figure is probably about twice that high, since many persons of Romani descent tend to identify themselves to the authorities as ethnic Turks or Bulgarians. Romani groups continued to be divided among themselves, although several groups had some success presenting Romani issues to the Government. As individuals and as an ethnic group, Roma faced high levels of discrimination.

Attacks by private citizens on Romani communities continued. On July 20 in Sliven, four youths ranging in age from 12 to 16 beat a Roma woman, continuing to kick her after she had fallen to the ground. The woman died of her injuries the next day. When asked why they committed such a crime, one boy replied that he wanted to kill her because she was a Gypsy. In December the district court at Sliven sentenced Miroslav Karapetkov, age 16, to 10 years in prison and Hranimir Petkov, age 16, to 6 months' imprisonment on probation. Two of the other attackers, both age 13, could not be tried, since they were juvenile offenders.

On April 6, according to Human Rights Project, 5 Roma were beaten in front of the town hall in Sredno Selo by a crowd of approximately 100 persons after they were accused of stealing cattle from a nearby village.

On June 1, three apparently drunken soldiers violently harassed Roma in the village of Sarantsi. According to witnesses, they entered the Roma neighborhood and beat several passers-by while shooting at others. One man was shot in the stomach at close range. The police arrested the soldier who fired the weapon, and an investigation is under way.

The investigation into the death of Anguel Ivanov, who was killed by seven teenagers in Shumen in 1996 remains incomplete. One of the victims of an attack by skinheads on three Roma in Samokov in 1996 filed charges, which were refused by the District Prosecutor's Office in February. After an appeal by an attorney from Human Rights Project, the case was reopened for additional investigation.

Police harass, physically abuse, and arbitrarily arrest Romani street children (see Sections 1.c. and 1.d.). Roma encounter difficulties applying for social benefits, and rural Roma are discouraged from claiming land to which they are entitled under the law disbanding agricultural collectives. Many Roma and other observers made credible allegations that the quality of education offered to Romani children is inferior to that afforded most other students. The Government has been largely unsuccessful in attracting and keeping many Romani children in school.

Workplace discrimination against minorities continued to be a problem, especially for Roma. Employers justify such discrimination on the basis that most Roma have relatively low training and education. Supervisory jobs are generally given to ethnic Bulgarian employees, with ethnic Turks, Bulgarian Muslims, and Roma among the first to be laid off.

During compulsory military service most Roma (and Muslims—see Section 2.c.) are shunted into units where they often perform commercial, military construction, or maintenance work rather than serve in normal military units. The MRF protested this practice, as did human

rights groups and labor observers who cited it as a violation of International Labor Organization (ILO) accords. There are only a few ethnic Turkish and Romani officers in the military, and reportedly only one high-ranking Muslim officer.

CROATIA

[INTRODUCTION]

Although significant progress was made in the provision of citizenship documents to ethnic Serbs in Eastern Slavonia, the last remaining Serb-held enclave, the Government refused to allow ethnic Serbs who had fled Croatia during the military conflict in 1995 to return or vote, effectively exiling and disenfranchising at least 180,000 people. Military and police forces, contrary to officially stated government policy, continued to carry out forced evictions, although fewer than in previous years. Local officials also allowed ethnic Croat refugees from Bosnia and Herzegovina and Serbia-Montenegro to dispossess ethnic Serb property owners. The record of cooperation by government authorities with international human rights and monitoring organizations was mixed. Violence and discrimination against women remained problems. Discrimination in the administration of justice, housing, and jobs against ethnic Serbs and against those who were not members of the ruling party was common. Isolated incidents of ethnically motivated killings and mob violence occurred. Roma also faced discrimination.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

NATIONAL/RACIAL/ETHNIC MINORITIES

The situation for other minority groups—Slovaks, Czechs, Italians and Hungarians—did not reflect significant discrimination to the same extent as the Serb community. Roma continued to face societal discrimination and official inaction when complaints were filed. However, public awareness of the difficulties that Roma face in society was raised by several public forums, including round table and panel discussions with government and civic leaders.

CZECH REPUBLIC

[INTRODUCTION]

The Government generally respected the human rights of its citizens. Popular prejudice and skinhead violence against Roma remain problems. The discriminatory impact of the 1993 citizenship law was mitigated by the constructive implementation of a 1996 amendment, although other problems with citizenship persist. There is some violence against women. The law on lustration (screening) forbids certain pre-1989 Communist officials and secret police collaborators from holding certain positions. A law criminalizing defamation of the presidency was abolished.

**SECTION 1. RESPECT FOR THE INTEGRITY OF THE PERSON,
INCLUDING FREEDOM FROM:**

D. ARBITRARY ARREST, DETENTION, OR EXILE

The law prohibits exile, and the Government observes this prohibition in practice. However, police can and do expel to Slovakia “Slovaks” without proper citizenship or residency papers.

SECTION 2. RESPECT FOR CIVIL LIBERTIES, INCLUDING:

D. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on domestic or foreign travel, emigration, and repatriation. Czechs who emigrated during the period of Communist rule frequently return to visit, or even to settle, and are able to regain Czech citizenship if they wish, although to do so they must relinquish their claim to any foreign citizenship. Citizenship is not revoked for political reasons. Nonetheless, the United Nations High Commissioner for Refugees (UNHCR) has expressed concern to the Government that its 1993 citizenship law has created a problem of statelessness, especially among Roma (see Section 5).

**SECTION 3. RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF
CITIZENS TO CHANGE THEIR GOVERNMENT**

The Constitution provides citizens with the right to change their government by democratic means, and citizens exercise this right in practice. Citizens over the age of 18 are eligible to vote by secret ballot in republic-wide and local elections. Opposition groups, including political parties, function openly and participate without hindrance in the political process. Former Czechoslovaks who elected representatives to the Czech National Assembly in 1992 and whose current citizenship status is unclear, especially Roma, continue to lack voting rights (see Section 5).

[. . .]

No seats are reserved in either house for ethnic minorities. Slovaks, of whom there are an estimated 300,000, are almost all “Czechoslovaks” who elected to live in the Czech republic after the split. Many serve in high positions in the civil service. For the most part, these Slovaks define their interests in the context of Czech politics, not along ethnic lines; there is no Slovak party in the Parliament.

In contrast, many of the estimated 200,000 to 250,000 Roma have not been fully integrated into society (see Section 5). The political culture generally defines Roma as outsiders. Roma themselves have not united behind a program or set of ideals that would enable them to advance their interests in the democratic structures of the country. A few Roma serve in local government structures, and some have been appointed to advisory positions in government ministries. There are currently no Romani representatives in the Parliament; no seats are reserved for ethnic minorities.

SECTION 4. GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

In each house of Parliament there is a petition committee for human rights and nationalities, which includes a subcommittee for nationalities. A government-sponsored Council for Nationalities advises the Cabinet on minority affairs. In this body, Slovaks and Roma have three representatives each; Poles and Germans, two each; and Hungarians and Ukrainians, one each. There is also a government commission staffed by members of the NGO and journalist communities that monitors interethnic violence. In September the Government agreed to create a new commission for Romani affairs, which is to advise the Government. Observers believe that the commission offers a significant opportunity to enhance the dialog between the Government and the Romani community.

SECTION 5. DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

CHILDREN

Romani children are often relegated to "special schools" for the mentally handicapped and socially maladjusted. Both a government program and various private initiatives exist to prepare Romani children for mainstream schools (see Section on National/Racial/Ethnic Minorities below).

NATIONAL/RACIAL/ETHNIC MINORITIES

After ethnic Slovaks, the largest minority is the Romani population, officially estimated to number approximately 200,000. Roma live throughout the country but are concentrated in the industrial towns of northern Bohemia, where many eastern Slovak Roma were encouraged to settle in the homes of Sudeten Germans transferred to the west more than 40 years ago.

Roma suffer disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease. They are subject to deeply ingrained popular prejudice, as is repeatedly affirmed by public opinion polls. The State funds television and radio programs for Roma on public stations, as well as supporting Romani press publications, and in 1997 there was more and better information available on Roma in the mainstream press and other sources. However, efforts by foundations and individuals in the education and health fields to improve their living conditions have had only minimal impact. Romani leaders have had limited success thus far in organizing their local communities, which are often disunited and where many are reluctant to foster contacts with the majority.

Interethnic violence is usually perpetrated by skinheads, according to a May report on security by the Interior Ministry. A March report on racially motivated crime in 1996 by the Attorney General's Office found that Roma were the most likely victims of such crimes, and that the number of incidents continued to rise. This may be the result of increased vigilance against such crimes by law enforcement and justice personnel since mid-1995. Nonetheless, judges and police officers have been reluctant to ascribe a racial motive to anti-Roma violence, even

when skinheads are involved. For example, in June a judge in Hradec Králové refused to apply laws relating to racial motives, ruling that there could be no such motives in Czech-Roma conflicts because both belong to the same, Indo-European race. The Justice Ministry subsequently lodged a procedural complaint with the Supreme Court related to this ruling. Following the complaint, the Supreme Court struck down this interpretation of the law in October and returned the case for a new ruling.

There were numerous incidents of violence or intimidation directed against Roma. In September a gang of drunken men aged 18 to 24 fired pistols, broke windows, and shouted "gypsies to the gas chambers" in front of a house inhabited by Roma in Domazlice. During that incident, one 36-year-old Romani woman died of suffocation during an epileptic seizure apparently brought on by acute fright. The police prepared charges against 11 suspects. In February the regional court in Ostrava upheld an earlier sentence involving eight youths who had attacked and severely beaten three Romani girls in Karvina in 1995. In March the České Budejovice regional court found four youths guilty of negligence in the death of Tibor Danihel, an 18-year-old Rom who drowned after a gang of skinheads forced him into the Otava river in Písek in September 1993. The court found the crime to be racially motivated. Two of the youths received sentences of 31 months, a third 22 months, and the fourth a 2-year suspended sentence. In connection with this case, a government minister criticized the generally careless work of the state administration in investigating and prosecuting racially motivated crime, and a prominent human rights activist charged that such delays as seen in the Danihel case contributed to other criminals' sense of impunity. In December the Justice Minister filed a complaint with the Supreme Court questioning whether the defendants were guilty merely of negligence in Danihel's death.

Laws prohibiting racist attacks (normally intended to protect minorities) were also invoked against Roma. In March in Louny, five Roma said to be celebrating a relative's release from prison attacked and shouted race-related insults at a group of police officers who had come to investigate the disturbance. The local state attorney charged them with defamation of a nation/race/creed in addition to two other charges. In April a police investigator in Breclav filed the same charge against three Roma who attacked two skinheads. That charge carries a penalty of up to 3 years in prison.

Verbal attacks against Roma recur frequently in fringe publications. Criminal charges were filed against the editors of a magazine belonging to the Association for the Republic-Republican Party of Czechoslovakia (SPR-RSC), an extremist, far-right political party represented in the Parliament yet shunned by the democratic parties, for publishing offensive statements regarding Roma. In one issue of the magazine Roma were likened to garbage that must be either recycled or incinerated. The investigation is continuing. Some members of the mainstream political culture consistently condemned such statements when they were made in a public forum.

In the larger context, those Roma wishing to integrate face practical difficulties in the areas of employment and education. Romani unemployment was estimated at 70 percent in a report prepared at the Government's request. According to the same report, many unemployed Roma subsist on government support or their earnings from illegal ac-

tivities. Some employers refuse to hire Roma and explicitly ask local labor offices to refrain from sending Romani applicants for advertised positions. Most Roma are qualified only for low-paying jobs as manual laborers, since very few complete secondary education.

The integration of Romani children into mainstream schools is frequently impeded by language and cultural barriers. Some Romani parents do not send their children to school regularly for a variety of reasons, including subtle or overt discrimination; the expense of books, supplies, and activities; and because some Romani parents doubt the importance of education. According to a 1991 study (the only such study available after 1989) less than 20 percent of the self-identified Romani population in the Czech lands had completed elementary school and less than 5 percent had completed high school. Such statistics provide only a rough picture of the actual situation, however, since a large majority of Roma do not identify themselves as such for census-takers.

A significant number of Romani children are taken from mainstream schools at an early age and sent to study at "special schools" for the mentally disabled and socially maladjusted. According to unofficial estimates by Ministry of Education employees and NGO's, Romani children makeup 60 percent or more of pupils placed in these "special schools," although Roma are estimated to comprise only 2 to 3 percent of the population.

In 1993 the Government created the framework for a number of year-long programs (so-called zero grades) to prepare disadvantaged youths for their first year in school. Many districts with high concentrations of Roma participate in the program, which is funded solely by local authorities. Students' participation in the zero grades is voluntary, which many observers feel limits the program's effectiveness. About half of existing zero grades are organized by special schools for the mentally disabled and socially maladjusted; the pupils in these classes frequently proceed directly into the special school curriculum and are thus never given the opportunity to attend a mainstream school. Nonetheless, there is anecdotal evidence that some zero grades are successfully preparing disadvantaged Romani children for mainstream schools. A number of private initiatives to prepare Romani children for mainstream schools have also emerged in recent years, such as those in Rokycany, Ostrava, and elsewhere.

Roma also face discrimination in housing and other areas of everyday life. In July a senator, also the mayor of the Prague 4 district, praised one landlord's efforts to move "problem tenants" (widely understood to mean Roma) to an outlying part of town. Many journalists and politicians criticized these remarks for appearing to advocate a policy of segregation. Some restaurants, pubs, and other venues throughout the country routinely refused service to Roma and posted signs prohibiting their entry. In some cases, local authorities intervened to have such signs removed.

In February in the first prominent antidiscrimination case, the Pilsen regional court annulled a 1996 decision that found pub owner Ivo Blahout not guilty of discriminating against Romani patrons, despite videotaped evidence and the incriminating testimony of two policemen. The case was returned to a lower court for retrial.

In December the Kladno district court found the local deputy mayor guilty of incitement to national/racial hatred for closing the municipal swimming pool to Romani children in July 1996, fining him about \$445

(14,000 Kcs). At the time, a hepatitis epidemic was sweeping the town and was particularly prevalent among Roma, yet local health officials stated that the measure would not be effective in containing the outbreak.

Czech Roma claiming persecution in the Czech Republic and applying for refugee status in Canada and Western Europe generated significant discussion. In August a private television station broadcast a program on Roma applying for refugee status in Canada, portraying that country as offering asylees' a warm welcome. The broadcast spurred hundreds of Roma to sell their possessions to buy airline tickets to Canada, and many more attempted to raise the money for airfare. Posters appeared in Usti Nad Labem urging Roma to depart for Canada and offering material assistance. A district mayor in the town of Ostrava offered to pay two-thirds of the airfare to Canada for Roma living in her jurisdiction if they relinquished the leases on their municipal flats. That official was criticized sharply in press commentary and by some parliamentarians and rebuked mildly by her party. By October over 1,200 Roma had applied for refugee status in Canada. Dozens of other Czech Romani families applied for refugee status in the UK, France, and elsewhere in Western Europe.

Faced with this "exodus" of Czech Roma, the Government deliberated the issue of Romani integration with a renewed sense of urgency. The Prime Minister met with Romani representatives, and an ad hoc group convened by the Office of the Government prepared a report on the Romani minority for the Cabinet. In September the Government approved the creation of a new commission for Romani affairs. Government ministries also adopted numerous, related taskings in an effort to foster Romani integration, such as expanding the "zero grade" program, training ethnic Romani teaching assistants for public schools, attempting to induce employers to hire more Roma, and stricter enforcement of consumer protection laws where businesses refuse to serve Roma. The President and some politicians urged Roma not to leave the country.

The 1993 Citizenship Law has been criticized by the UNHCR and the Council of Europe, although its discriminatory impact was mitigated by the constructive implementation of an amendment in April 1996. Under the 1993 law, created at the time of the Czech-Slovak split, Czechoslovaks of Slovak nationality ("Slovaks") were able to opt for Czech citizenship until December 1993 (later extended to June 1994) under conditions more favorable than those faced by non-Czechoslovaks in the normal naturalization process. Nonetheless, "Slovaks" had to present proof of a clean criminal record for the previous 5 years and residency in what is now the Czech Republic for 2 years. Romani leaders and human rights groups protested that these provisions were designed to discriminate against Roma, most of whom were designated as being of Slovak nationality by a 1969 law. After June 1994, "Slovaks" could apply only for naturalization, a more stringent process.

The practical result of the law was that an unknown number of "Slovaks" resident in the Czech republic at the time of the split—a great many of them Roma—found themselves without Czech citizenship. Some failed to meet the law's requirements; others never applied, either out of negligence or ignorance of the consequences. Many of these Roma were long-term residents of, or born in, the Czech Republic. Without citizenship or residency, these individuals do not have the right to work, to health insurance, or to any of the social benefits enjoyed by nearly all

citizens and residents. "Slovaks" with valid identification may claim Slovak citizenship at any time, although many have no family, property, or other ties in Slovakia.

Most but not all former Czechoslovaks living in the Czech Republic appear to have resolved their current citizenship. The Interior Ministry has never given an official estimate of the number of people without citizenship, but approximately 3,500 applications are currently pending, most of them until proof of release from Slovak citizenship is presented. The Citizenship Project, an NGO sponsored by the Czech Helsinki Committee that actively helps former Czechoslovaks through the citizenship application process, and which has registered about 3,000 requests for assistance from "Slovaks" applying for Czech citizenship, states that many more have not applied and that only the Government is in a position to gauge the scope of the problem.

Responding to domestic and international criticism, the Government amended the law in 1996, allowing the Interior Ministry to waive the clean criminal record requirement for individual "Slovaks" resident in what is now the Czech Republic since before the 1993 split. By mid-September, 2,077 "Slovaks" had applied for the waiver; of these, 2,043 (98.4 percent) were successful and 34 (1.6 percent) were denied; a negative decision could be appealed to the Minister of Interior and then to the courts. Interior Ministry policy was to deny only those who had committed serious crimes. In November the Interior Ministry pledged to grant the waiver to all new qualified applicants as well as to previously unsuccessful waiver applicants as well as to previously unsuccessful waiver applicants who appeal; however, six individuals were who were denied the waiver and subsequently deported are unable to appeal the ministry decision unless their sentence of expulsion is overturned by a court. In two of those six cases, the Justice Ministry issued a procedural complaint against the sentence of expulsion. The Government has taken no steps to publicize its new policy.

Some other practical problems have been addressed. For example, in March the Interior Ministry agreed not to require additional criminal registry records (which are valid for only 6 months) from prisoners while their citizenship applications are pending, although it continued to require them from those in pretrial detention. However, other problems persist. The failure of one family member to secure residency or citizenship prevents the entire family from receiving certain social subsidies. "Slovak" applicants who have never set foot in Slovakia, even school-age children, must still obtain an official release from Slovak citizenship. Police who come across "Slovaks" without proper citizenship or residency papers can and do expel them to Slovakia. A total of 122 Slovak citizens (an indeterminate number of whom had long-term ties to the Czech Republic) were expelled and 189 were sentenced to "prohibition of stay" in the first half of the year.

The Citizenship Project sponsored by the Czech Helsinki Committee documented over 500 cases of minors in children's homes and foster care arrangements who lack Czech citizenship or permanent residency and believes that there are several hundred more. Typically, the children are ethnic Roma who were formally deemed Slovak citizens following the Czech-Slovak split. All noncitizen children in foster care may claim permanent residency, but this is canceled on their release. Those who are released from foster care at age 18 without citizenship or residency lack the right to work, register as job seekers at local labor of-

fices, claim social benefits, or vote, and are believed more likely to become involved in crime and face deportation. Even in children's homes where the directors take an active interest in resolving the problem, legal expenses and local bureaucratic intransigence present significant barriers. In 1997 the Interior Ministry cooperated with the Czech Helsinki Committee to inform the directors of state institutions about the issue.

Racism and discrimination in society were the subject of increased attention during the year. The November murder of a Sudanese student in Prague by a skinhead was followed by significant antiracism demonstrations around the country and resulted in considerable public discussion on racism in Czech society. Two suspects were taken into custody by year's end. Nonwhite foreigners continued to be at risk of physical violence and harassment; police and courts generally responded appropriately. The Prague 4 district court found a local youth guilty of attacking a visiting Japanese scientist but failed to establish a racial motive; the assailant had allegedly mistaken the victim for a Vietnamese. In June the Brno municipal court found one youth guilty of attacking a long-term resident university professor from Benin and attributed a racial motive to the attack; the youth had verbally assaulted the victim in a tram and kicked him in the face while wearing spiked boots. In late November 1996 three youths from Olomouc who had attacked a Pakistani student were found guilty and given suspended prison sentences. In March visiting university lecturer of Indian origin was stalked and attacked by youths; he then left the country without filing charges, said by friends to fear reprisals.

GREECE

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

In 1996 a Romani man was shot and killed by a police officer while lying face down on the pavement at a police roadblock in Livadia. The officer was charged with involuntary manslaughter. The case was pending at year's end.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

While the Government generally respects citizens' political rights, there are sometimes charges that it limits the right of some individuals to speak publicly and associate freely on the basis of their self-proclaimed ethnic identity, thus impinging on the political rights of such persons. In the 1996 parliamentary elections, however, three Muslim deputies were elected in Thrace, one each from PASOK, New Democracy, and the Coalition of the Left. Romani representatives report that local authorities sometimes deprive Roma of the right to vote by refusing to register them.

**SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION,
DISABILITY, LANGUAGE, OR SOCIAL STATUS**

CHILDREN

Child health specialists say that some social groups, such as Roma and illegal immigrants, are underserved. Children's rights advocacy groups claim that protection of high-risk children in state residential care centers is inadequate and of low quality. They cite lack of coordination between welfare services and the courts, inadequate funding of the welfare system, and poor staffing of residential care centers as systemic weaknesses in child abuse prevention and treatment efforts. Child health specialists note that the number of children in residential care facilities is decreasing, while the number in foster care is rising.

National/Racial/Ethnic Minorities

There are communities that identify themselves as Turks, Pomaks, Vlachs, Roma, Arvanites (ethnic Albanians), and "Macedonians" or "Slavomacedonians." Most are fully integrated into society. The Government formally recognizes only the "Muslim minority" specified in the 1923 Treaty of Lausanne, applying the term to several different ethnic communities. Most of the Muslim minority (officially estimated at 120,000 persons) is ethnically Turkish or Turcophone and lives in Western Thrace. The Muslim minority also includes Pomaks and Roma. Many Greek Muslims, including Pomaks, identify themselves as Turks and say that the Muslim minority as a whole has a Turkish cultural consciousness. While use of the term "tourkos" ("Turk") is prohibited in titles of organizations, individuals may legally call themselves "tourkos." To most Greeks, the word "tourkos" connotes Turkish identity or loyalties, and many object to its use by Greek citizens of Turkish origin. Use of a similar adjective, "tourkoyennis" (of Turkish descent, affiliation, or ethnicity) is, however, allowed. In June a dozen Muslim teachers were each sentenced to 8 months in prison for using the term "Turkish teachers of Western Thrace" in signing a union document. Their sentences were suspended pending appeal.

[. . .]

Roma frequently face discrimination in employment and in housing, particularly when attempting to rent accommodations. They experience police abuse more frequently than some other groups, particularly when police raid entire Roma camps based on a warrant to arrest one individual.

The General Secretariat for Adult Education (GSAE), a government agency, estimated the Romani population to be 150,000 to 200,000 in 1997. Nonofficial sources estimate the total at 250,000 to 300,000. Most of the Roma in Western Thrace are Muslim; elsewhere, the majority are Greek Orthodox. Almost half are permanently settled, mainly in the Athens area. The other half are mobile, working mainly as agricultural laborers, peddlers, and musicians throughout the country. The GSAE reports that the number of Roma who move around the country is gradually decreasing as families settle into slums in the suburbs of major cities. Government policy is to encourage the integration of Roma. Poverty, illiteracy, and social prejudice continue to plague large parts of the Romani population; these problems are most severe among the Roma who are mobile or who live in slums. The GSAE conducts education and training programs for the Romani population. The illiteracy rate among Roma is estimated at 80 percent. The Ministry of Education

established a system of identity cards designed to permit students to change schools easily as their parents move and is developing a system of satellite schools for Romani settlements.

The integration of Roma into public social security systems is quite low. It is estimated that 90 percent of Roma are not insured by the public social security systems, as they are unable or unwilling to make the required contributions. Like all Greek citizens, the Roma are entitled to free emergency health care. Their access to health care is at times hindered by the fact that their encampments are located far from public health facilities.

In April the mayor of Ano Liossia ordered the eviction of 100 Romani families living on private land next to the landfill that serves the greater Athens area. According to human rights observers and Roma, the residents were given only a few hours notice to remove their possessions before bulldozers leveled their shacks. Roma claim that there had been a Romani encampment on the site for 15 years and criticized the short notice and apparently arbitrary nature of the eviction.

Projects announced in 1996 to improve Romani living conditions have not yet been implemented. The Prime Minister has designated a member of his staff to coordinate the efforts of all government ministries having a role in the integration of Roma.

HUNGARY

[INTRODUCTION]

The Government has demonstrated through its macroeconomic policies and extensive privatization its commitment to the transition to a market economy. The private sector generates about 75 percent of gross domestic product. Services, trade, and government employ about 63 percent of the labor force, and industry nearly 30 percent. Major exports include manufactured goods (41 percent) and machinery and transport equipment (39 percent). An estimated 25 percent of the population live in poverty, with elderly pensioners, dependent housewives and children, and Roma most affected.

The Government generally respects human rights and civil liberties of its citizens; however, in practice the authorities do not always ensure due process in all cases. Prosecutors and judges may impose what amounts to unlimited pretrial detention, although the Government expanded legal provisions for the right to fair trial. Police on occasion enter private residences to check foreigners' identification without warrants. Although senior levels of the Interior Ministry and the National Police addressed problems in specific cases, police continued to use excessive force against suspects. Police harassed and abused both Roma and foreign nationals.

The print media are completely privatized and enjoy a high degree of independence. The electronic media remain a mixture of state-run and private enterprises: the two largest stations are state owned, but in October three commercial stations began broadcasting. Opposition politicians and some journalists criticized what they termed the Government's "media monopoly," the constraints it purportedly imposes on press freedom by economic pressure, and its discrimination against conservative media. However, there is no evidence of government interference with editorial content. Societal discrimination against Roma remains a serious problem. Anti-Semitic and racist attacks continued

to decline. Spousal abuse of women, sexual harassment, and discrimination in the job market remain serious problems. Steps were implemented to improve the rights of women and persons with disabilities.

**SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,
INCLUDING FREEDOM FROM:**

**C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING
TREATMENT OR PUNISHMENT**

No known incidents of torture occurred. Police abuses continued, including harassment, use of excessive force, and beatings of suspects. Police also continued to harass and physically abuse Roma and foreign nationals. A total of 164 police officers were accused of physical abuse in 1995 (latest available data), a three-fold increase over 1994.

D. ARBITRARY ARREST, DETENTION, OR EXILE

Pretrial detention, based on a warrant issued by a judge, is initially limited to 1 year while criminal investigations are in progress; it may be extended indefinitely on the prosecutor's motion (provided the judge concurs). The lack of a bail system gives tremendous leeway to the judge. In 1996 the average length of pretrial detention was 3 to 6 months, although nearly 10 percent of detainees were held for periods ranging from 8 to 12 months. In addition, foreigners are usually held until their trial since they are considered likely to flee the country. Roma allege that they are kept in pretrial detention longer and more frequently than non-Roma (see Section 1.e.). The law provides for compensation when a detainee is released for lack of evidence, but the procedure is exercised rarely since detainees must undertake a complicated legal procedure to pursue their claims.

E. DENIAL OF FAIR PUBLIC TRIAL

Many human rights and Romani organizations claim that Roma receive less than equal treatment in the judicial process. Specifically, they allege that Roma are kept in pretrial detention more often and for longer periods of time than non-Roma. This allegation is credible in light of general discrimination against Roma; however, there is no statistical evidence because identifying the ethnicity of offenders is not allowed in police records.

**D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN
TRAVEL, EMIGRATION, AND REPATRIATION**

There are no restrictions on the movement of citizens within or outside the country, including on the rights of emigration and repatriation. However, local authorities have in some cases tried to expel Roma from towns or to induce Roma to live in what amount to ghettos. The Government may delay but not deny emigration for those who have significant court-assessed debts or who possess state secrets. It requires that foreigners from countries that do not have a visa waiver agreement with Hungary obtain exit visas each time they leave the country, although blanket permission is sometimes available.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

There are no legal impediments to women's participation in government or the political process; 43 of 383 parliamentary deputies are women. There are few women in leadership positions in the Government or the political parties. Several minorities are represented in Parliament, including one Rom, one ethnic German, one ethnic Slovak, one ethnic Croat, and one ethnic Romanian.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

Numerous human rights organizations operate without government restriction or interference. Many nongovernmental organizations (NGO's) report that the Government is generally responsive to their requests for information. However, individual police units and prosecutors are reportedly uncooperative at times, particularly in cases involving Roma or police abuses. Some NGO's also reported attempted intimidation and harassment by the police. There is also an active 20-member parliamentary Committee for Human, Minority, and Religious Rights.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

The Constitution provides for individual rights, equality, and protection against discrimination, but in practice discrimination still exists, particularly against Roma.

NATIONAL/RACIAL/ETHNIC MINORITIES

The 1993 Law on Ethnic and Minority Rights establishes the concept of collective rights of minorities and states that minorities need special rights in order to preserve their ethnic identities. It explicitly permits organized forms of limited self-government in areas where ethnic groups constitute a majority and states that the establishment of self-governing bodies must be made possible in localities where an ethnic group constitutes less than a majority of the population. The law permits associations, movements, and political parties based upon an ethnic or national character and mandates the unrestricted use of ethnic languages. Only those ethnic groups that have lived within the country's present borders for at least 100 years and whose members are citizens may obtain recognized status under this law.

On this basis, the law specifically grants minority status to 13 ethnic or national groups. Other groups may petition the Chairman of Parliament for inclusion if they include at least 1,000 citizens and have their own language and culture.

In 1994 the first elections were held for minority local self-government entities, which resulted in the formation of over 600 minority local bodies. The number grew in 1995 to 817 organizations, of which 477 are Roma groups. With funding from the central budget (\$7.5 million [1.5 billion forints] in 1997) and logistical support from local governments, these bodies have as their primary responsibility influencing and overseeing local matters affecting the minorities. In 1995 these groups elected national minority self-government bodies, whose effectiveness has varied widely. The non-Romani minorities appear to be the

most satisfied, while Romani leaders express frustration with the self-governments' lack of clear authority, responsibility, or resources. These entities' greatest value is that they provide a platform for minorities to address local and national government organizations; their greatest weakness is that the Government is compelled to listen, but not to act.

In 1995 Parliament appointed an Ombudsman—currently an ethnic German—specifically charged with defending minority rights.

Roma constitute at least 4 percent of the population; Germans, the second largest minority group, constitute about 2 percent. Smaller communities of Slovaks, Croats, Romanians, Poles, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians, all are recognized as minorities.

Education is available to varying degrees in almost all minority languages. There are minority-language print media, and the state-run radio broadcasts 2-hour daily programs in the mother tongue of major nationalities, i.e., Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carries a 30-minute program for the larger minority groups, complemented by 5-minute weekly news bulletins. And the newly-privatized television stations also carry weekly programs for ethnic minorities.

Conditions of life within the Romani community are significantly worse than among the general population. Roma suffer from discrimination and racist attacks and are considerably less educated, with lower than average incomes and life expectancy. The Romani unemployment rate is estimated to be 60 to 85 percent, over six times the national average of 10.3 percent. With unemployment benefits exhausted and social services stretched thin, Roma often confront desperate situations.

Roma continue to suffer widespread discrimination in education, housing, and access to public institutions, including restaurants and pubs. Discrimination in education was highlighted when the town of Tiszavasvári held separate graduation celebrations in June for Roma and non-Roma high school students. Local authorities segregated Roma students in a separate school from non-Roma for 12 years because, local officials allege, they carry lice and have proportionately more learning disabilities. Local officials deny any discrimination; the Government criticized the local authorities, but took no steps to correct the situation. Roma schools are more crowded and in markedly poorer condition than those attended by non-Roma. The Helsinki Committee found that there are 132 similarly segregated schools throughout the country.

In what is considered a landmark case, in July a court ordered a bar owner in the city of Pécs to pay a \$750 fine and take out newspaper advertisement apologizing for refusing to serve a Rom.

Local officials have in some cases taken advantage of rules prohibiting overcrowded, unsafe or unsanitary housing, or punishing nonpayment of utility bills to evict Roma families from residences without providing alternative housing as the law requires. In July in Satoraljaujhely, the local government ordered the expulsion of two Roma families for disturbing the peace. Central government officials condemned the decree but did not move to overturn it (see Section 1.d.).

The Government sponsors programs both to preserve Romani languages and cultural heritage and to assist social and economic assimilation. There is a Coordination Council for Romani Affairs attached to the Prime Minister's Office. In July the Government published an action plan designed to improve living conditions in Romani communi-

ties, with specific focus on public health, education, and work training. However, the plan provides no additional funds; rather, it redistributes already inadequate resources. Widespread popular prejudice against Roma nonetheless continues. Police commonly abuse them (see Section 1.c).

The Helsinki Committee recorded 2 cases of skinhead assaults (one against a group of Roma, the other against an Asian student.) According to press reports, a Sudanese man was attacked in Budapest by four skinheads in December. The attackers were arrested and the case is under investigation. Foreigners of color reported harassment by police and at border control checkpoints. The Martin Luther King Organization (MLKO), which documents assaults on nonwhites, recorded six such incidents in the first half of 1996, a higher rate of assaults than the total (seven) for 1995 (latest available data). MLKO sources believe many cases go unreported.

ITALY

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

The law prohibits torture and cruel or degrading punishment. However, there have been some reports of abuse by police. Amnesty International (AI), the United Nations Human Rights Commission (UNHRC), the United Nations (U.N.) Committee Against Torture, the U.N. Special Rapporteur on Torture, and the Council of Europe's Committee for the Prevention of Torture (CPT) reported instances in which police abused detainees, commonly at the time of arrest or during the first 24 hours in custody, before detainees saw an attorney or a judicial authority. Examples of mistreatment include insults, particularly those aimed at aliens or Roma, kicking, punching, beatings with batons, or deprivation of food. A high proportion of these cases involve non-European Union immigrants (mostly Africans), Roma, and persons held in connection with drug-related offenses. The U.N. Committee, the UNHRC, the U.N. Special Rapporteur on Torture, and Caritas expressed concern over a possible trend towards racism. Amnesty International (AI), the UNHRC and the U.N. Committee noted that, although authorities routinely investigate complaints of mistreatment in detention, some of the investigations lack thoroughness. The U.N. Committee and the UNHRC also questioned whether appropriate sanctions were imposed on those found guilty. Italy has ratified all of the principal international instruments prohibiting torture and cruel, inhuman, or degrading treatment or punishment, but the CPT and the UNHRC recommended that the authorities take more effective steps to safeguard detainees and inmates from treatment. The CPT's first visit to Italian prisons was in 1992. Further visits took place in 1995 and 1996, but only the report on the 1995 visit was available by the end of the year. In the report, the CPT called on the Government to provide more formal training for prison guards, highlighting the rights of detainees, and for improvements in the investigation of complaints by prisoners. AI reported several specific instances of mistreatment by law enforcement and prison officers. One involved the alleged beating and verbal abuse of the driver of a car by police officers

acting as bodyguards for a judge in Sicily. The driver filed a complaint against the police, but a prosecutor, after reviewing the case, recommended that charges not be filed against the police. This recommendation is under review. In 1996 AI reported that an Italian citizen of Nigerian origin filed a complaint with the courts claiming that she had been beaten by two police officers, who had asked her for her identity documents. Court hearings into this complaint are underway. The case of the Ghanaian citizen resident in Denmark who reportedly was beaten by police at the Rome airport in 1995 was referred to the Rome prosecutor's office. There is no information regarding an investigation.

NATIONAL/RACIAL/ETHNIC MINORITIES

Immigrants and other foreigners face societal discrimination. Some are subjected to physical attack. Roma encounter difficulties finding places for their groups to stay. The city of Rome opened six camps for them and launched a program of compulsory schooling for Roma children.

MACEDONIA

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

The Constitution provides for freedom of association, and the Government respects this right in practice. Political parties and organizations are required to register. More than 40 political parties are registered, including ethnically based parties of Albanians, Turks, Serbs, and Roma. However, A new Albanian party was not able to register due to an ongoing judicial proceeding.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

Minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma, have political parties to represent their interests. Minorities nevertheless complained that the political structures were biased against them. Some ethnic Albanians claim that Albanian-majority districts had far more voters than ethnic Macedonian ones, thus violating the "one-person, one-vote" principle. There is some merit to this complaint, but the coalition partner ethnic Albanian party was closely consulted by the Government during a redistricting of the country's municipalities in 1996 and obtained changes in the law that it sought. Some ethnic Albanians also complain that alleged discrimination against them in citizenship decisions effectively disenfranchises a large portion of their community (see Section 2.d.).

Ethnic minority Members of Parliament include 19 Albanians, 2 Roma, 1 Serb, and 1 Turk. There are five cabinet ministers from ethnic minorities, all ethnic Albanians.

**SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION,
DISABILITY, LANGUAGE, OR SOCIAL STATUS**

NATIONAL/RACIAL/ETHNIC MINORITIES

The population of 2.2 million is composed of a variety of national and ethnic groups, mainly Macedonians, Albanians, Turks, Roma, Serbs, and Vlachs. All citizens are equal under the law. The Constitution provides for the protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school and the official use of ethnic minority languages in areas where ethnic minorities make up a majority of the population.

[. . .]

Little tension is evident between the Roma and other citizens of the country, although Roma tend to occupy the lowest economic rung of society. In 1996 optional education in the Romani language started at four elementary schools, although there has been no call for a full curriculum. There are two Roma Members of Parliament. There is some Romani-language broadcasting.

POLAND

**SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION,
DISABILITY, LANGUAGE, OR SOCIAL STATUS**

NATIONAL/RACIAL/ETHNIC MINORITIES

The Romani community, numbering around 40,000, faced disproportionately high unemployment and was harder hit by economic changes and restructuring than were ethnic Poles, according to its leaders. The national Government does not overtly discriminate against Roma; however, some local officials have been known to discriminate by not providing services in a timely manner or at all. Some schools have experimented with separate special classes for Romani children, stating that because of economic disadvantage, language barriers, and parental illiteracy, Romani children are behind their non-Romani counterparts when starting school. One teacher in the province of Nowy Sacz referred to Romani students in her classroom as "retarded" when speaking to a group of Romani advocates.

PORTUGAL

[INTRODUCTION]

Citizens enjoy a broad range of civil and other human rights, which the Government generally respects. Civil rights are outlined in the Constitution with specific reference to the Universal Declaration of Human Rights. The principal human rights problem is the occasional beating of detainees or prisoners by police or prison personnel. Credible although infrequent reports of this problem continued, as did reports of poor conditions in prisons. Violence against women, child labor, and discrimination against Roma are problems.

**SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION,
DISABILITY, LANGUAGE, OR SOCIAL STATUS**

NATIONAL/RACIAL/ETHNIC MINORITIES

The principal minority groups are immigrants, legal and illegal, from Portugal's former African colonies. There is also a resident Romani population. Fifteen skinheads were convicted in June for the 1995 beating death of a Cape Verdean immigrant; they received jail sentences ranging from 2 to 18 years. The law permits victims and antiracism associations to participate in race-related criminal trials by lodging criminal complaints, retaining their own lawyers, and calling witnesses.

A Romani family forced to move in 1996 in the face of local hostility was evicted by another municipal government following complaints by local residents that alleged Romani involvement in criminal activity. In April all adult members of this family were jailed on drug charges, although one package of alleged narcotics was later revealed to be flour. The family patriarch accused the police of unfairly targeting him because a family member had earlier implicated 13 National Republican Guard members in narcotics trafficking. Press coverage of the incident focused on the fact that the Government's High Commissioner for Immigration and Ethnic Minorities submitted a report to the Prime Minister that called on the central Government to act against popular militias, which are groups of citizens who engage in intimidation of Romani communities with the aim of forcing them to abandon settlements.

ROMANIA

[INTRODUCTION]

The Government generally respected the human rights of its citizens; however, several serious problems remained. Police continued to beat detainees. The Government investigated police officers suspected of abuse and indicted officers accused of criminal activities in military courts. However, investigations of police abuses are generally lengthy and indeterminate, and rarely result in prosecutions or punishment. Poor prison conditions led to hunger strikes and violent protests in February. The judiciary remains subject to executive branch influence, although it was reorganized and is increasingly independent. Discrimination and violence against women remained serious problems. A large number of impoverished and apparently homeless children continued to roam the streets of large cities. Government and societal harassment of religious minorities was a problem. Discrimination and violence against Roma continued.

**SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF
CITIZENS TO CHANGE THEIR GOVERNMENT**

The Constitution and electoral legislation grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains at least 5 percent of the average number of valid votes needed to elect a deputy outright (1,784 votes in the 1996 elections). Organizations representing 15 minority groups elected deputies under this provision in 1996. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are

underrepresented in Parliament because of low Roma voter turnout and internal divisions that worked against the consolidation of votes for one candidate, organization, or party. They have not increased their parliamentary representation beyond the one seat provided through the Constitution and electoral legislation.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

Domestic human rights monitoring groups include the Romanian Helsinki Committee (APADOR-CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Institute For Human Rights, and several issue-specific groups such as the Young Generation of Roma and the Center for Crisis Intervention and Study, also a Romani NGO. Other groups, such as political parties and trade unions, continued to maintain sections monitoring the observance of human rights.

These groups, as well as international human rights organizations, functioned freely without government interference. However, local NGO's have experienced uneven cooperation from the General Inspectorate of Police, which is responsible for investigating police abuses.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

NATIONAL/RACIAL/ETHNIC MINORITIES

The Romani population, estimated at approximately 2 million persons, continues to be subject to societal discrimination, harassment, beatings, and violence. In January following a dispute in a bar in the village of Tanganu, villagers ransacked the houses of several Romani families. In January 3 men suspected of leading a mob that murdered 3 Roma men and destroyed 17 Romani homes in September 1993 were arrested. This case and others involving Romani deaths and destruction of Romani property were still under investigation by prosecutors or review by the courts at the end of August.

RUSSIA

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

NATIONAL/RACIAL/ETHNIC MINORITIES

Ethnic Roma from the Caucasus and Central Asia face widespread societal discrimination, which is often reflected in official attitudes and actions. In addition, since 1993 discrimination against people from the Caucasus and Central Asia increased concurrently with new measures at both the federal and local levels to combat crime. Law enforcement authorities targeted people with dark complexions for harassment, arrest, and deportation from urban centers (see Section 2.d.). In Moscow such persons are subjected to far more frequent document checks than lighter-skinned persons, and are frequently detained or fined in excess of permissible penalties, often without formal documents of the infrac-

tion being drawn up and presented by police. Reports also suggest a pattern, at least tacitly supported by city authorities, of extortion and beatings by law enforcement officials.

SERBIA-MONTENEGRO

[INTRODUCTION]

The Government's human rights record continued to be poor. The police committed numerous, serious abuses including extrajudicial killings, torture, brutal beatings, and arbitrary arrests. Police repression continued to be directed against ethnic minorities, and police committed the most widespread and worst abuses against Kosovo's 90-percent ethnic Albanian population. Police repression was also directed against the Muslims of Sandzak and detainees and citizens who protested against the Government. While under the Constitution citizens have a right to stage peaceful demonstrations, the police seriously beat scores of protesters throughout the country, sending many to hospitals. The Government used its continued domination of Parliament and the media to enact legislation to manipulate the electoral process. In practice citizens cannot exercise the right to change their government. The judicial system is not independent of the Government and does not ensure fair trials. The authorities infringe on citizens' right to privacy. The Government used police and economic pressure against the independent press and media and restricted freedom of assembly and association. The Government infringed on freedom to worship by minority religions and on freedom of movement. The Government continues to hinder international and local human rights groups and reject their findings. Discrimination and violence against women remained serious problems. Discrimination against ethnic Albanian, Muslim, and Romani minorities continues. The regime limits unions not affiliated with the Government in their attempts to advance worker rights.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

NATIONAL/RACIAL/ETHNIC MINORITIES

The Romani population is generally tolerated, and there is no official discrimination. Roma have the right to vote, and there are two small Romani parties. However, prejudice against Roma is widespread. Skinheads murdered a Roma boy in Belgrade in October. Local authorities often ignore or condone societal intimidation of the Roma community.

SLOVAKIA

[INTRODUCTION]

Slovakia made continued progress in the difficult transition from a command-based to a market-based economy, with more than 85 percent of gross domestic product (GDP) now generated by the private sector. GDP growth continued to be strong at 6 percent, and inflation rose to just over 6 percent. Real GDP per capita is approximately \$2,800, providing most of the population with an adequate standard of living. Unemployment was high at 13 percent, with some areas of the country

reaching over 25 percent. A disproportionate number of unemployed are Roma, who face exceptional difficulties in finding and holding jobs partly as a result of discrimination. The economy is industrially based, with only 7 percent of GDP derived from agricultural production. Major exports are iron and steel, machinery and transport equipment, audio and video equipment, plastic materials, chemicals and fuels, paper, and paper products.

[. . .]

There were also increasing credible allegations of politically motivated dismissals of public officials, intimidation of opponents of government policy, and interference with the electronic media. An atmosphere of intimidation led some journalists to practice self-censorship. The Government's failure to investigate seriously the 1995 abduction and assault of the president's son, the Gaulieder case, and referendum fiasco undermine the Government's commitment to the rule of law. Discrimination and violence against women remain serious problems. A new law on universities threatened the independence of higher education. Roma faced societal discrimination, and the police often failed to provide adequate protection or follow-up against attacks on Roma by skinheads. Some anti-Semitic incidents occurred, and there was some discrimination against the Hungarian minority.

**SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,
INCLUDING FREEDOM FROM:**

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

**SKINHEAD VIOLENCE AGAINST ROMA LED TO ONE DEATH
(SEE SECTION 5).**

**C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING
TREATMENT OR PUNISHMENT**

The Constitution prohibits such practices. However, security forces do not always respect these prohibitions.

Human rights monitors reported cases of police brutality against Roma and some African students. More often the police are accused of tolerating violence against Roma by not halting or investigating attacks against Roma. For example, Human rights monitors charge that police appear reluctant to take the testimony of witnesses to skinhead attacks on Roma. Further, they reported that police used the device of counter-charges to pressure Roma victims of police brutality to drop their complaints, that medical doctors and investigators cooperated with police by refusing to describe accurately the injuries involved, and that lawyers often were reluctant to represent Roma in such situations, for fear this would have a negative effect on their practice. In 1996 the Banska Bystrica police chief, in reaction to a complaint by a nongovernmental organization (NGO), admitted police errors in Prievidza and promised disciplinary action against the officers involved. No known action was taken in the case during the year.

**SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF
CITIZENS TO CHANGE THEIR GOVERNMENT**

The large ethnic Hungarian minority, whose coalition gained 17 seats in Parliament in the 1994 elections, is well represented in Parliament and in local government but not in the central government. Roma are not represented in Parliament and hold no senior government positions.

**SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION,
DISABILITY, LANGUAGE, OR SOCIAL STATUS**

NATIONAL/RACIAL/ETHNIC MINORITIES

The largest ethnic minority is Hungarian. It is concentrated primarily in southern Slovakia, with a population registered at 570,000 (150,000 of whom are thought to be Roma who speak Hungarian and choose to declare themselves as ethnic Hungarian). Most ethnic Hungarians and ethnic Slovaks living in mixed areas continued to coexist peacefully, but there were occasional outbreaks of anti-Hungarian feeling, mostly in areas where the two do not coexist.

[. . .]

Ethnic Hungarians, Ruthenians, and Roma protested the lack of autonomy and government support for their cultural activities, particularly the Hungarian, Ruthenian, and Roma theaters whose autonomy was ended by a 1996 decree by Culture Minister Ivan Hudec. An annual national celebration of ethnic Hungarian heritage was canceled at the last minute due to lack of funds. Csemadok, the largest ethnic Hungarian cultural organization, received no government funding for the second year in a row. Government involvement in, and control of, cultural activities occurs throughout the country, however, and is not restricted to minority areas.

Roma constitute the second largest ethnic minority and suffer disproportionately from high levels of poverty and unemployment. Credible reports by human rights monitors indicated that Roma continued to suffer from discrimination in employment, housing, and administration of state services. Skinhead violence against Roma was a serious and growing problem, and monitors reported that police remain reluctant to take action. In January six skinheads attacked two Roma in Bratislava; one was hospitalized. The skinheads were arrested and remained under investigation at year's end. Also in January, skinheads in Kosice attacked a Romani employee of the NGO Office for the Legal Protection of Minorities (KPOEM). The two skinheads were arrested and fined.

In February a group of anarchists and Roma in the city of Prievidza scheduled a rally to protest racism and fascism. Skinheads arrived at the rally and shouted "Heil" and "Gypsies to the gas chambers!" Police intervened when fighting broke out, but reportedly arrested only anarchists and Roma (who were released the next day). A Romani representative wrote a letter to the Minister of Interior protesting the brutality of the police intervention, which injured several participants. In June four Roma youth were shot in a car near Levoca. One woman was killed while another remained in a critical state. The two others in the car were injured. No one was arrested.

In August two skinheads broke into a Romani home in Banska Bystrica and beat the whole family with baseball bats. The mother suffered a concussion and a broken arm while her daughter also had a broken arm. The father was left in a coma and later died of his injuries. One suspect is in prison awaiting trial.

In October 3 Romani students on their way home from school were attacked by a group of 10 skinheads. One of the Roma suffered a broken nose among other injuries. The police arrested one skinhead on probation with a prior record of violence. The case had not gone to court at year's end.

In August the perpetrator of a December 1996 knife attack on a father and son of Romani heritage, which resulted in the father's death, was sentenced to 11 1/2 years in jail for murder.

Remarks by public figures played to anti-Roma sentiment. In June 1996, Roman Hoffbauer, a Member of Parliament of the ruling HZDS party and a prominent member of the government coalition, wrote in the movement's daily newspaper, *Republika*, that Romani citizens were the cause of criminality. In October 1996, Jan Slota, leader of the SNS, reportedly said that a "small yard and a large whip are needed against the Roma." In a radio interview in the same month, Slota claimed that "70 percent of the Roma are the cause of Slovak criminality."

Persons of color also suffered from attacks or discrimination. In July skinheads from Banska Bystrica assaulted an African-American serviceman. He was taken to the hospital and treated for minor injuries. In January two Asian asylum seekers were attacked by skinheads near the bus station in Mlynske Nivy. In December a Nigerian intern at a human rights NGO was verbally and physically assaulted after appearing on a UNHCR television program about racism.

In another case in August, 20 skinheads attacked a group of students with dark complexions on a bus. When the youths tried to get off the bus, the skinheads followed them. Police intervened, but one student was hospitalized with a serious concussion. Four suspects were taken into custody but later released for lack of evidence.

SLOVENIA

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

NATIONAL/RACIAL/ETHNIC MINORITIES

The Constitution provides special rights for the "autochthonous Italian and Hungarian ethnic communities," including the right to use their own national symbols, enjoy bilingual education, and other privileges. It also provides for special status and rights for the small Romani communities, which are observed in practice.

SPAIN

[INTRODUCTION]

The Government generally respected the human rights of its citizens. However, there were problems in some areas, including police brutality, lengthy pretrial detention, and an inefficient judicial system. An Ombudsman, called the "People's Defender" in the Constitution,

serves as an independent advocate for citizen's rights. Societal violence against women, discrimination against Roma, and incidents of racism and rightwing youth violence are also problems. The Government investigates allegations of human rights abuses by the security forces and punishes those found guilty, although investigations are often lengthy and punishments can be light.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

NATIONAL/RACIAL/ETHNIC MINORITIES

Roma, who make up 2.5 percent of the population, continue to suffer discrimination in housing, schools, and jobs. Since 1991 the Madrid city government, in cooperation with the autonomous regional government, has been carrying out a program to relocate squatters (the great majority of whom are Roma) to housing projects in the region. A University of Navarra study estimated that 12,000 squatters live in camps on the margins of Madrid, although the Madrid public works councilor states that there has never been a reliable census of squatters. The daily El Pais reported in 1996 that 16 prefabricated houses exist around Madrid for the squatters ("chabolistas"), with 140 more houses planned. The city government plans to relocate 449 of the 769 families of squatters in and around Madrid by 1998. Spain's largest Romani organization, Gypsy Presence, complains that the city has put up police checkpoints and fences that make Romani communities resemble prison camps. The group's complaint that such relocation areas lack basic services is supported by NGO's and the press. The city government denies any anti-Romani bias in its actions. Thirty-one illegal families destroyed their "houses" in 1996 so that they would not be counted in the census and forced to relocate.

TURKEY

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

NATIONAL/RACIAL/ETHNIC MINORITIES

The Romani population is extremely small, and there were no reported incidents of public or government harassment directed against them.

UKRAINE

SECTION 6 WORKER RIGHTS

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

The Constitution prohibits compulsory labor, and it is not known to exist. The Government does not specifically prohibit forced and bonded labor by children, however, the Constitution and the Labor Code prohibit forced labor generally. There were press reports that young children from families of alcoholics are sold to Roma and vagabonds who force them into begging or prostitution.

OSCE COUNTRY REPORTS WITH NO REPORTING ON ROMA

Austria
Belgium
Bosnia-Herzegovina
France

