



# HELSINKI COMMISSION HEARING

UNITED STATES COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

## Testimony :: Ina Zoon

[Print](#)

Consultant - Open Society Institute

Commission on Security and Cooperation in Europe

Testimony of Ina Zoon

"Human Rights of the Romani Minority"

June 8, 2000

My name is Ina Zoon. I am a Romanian human rights activist, a member of the board of directors of the European Roma Rights Center, and I have worked on Roma issues for much of the past decade. I have just finished a report to the Open Society Institute on Roma access to social protection, health care, and housing in Romania, Bulgaria, and Macedonia. I recently visited the Czech Republic and Slovakia, and will soon visit Hungary, for a second report covering Roma access to public services in these countries. My investigations were sponsored by the Open Society Institute, which believes that pervasive discrimination against Roma in the post-communist countries of Central and Eastern Europe is a major obstacle to the development of open, democratic societies.

In my testimony today I want to make three points about the discrimination that marginalizes and excludes Roma throughout the region.

1.

First, I want to make it clear that discrimination against Roma starts with the law, and that new laws must be passed in order to eliminate such discrimination. I emphasize this because the perception is that there is nothing wrong with the laws, that the laws are racially blind and do not contribute to discrimination -- that the real problem is the discriminatory implementation of the laws and the discriminatory behavior of government functionaries. While I certainly agree that discriminatory actions by officials are a big part of the problem, I think it is a dangerous mistake to overlook how the law aids and abets discrimination.

The truth is that, no matter how neutral in appearance, existing laws permit discrimination against the Roma to fester and flourish. Although they do not discriminate against Roma by name, these laws are filled with dozens of provisions and omissions that have a disparate impact on Roma communities.

I will give you a few examples from Romanian, Bulgarian, and Macedonian law:

Each of these three countries has a system of child allowances and family benefits that, in theory, is racially blind and therefore should ensure the non-discriminatory protection of children. Romania, which in 1993 introduced universal child allowances with a flat sum for each child, seems to be the closest to this equity ideal. However, the

system provides for means-tested family support which, instead of growing proportionally with the size of the family, increases for the first three children and remains flat for families with more than three children. Since the overwhelming majority of poor families with four or more children in Romania are Roma, this provision is a prima facie case of disparate impact.

In Bulgaria, after three years without a job the law excludes the long-term unemployed from the safety net for one year, regardless of their financial situation. The Macedonian law decreases the social benefits gradually in the first four years and then denies benefits for the next two years. These "work incentive" measures would justify their name if they were applied to those who refused to work or needed extra motivation to work - and if the measures had a racial and gender neutral impact. Unfortunately, this is not the case. Next year, when the first time period in Bulgaria is up, it will be clear that the law has a disparate impact on Roma in general and on Roma women in particular. Roma are several times more likely to be long-term unemployed than non-Roma. Discrimination against Roma in the labor market is widespread. And there is a remarkable absence of effective governmental programs to increase employment opportunities for Roma programs that would eventually alleviate the disproportional negative impact of this provision.

In access to health care, the situation is the same. In some regions of Macedonia, health insurance is denied to persons who did not finish primary education. Since more Roma do not finish school than non-Roma the disparate impact of this practice is clear. Moreover, the state, which is required by law to pay the health insurance contribution for eligible low-income families, covers only three children per family. Any children above three remain uninsured.

As one Romani mother told me in Macedonia: "I have six children and the law requires me to chose which three of them are covered by health insurance. What am I supposed to do? Go home and say: "Child number 2, and 4, and 6, you have insurance. The rest of you better stay healthy!"

The consequences for the health of Romani children are disastrous. Without insurance, parents must wait until the child's illness is so serious that it justifies the use of emergency services. Or they take the ill child to the doctor under a sibling's name, leading to tragic mistakes and confusions in medical histories and resulting decisions about care.

2.

My second point is this: Discrimination against Roma is comprehensive, subtle, powerful, and perverse. I will illustrate my point by telling you what I discovered about Roma housing in the Czech Republic. It is a stunning example of the forces allied against Roma throughout their lives.

Before 1989, many Roma women and virtually all Roma men had jobs. After 1989, they majority of Roma lost their jobs due to the economic crisis and privatization and because, during hard times, they were singled out by the employers for dismissal. Discrimination in the labor market, their low education and lack of modern skills made finding another job an almost impossible task. Unemployment in the Roma community skyrocketed, in some cities reaching 90% among men and even 100% among women.

However, between 1990 and 1992, the families were somehow protected by the social safety nets and health insurance systems. Then on January 1, 1993 the new Czech citizenship law went into effect. Overnight tens of thousand of Roma became foreigners. They lost their access to the health system. Mothers lost maternity benefits, children lost child allowances, families lost housing and rent support. They continued to be unemployed and without access to work. Poverty exploded in the community with devastating force. Survival, finding each day's food, became the most important, if not the only, problem for Roma families.

Some Roma, the luckiest ones, managed to start businesses. Some resorted to petty crimes. When caught they were expelled to Slovakia, without the right to return. Families were separated. Mothers and their children remained alone in the Czech Republic or followed their husbands into a country where they didn't belong and where they faced new discrimination and hostility.

Roma who remained in the Czech Republic had only one thing they could rely on -- the municipal apartments they had obtained under the communist regime. Many of these apartments, however, were situated in central locations and were of great value to municipalities and private investors. When impoverished Roma families could not pay for rent, heat, or water, the authorities were quick to initiate legal action and the courts were just as quick to evict. With no money to pay attorney's fees, Roma had no chance to defend themselves in a judicial system where civil legal aid exists only on paper. They systematically lost their cases and their apartments.

The evicted Roma were forced to move into sub-standard houses with no facilities, at the margins of the cities, far away from schools, from hospitals, from commercial centers. These places, called barracks or dormitories and often specially built from municipal funds, foster de facto segregation.

Thus, using a combination of citizenship law, criminal and civil law, the central and local authorities, assisted by judges, carried out - and continue to do so - a systematic "cleaning" of Roma from the Czech cities and herding them into ghettos.

Unfortunately, this is not the end of the story. The conditions in these sub-standard houses are sub-human. In some places, there is only cold water, or no water at all. In other places, there are common showers where people are obliged to pay if they want to wash themselves. There is no way to properly wash the children's clothing. Even washing the children too often with cold water might be risky for their health. At school Roma children are ashamed and cry when other kids make fun of them. But not sending the children to school is a criminal offense, for which parents are occasionally prosecuted.

Most disturbingly, social workers blame the parents for failing to offer adequate housing conditions to their children and proper education to their children. They take away the children and place them into institutions, claiming that they are acting in the best interests of the child. This again is done through the courts, with Roma parents lacking legal representation.

Finally, the media report on the rising number of institutionalized Roma children and openly accuse Roma parents of not caring about their children and of abusing the "generosity" of the Czech social care system. These reports strengthen the public's prejudice against Roma. The discrimination against Roma comes full circle as public opinion gives officials the political and electoral support needed to continue their efforts to further exclude Roma from the social life.

3.

My third and final point is a call for proactive measures to eliminate discrimination against Roma. Racially neutral laws are necessary, but, as I have tried to show, they are not enough. Good people in positions of authority are a sign of progress, but without the support of laws and enforcement powers they can do little. The post-communist countries must be encouraged to pass strong anti-discrimination laws and to establish enforcement mechanisms; they must set up effective legal aid systems that will protect the rights of indigent Roma in civil cases. International organizations must be encouraged to make elimination of discrimination against Roma a priority in all of their funding. And Congress can set the standard. And so I end by calling on you to use your considerable powers in allocating aid and providing leadership to ensure that discrimination against Roma becomes as unacceptable in Central and Eastern Europe as segregation in the United States or apartheid in South Africa.