

HUMAN RIGHTS OF
THE ROMANI MINORITY

HEARING
BEFORE THE
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
ONE HUNDRED SIXTH CONGRESS
SECOND SESSION

JUNE 8, 2000

Printed for the use of the
Commission on Security and Cooperation in Europe
[CSCE 106-2-11]



Available via the World Wide Web: <http://www.csce.gov>

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 2001

67-555CC

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: (202) 512-1800 Fax: (202) 512-2250
Mail Stop SSOP, Washington, DC 20402-0001

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HUMAN RIGHTS OF THE ROMANI MINORITY

THURSDAY, JUNE 8, 2000

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
WASHINGTON DC

The Commission met at 2:02 p.m. in Room 485, Russell Senate Office Building, Washington, DC, Hon. Christopher H. Smith, Chairman, presiding.

Commissioners present: Hon. Christopher H. Smith, Chairman; Hon. Ben Nighthorse Campbell, Co-Chairman; Hon. Joseph Pitts.

Witnesses present: Diane Orentlicher, Professor of Law, American University; Celia-Dorina Zoon, Consultant, Open Society Institute; Hon. Monika Horakova, Member, Czech Parliament; Rumyan Russinov, Director, Roma Participation Project; Angela Kocze, Human Rights Education Director, European Roma Rights Center; Karolina Banomova, Czechoslovak Roma Association in Canada.

OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH, CHAIRMAN

Mr. SMITH. The hearing will come to order, and good afternoon. The Helsinki Commission held its first hearing on Romani human rights issues two years ago. Today we revisit that issue and take stock of the developments since then.

Much of today's hearing will focus on Central and Southern Europe, post-communist countries where Roma are the most numerous, but there are Roma in almost every OSCE country, and Roma face prejudice in every country in which they live.

In the United States, there are an estimated one million Roma, and it was only in 1997, for example, that the legislators in my own state unanimously voted to repeal the last anti-Roma statute, which was originally adopted way back in 1917, still on the books at the state level. American Roma continue to fight the strait-jacket of ethnic stereotyping.

Roma in other democracies also have problems. In early May, the parents of more than 600 students in Spain kept their children from going to St. Juan Bosco Catholic School to protest the admission of three Romani children, ages 3, 7, and 8, to the school. Police had to establish a cordon to bring in the Romani children and six other students to class.

In Germany, courts have upheld a ruling that landlords may deny Roma housing solely based on their ethnic identity, and the Bavarian police continue the discredited Nazi practice of maintaining records which single out Roma for identification based on their ethnicity.

In Nea Kios, Greece, municipal authorities have issued a declaration saying Roma are not welcome, and suggesting that Roma property owners “return” their lands to the city.

In other countries, Roma may face even greater dangers. In Slovakia, one local official called for a “Chinese fertility program,” a one child per couple policy for Roma, raising the threat of renewed forced sterilizations. An official in Hungary was reprimanded for his proposal that the government address Romani problems by distributing birth control free to Romani women.

Some government officials have shown courage and wisdom in condemning such racist views. When a Slovak parliamentarian called for punishing Roma because they had exercised their right to seek asylum, government human rights official Juraj Hrabko condemned the legislator’s remarks as “cheap populism,” and he also labeled it “racist.”

Regrettably, racist words and deeds are too often met with silence by elected officials and public leaders. In April, for example, a Hungarian mayor said that the Roma in his town “have no place among human beings. Just as in the animal world, parasites must be expelled.”—a horrific statement to be made. In the face of this outrageous statement, public officials in Hungary have remained silent. As Edmund Burke said so prophetically, “The only thing necessary for evil to triumph is for good men,” and I would add good women, “to do nothing.”

I welcome today our very distinguished panel of experts, and I will be introducing them momentarily, but at this point I would like to yield to my very good friend, Sen. Ben Nighthorse Campbell, who is Co-Chairman of the Helsinki Commission. I think, as we were talking earlier, Senator, it’s very appropriate to be having this hearing in this room, and especially with a chairman who himself has suffered, as a Native American, from prejudice for so many years. I’d like to yield to my good friend.

**OPENING STATEMENT OF HON. BEN NIGHTHORSE CAMP-
BELL,
CO-CHAIRMAN**

Sen. CAMPBELL. Thank you, Mr. Chairman.

I welcome the opportunity to participate in this hearing, which will examine the challenges facing Roma in the OSCE region today. It’s quite appropriate, as you have said, Mr. Chairman, that we hold this hearing in the Committee on Indian Affairs, which I have the privilege of chairing, as a reminder that this nation’s record of treatment of our own indigenous people has been a historical embarrassment.

I have devoted myself, as you know, Mr. Chairman, to trying to break that cycle of poverty and helplessness that has traditionally characterized the life of Native Americans on Indian reservations. Discrimination, negative stereotyping, deprivation, and racial slurs are not new to American Indians, yet both peoples, the American Indians and the Roma, still have a rich, vibrant history and rich cultures in the face of those obstacles.

Many Roma similarly find themselves in societies where violence and other manifestations of racism run rampant, and discrimination is something that they confront literally on a daily basis. I think American Indians understand that, too. In fact, I can take you to places

in the northern plains where even today in some small towns American Indians are called by vicious racial slurs. They still use these slurs in some places in the two thousandth year of the Lord in the United States of America. We still face some of that.

So we understand very clearly. Such treatment, or more correctly mistreatment, is easy while this element of society remains a "silent minority." Increasingly, however, Roma have begun to raise their voices not in search of any special treatment, but for equal treatment and an opportunity to freely exercise their human rights and fundamental freedoms without discrimination.

Last year's trip to St. Petersburg, Mr. Chairman, really broadened the focus for me. While I was there, I noticed on the streets there was an inordinate number of people that we would commonly call street people in the United States. I asked our driver, "Who are those people, and what part of society do they come from?" Almost without exception, he said that they were Roma.

Today we have a distinguished group of witnesses who will shed light on the social, economic, and political realities facing Roma in the OSCE region. I look forward to hearing from our panel.

Thank you, Mr. Chairman.

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

I'd like to welcome our very distinguished panels, and thank them in advance for their taking the time, for preparing, and for their activism on behalf of the Roma, and I note at the outset that all of your statements will be made a part of the record, but you may proceed as you wish.

I'd like to introduce them in order, and ask them to present their testimony, beginning with Professor Diane F. Orentlicher. Ms. Orentlicher is a professor of international law at the Washington College of Law, and has expertise in virtually every area of human rights law. Most recently, she served as a special advisor to the OSCE High Commissioner on National Minorities.

We will also hear from Dorina-Celia Zoon. Ms. Zoon is perhaps best known to the Helsinki Commission for her meticulously prepared reports documenting the denial of citizenship to members of the Romani minority in the Czech Republic. She is currently preparing a report on the access of Roma to municipal services in several countries.

Next we will hear from Monika Horakova, who was elected to the Czech Parliament in 1998 as a member of the Freedom Union Party. Trained as a clinical psychologist, she previously served as Executive Vice-Chair of the Inter-ministerial Commission for Roma Affairs.

We'll then be hearing from Rumyan Russinov, who became Director of the Open Society Institute's Roma Participation Project in May. Prior to that, he worked with the Human Rights Project in Sofia and played a leading role in forging a landmark agreement between Romani NGOs and the Bulgarian Government on a national agenda for Roma.

We'll then be hearing from Angela Kocze, who is a human rights education director for the European Roma Rights Center, an international public interest law organization which monitors the situation of Roma in Europe and provides legal defense to victims of human rights violations. She works with Romani communities in many Central European countries.

Finally, I would also like to welcome Karolina Banomova. Ms. Banomova is a Romani activist and a member of the Czechoslovak Roma Association of Canada. In 1997, she fled her native country, the Czech Republic, and sought asylum in Canada along with hundreds of other Czech Roma.

I'd also like to welcome Ambassador Martin Batura from the Slovak Embassy, who is known for his personal commitment and leadership on this and other human rights issues, and we are honored to have him join us here today.

We do have a very high powered and informed group of individuals, and we look forward to your testimony. Professor, if you could begin.

**TESTIMONY OF DIANE ORENTLICHER,
PROFESSOR OF INTERNATIONAL LAW,
AMERICAN UNIVERSITY**

Prof. ORENTLICHER. Thank you very much, Mr. Chairman, for inviting me to testify about one of the most pressing human rights issues of our time, the situation of Roma. I have been asked to provide an overview of the conclusions of the Report on the Situation of Roma and Sinti in the OSCE Area, which the High Commissioner on National Minorities of the OSCE, Max van der Stoel, released in April. I am very happy for the opportunity to do so. I would like to make clear, however, that I am not representing Mr. van der Stoel at this hearing. To the extent that I express opinions that are not taken directly from his report, I am speaking for myself only.

The report's first conclusion is unambiguous, and I quote here: "Discrimination and exclusion are fundamental features of the Roma experience." In fact, Roma are subject to pervasive, tenacious, and at times virulent forms of discrimination.

As the Chairman mentioned, a particularly telling measure of this is the license that many political figures feel in expressing overtly hostile views about Roma. I am going to mention just one example, which provides a vivid and very chilling sense of the threat presented by this phenomenon. In May 1998, the leader of the Czech Republican Party, Miroslav Sladek, reportedly said at a public rally in the town of Pisek, "Summer's getting near. It's time for swimming lessons again." This was a particularly perverse and cruel reference to an incident 5 years earlier, in which a Romani teenager, Tibor Danihel, drowned after being chased into a river in Pisek by a group of 40 skinheads.

In fact, Roma are frequent targets of skinhead violence, and police abuse, in a significant number of countries. In some countries, entire Romani communities have been attacked in incidents that, in the report's words, "must properly be called pogroms."

Of course, these incidents do not occur in a vacuum. I have already noted, as did Chairman Smith, the role of inflammatory statements by public figures in several countries. Beyond this, negative stereotyping of Roma is commonplace in the media of OSCE participating States. Perhaps most important, in many states, Roma are effectively outside the protection of legal and other authorities whom they encounter on a daily basis.

Consider, for example, the experience of a 13-year-old Romani schoolgirl who was assaulted last month in Belgrade. According to the Humanitarian Law Center, the girl was attacked on May 10 by a group of fellow students and skinheads while walking home from school. They stabbed her 17 times, and as they did so, the assailants taunted the girl, and I quote, "Your Gypsy blood will pour out of you." Earlier that day, the group had threatened to rape this girl and cut her, in their words, "to pieces." They also slapped around a Romani boy in the schoolyard.

The girl reported the incident to her math teacher who, she recounted, was simply not interested, while the boy reported the incident involving him to the school principal. The group that attacked the girl had previously threatened Romani schoolchildren. Although the children had told the principal of the threats against them, it has been reported that neither he nor any other school authority took steps to protect these students.

While physical violence is one of the most alarming manifestations of anti-Roma prejudice, its most enduring impact may be in the realm of education. Segregated schooling is common in several OSCE participating States. In its most pernicious form, segregation has been achieved by routinely sending Romani children to "special schools," the term by which schools for the mentally disabled are known, or to classes for mentally disabled children in regular schools. This degrading practice has consigned generations of Romani children to a future in which their brightest prospect is menial work.

Nevertheless, even highly educated Roma often encounter impenetrable barriers of discrimination when they apply for jobs. Last year, a Romanian official told me that the Attorney General of Romania had taken the position that job advertisements which stated that no Roma should apply were "much too common to be prosecuted." Roma also encounter discrimination in housing. Some European towns have adopted policies deliberately aimed at segregating Roma or excluding them altogether.

A few years ago, for example, two villages in eastern Slovakia adopted resolutions banning Romani families from settling in or even entering the villages. In the face of substantial international pressure, and intervention by national Slovak authorities, these decrees were formally rescinded last year.

In England, discrimination in the realm of housing is more subtle, but nonetheless has had a profound impact on that country's Roma.

In closing, I would like to briefly touch on the report's recommendations. First, however, I would like to briefly put these in a general context. This hearing comes at a time of heightened attention among OSCE participating States to the concerns I have just outlined. A key factor behind this trend is that the European Commission has put five countries on notice that they must make real progress in addressing the plight of their Romani citizens to qualify for membership in the European Union. This has provided a powerful incentive for the applicant states to devise national programs aimed at improving the conditions of Roma.

Nevertheless, the point I would like to emphasize is that there is a great risk that governments will adopt superficial or otherwise inadequate programs. After all, concerns relating to Roma are not a popular political issue in any country, least of all in those countries where major efforts are most desperately needed.

New departments created to address Romani concerns are typically short-staffed, radically, radically underfunded, and as one would say in this town, out of the loop. Officials who are deeply committed to advancing the situation of Roma in their countries often occupy, in fact I would say typically occupy, a lonely ledge within their own governments. Not surprisingly, these officials worry about becoming an excuse for their governments' failure seriously to address discrimination against Roma.

In closing, I would like to briefly mention two of the report's key recommendations. One core theme of the report is that Roma must play a central role in developing, implementing, and refining any programs aimed at improving their condition. I would like to believe this point is too obvious even to require mentioning. Unfortunately, however, government programs *for* Roma have historically been designed without meaningful participation *by* Roma. This pattern, of course, is incompatible with the OSCE's core commitment to principles of human dignity and democratic participation. It is a prescription for failure.

As I noted earlier, several countries in Central and Eastern Europe are now developing new programs to address the pressing concerns of their Romani communities. Roma in these countries have sought, with varying degrees of success, to play a significant role in shaping these new initiatives, but I know of no country where the level of Romani participation has been adequate. In this setting, the CSCE can play a constructive role in expressing its support for meaningful participation of Roma in the development, implementation, and assessment of new initiatives relating to Roma. This Commission has already set a commendable example in this regard by inviting a majority of Romani witnesses to testify at this hearing.

A second major focus of attention should be the adoption of comprehensive anti-discrimination legislation and vigorous enforcement of the law when rights of Roma are violated. Recent developments outlined in my written statement suggest that the CSCE can make a valuable contribution in advancing Roma rights by continuing its longstanding emphasis on the reliable and fair administration of justice.

Turning to the OSCE, the focus of the High Commissioner's recommendations, is of course, the Contact Point for Roma and Sinti Issues of the Office for Democratic Institutions and Human Rights. The main point I would like to make here is that the thrust of the Contact Point's efforts is—and should be—to assist, not to displace, governments in meeting *their* responsibilities toward their Romani citizens.

In closing, I would like to thank this Commission for its steadfast leadership on issues relating to Roma in OSCE participating States. I have long admired its contributions in this area, but my experiences last year in Europe deepened my appreciation for the very constructive impact of its efforts.

Thank you.

Mr. SMITH. Professor, thank you very much for your excellent statement. Ms. Zoon, if you could provide us with your testimony.

**TESTIMONY OF CELIA-DORINA ZOON,
CONSULTANT, OPEN SOCIETY INSTITUTE**

Ms. ZOON. Mr. Chairman, ladies and gentlemen, thank you very much for having us here to testify.

In my testimony today, I would like to make three points. The first point I would like to make is that the defense of Roma rights in Europe is probably one of the biggest failures of the human rights battle in the last 10 years in the region. If we are looking at what happened in this region concerning free elections, or the freedom of the press, or the freedom of expression, we will see real progress, while Roma are in a much worse situation than they were 10 years ago.

I would like to emphasize here that the discrimination against Roma in the region is not a matter of practice only. It is not a matter of implementation of legislation only. It is also a matter of legislation itself. I would like to make here the point that we need to reconsider the myth of equally reaching legislation in that area, because if one looks at various provisions and the impact of these provisions, legal provisions, in various areas, one may see a huge disparate impact, and when I am saying that, I am referring both to the legislation which remains from the communist regimes and legislation adopted in the last years.

If you would allow me, I will give you some examples in this area. The examples are from the study, the research I am undertaking for the Open Society Institute in three of the countries, in Macedonia, Bulgaria, and Romania, but also there are examples from the Czech Republic and Slovakia, countries which I recently visited.

For example, in Macedonia, in the health care area, people who do not prove that they have finished 8 years of education are denied health insurance. This is in a context where health insurance is universal. The entitlement is universal. So everybody clearly knows the situation of education of Roma community in Macedonia and in the region, and that the disparate impact is on this community.

According to the Macedonian law, which is a recent law, the family concept is the normal Macedonian family. That means a family of five members, two parents and three children. For the low income families, the state is supposed to cover health insurance, but will cover it only for the so-called normal Macedonian families. That means that it will cover health insurance only for three children, and not for the rest of the children.

Now, Roma families traditionally are known as having more than three children, or being large families, large size families. They are disproportionately affected by these particular regulations.

What is really going on, in practice, is that they go to the social welfare office, and they are asked, "How many children do you have at home?" They will say, "Six." The social worker will say, "That's a pity. If you would have had three, the state would cover your health insurance, but if you have six, you have to pay." So the person says, "I'm sorry. I have three." Three children remained unregistered and without health insurance, and things are going even worse, because they can choose which of the six children, for example, they would cover with health insurance and which ones will be outside the system.

One of the Roma was telling me in Skopje, in Macedonia, “How, possibly, am I supposed to choose here? I’m going home, and I’m going to say, you know, children number 1, 3, and 5, you have health insurance. The rest better stay fit, because there is no insurance.”

In other countries, for example in Slovakia, recently there was a case when a doctor was excluded from the medical chamber because he refused to attend a Roma patient during his shift at the emergency care. This has, according to the Slovak law, only a disciplinary value, but he is continuing to function in the same state hospital because the law provides only that the racial grounds of his failure to perform his professional duties will bar only his practicing privately medicine, but he can continue to work in a state hospital.

In Romania, the new health insurance laws do not provide any kind of control over the refusals of family doctors to enroll patients on the list. The immediate result of that is that thousands and tens of thousands of Roma families are refused by doctors in small cities, and they have practically no way to enter the health system, although they would be eligible otherwise. They have, theoretically, health insurance, but they cannot because the doctors refuse them on racial grounds, and there is no control mechanism.

The second point I wanted to make is the institutionalized nature of discrimination in the region, that the manner in which layer after layer of the administrative bodies are trapping Roma into a marginalization situation from where they cannot get out, and I will, if you allow me, I will just try to describe the dynamic of the housing situation in the Czech Republic.

We know, all of us, that after ’89, Roma lost their jobs, because of economic crisis, because of privatization, because they were singled out for dismissal. However, between ’90 and ’92 a social safety net protected them, and they had health insurance, so they could somehow survive. After ’93, after December ’93, the Czech citizenship law came into effect.

They became foreigners, and they suddenly lost everything they had. They lost child allowances. They lost maternity benefits. They lost rent benefits, support for heating. They were obliged to pay everything that was connected with the health of their children, in a situation where the employment and the labor market were still discriminating against them, and are still not permitting them access to employment.

So in all these years, between ’93 and ’98, of course people were impoverished. They started to look for a way of surviving. Part of them went into petty crime. They were expelled. Hundreds of families have been separated from mothers and fathers. Part of them emigrated and went into other countries, in Canada and in the U.K. But part of them, they deeply sank into the most abject poverty. They couldn’t pay rent anymore, and the municipalities and the private owners started a process of forced evictions through the law.

So at this particular moment, 7 years after 1993, the Roma who were integrated after the Velvet Revolution, in the fabric of the society—they had houses—are now moved outside the city in racially segregated areas, in so-called *barracki*, *holobity*, dormitories, which are substandard housing and where there are only Roma, or very few non-Roma families.

This is not the end of the story, because substandard housing is grounds for taking away the children and institutionalizing the children, so there is a process going on, a very serious process, where social workers take children away through the courts, using the best interests of the child, of course, as the grounds, and they place them in the institution. The number of children in institutions is growing, and the press is reporting that Roma mothers and Roma parents don't care about their children, and that they abuse the generosity of the system.

So the tensions are growing. The racism is growing. Then we get into potential conflict. So this was the second point.

Finally, the third point is very short. I will argue, I will urge, I will advocate for change in the way that we are looking at the Roma issue—for a proactive attitude. I would encourage everybody to start talking about discrimination on its—real dimension, and I will urge this commission and the Government of the United States, to take a bigger role in promoting Roma rights in Europe.

Mr. SMITH. Ms. Zoon, thank you very much for your excellent testimony. I'd like to ask Ms. Horakova—thank you.

**TESTIMONY OF HON. MONIKA HORAKOVA,
MEMBER, CZECH PARLIAMENT**

Ms. HORAKOVA. Good afternoon. My name is Monika Horakova, and as you said, I come from the Czech Republic. I am a member of the parliament in the Czech Republic, and I am also a member of the board of directors of the European Roma Rights Center.

I am here to tell you about the serious situation the Romani are facing in Eastern Europe. Two years ago, I had the opportunity to visit the United States at the invitation of the USIA. Here in the United States, I learned a lot about the history of the struggle for human rights. This experience became the framework for my understanding of the situation of the Romani people in Eastern Europe today.

I shall be speaking primarily about the Czech Republic and the experience of the Romani people there, but I know that my conclusions could be applied to the situation in much of Eastern Europe and in a number of other countries as well.

I wanted to start on a positive note, so I was trying to find an area where the situation of the Romani people is good, but it was not an easy task. Our birthrate is one example. It is still fairly good, but even this has been affected by the forced sterilization of Romani women under the communist regime in the former Czechoslovakia. Thankfully, this of course has ceased with the destruction of communism, but there continue to be many other forms of mistreatment, discrimination, and prejudice against the Romani people, which went on under the communist regime and unfortunately persists today.

In the last ten years, we have made some progress in changing the way the general Czech population views us. If we accuse them of having racist attitudes, they don't like it anymore. They now recognize that it is wrong to be racist, but if you ask them why they discriminate against Romani people, they will tell you that they have nothing against Roma overall, but they regard the vast majority of Romani

people as thieves, crooks, uneducated, dirty, etcetera, and therefore believe Romani people deserve the discrimination to which they are subjected.

This attitude is common not only among ordinary people, but can be found also among the political elite. Just imagine that you are going to dinner or to a club, and when you try to enter, the bouncer or doorman comes along and tells you that they do not allow Romani people into this establishment. No signs prohibit Romani people from entering anymore, but they still apply the unwritten rule in many places.

We have seen this type of discrimination in other places, and in other times, both in Europe and North America, but sadly it lives on today in Eastern Europe. This is just a small example of the much larger discrimination we face every day in all phases of life.

When these experiences had happened to me one too many times, I went to court. I initiated a criminal prosecution of the owner of a club in Brno, which is in the Czech Republic. However, the state prosecutor in Brno rejected my suit on the basis that no valid laws were broken.

I later won a landmark victory, at least as far as the Czech Republic goes, and subsequently was awarded about \$7,500 in damages in a civil court, but I know that I will wait a long time before I collect this award, if I ever do. If I do, I have decided to devote this money to the construction of decent housing for orphan children.

Like other minorities who experience widespread and ongoing prejudices, the Romani of Eastern Europe are vastly underrepresented in political life, even where there exist institutions specifically for dealing with Roma issues. For example, in the Czech Republic, I am the only Roma member of Parliament. I was elected as a citizen of the Czech Republic, not as a representative of the Roma people.

For a person to become a member of Parliament in our Republic, she or he must join a political party, which at this turn must gain at least 5 percent of the total vote before it can hold a seat in Parliament. This means that if the Romani tried to get into Parliament by forming their own political party, they would have no chance, because the Romani community forms only 3 percent of the population of the Czech Republic.

In this respect, we should know that there is no Romani representative in either the 150 member Slovak Parliament or among Hungary's 386 members of Parliament. Only one individual who identifies himself as a Roma serves in Bulgaria's National Assembly. Only one self-identified Roma in the Romanian Parliament was elected as a representative of a Romani association to a reserved minority seat.

The prospects for Romani political candidates are somewhat better at the local level of government, at least in districts where Romani voters constitute a majority, but even here, the picture is one of the significant underrepresentation.

I am working to find an effective way to improve the present bleak situation of the Romani minority in the Czech Republic and elsewhere in Eastern Europe. One way to improve the situation, in my view, is to involve the Romani in public life.

We would, of course, love to receive financial assistance for our case from the United States to help deal with the situation of the Romani people, but let's face facts. The U.S. Congress is already spending significant funds to help Eastern European countries democratize and retake their rightful place in the modern world.

The United States and its partners have been very generous in this regard. However, we should remind ourselves that all around the world, the U.S. Government makes its developmental assistance to other countries dependant on their human rights performance. Why would the same conditions not apply to U.S. assistance to Eastern Europe regarding the treatment of its minorities, and in particular the treatment being given to the long-suffering Romani people?

Adding such a rider to assistance for Eastern Europe would be an easy and obvious way to convince Eastern European governments that they should deal with this issue now if they wish to be regarded as governing truly democratic societies. There would be no additional cost to the U.S. taxpayers, but you would know that justice is being served.

The U.S. Congress has funded many programs for leadership training for building and strengthening political parties, and for programs which monitor elections throughout Central Europe. While maintaining these programs, it is important to ensure that the Romani people, as individuals and as communities, are actively involved and included in these programs. We are not looking for special, preferential arrangements like quotas. We just want to be part of the national dialogue and the electoral process, no more and no less. Of course, as a part of this process, we want to see the public educated such that the old stereotypes are removed and the Romani people can live as equals without discrimination in their own countries.

The situation of Romani and Sinti people in Eastern Europe is off the radar screen for most of the U.S. media, and therefore may not appear to be such a serious problem for many Americans, either. For that reason, I welcome this opportunity to appear here and to remind you that a serious problem needs to be dealt with as soon as possible, because it is the right thing to do.

The United States has fought and overcome the legacy of years of discrimination in its own country. Please help the Romani of Eastern Europe do the same in our countries, so that we can say we live in real democracies without the disfigurement of racism and discrimination.

Thank you for your attention.

Mr. SMITH. Thank you very much, Deputy, and we appreciate your testimony. You give us some follow-up to do with our own AID programs and National Endowment for Democracy programs. I'll ask you later whether or not they are inclusive, exclusive, or indifferent to the Roma minority. We need to highlight that.

I'd like to ask our next witness to proceed, Mr. Russinov.

**TESTIMONY OF RUMYAN RUSSINOV,
DIRECTOR, ROMA PARTICIPATION PROJECT**

Mr. RUSSINOV. Thank you for having us here. Actually, I am also a member of the board of directors of the European Roma Rights Center. I actually started very recently to work as the head of the Roma Participation Program at the Open Society Institute, and I have 7

years” experience in one of the most successful Roma rights advocacy organizations in Europe, Human Rights Project, from Bulgaria. I will speak for Bulgaria, and for Roma rights and state policy in Bulgaria.

In the past ten years, Roma people in Bulgaria, numbering between 10 and 12 percent of the country’s population, have been victims of intense negative stereotyping, racially motivated violence, and discrimination in all spheres of social life. Racial stereotyping of Roma in the public space singles them out as inferior, prone to crime and disastrous for the prosperity of the country.

Prejudice and hatred have fostered a climate of insecurity for Roma, who are targeted by racially motivated violence by skinheads and other civilians, and by acts of collective retribution by the majority community. Often, Roma victims of violence have been confronted with indifference on the part of the law enforcement organs, and have been denied protection by the law. Racially motivated violence against Roma is being committed not only by private persons or groups, but also by law enforcement officers. Endemic practices of torture and ill treatment of Roma by police officers stand out as a most serious human rights problem in Bulgaria.

Violence toward Roma by law enforcement officers is compounded by a pattern of discrimination against Roma in the judicial system, and impunity for the perpetrators of crimes against Roma. Manifestations of intolerance toward Roma went alongside discriminatory treatment in all social spheres: employment, education, housing, health care, etcetera.

Among other factors, discrimination against Roma in employment has contributed to disproportionate unemployment rates approaching 100 percent in some cases—in many areas. The low level of education resulting from the long-lasting discrimination in education also has reduced employment opportunities. De facto segregated schools, inherited from the communist system, have perpetuated unequal education opportunities and deepened the social division between Roma and non-Roma.

Deprivation and exclusion of Roma are also reflected in their underrepresentation in public life. Roma are not adequately involved in the decision making processes at both the local and central level of government. My colleagues described some countries of Central and Eastern Europe, and for illustration of the problem I have discussed so far, I will speak about the case of the village of Mezdra, the Bulgarian village of Mezdra, where racially motivated violence against Roma—where, during a police raid in search of criminal suspects in July 1998, at least a dozen Roma people were physically abused. Their property was damaged by policemen.

In March ’99, the criminal investigation into the case was terminated by the military prosecution with no indictments for police officers, whose actions had not been found in breach of the law.

The village of Mezdra was again shattered by manifest racism in April 2000, when the Roma community was treated with collective retribution by the ethnic Bulgarians in the village. Anti-Roma attitudes peaked into a campaign to oust the whole Roma community from the village following the murder of an ethnic Bulgarian, the perpetrators of which were alleged to be Roma. Daily protests of ethnic Bulgarian villagers calling for the expulsion of the Roma community

and denial of Roma to public services have passed unnoticed by the prosecution authorities, which failed to open criminal investigation for incitement to racial hatred.

An elaborate legal framework for protection against discrimination and racism exists alongside a vacuum of proactive government policy to eliminate discrimination and establish conditions for equality of the Roma people. There is no structure within the state apparatus which has the authority to effectively combat discrimination.

The only existing government structure for minority issues is the National Council for Ethnic and Demographic Issues, but the statute of the National Council limits its authority to conduct an effective protection of minorities and reduces its functions to coordination and consultation with the other government offices.

In April '99, the Bulgarian Government adopted the framework program for equal integration of Roma in Bulgarian society, the first policy document on the development of the Roma community, created on the initiative and with the substantial involvement of the Roma community in Bulgaria. Within that program for equal integration there is a proclamation about the elimination of discrimination against Roma as one of the main political priorities of the Bulgarian government.

Accordingly, it envisages enactment of legislation for protection against ethnic discrimination and establishment of a specialized administrative body to implement anti-discrimination policy. This body would have broad powers, including the investigation of discriminatory acts and imposing of sanctions on political and private persons. By the adoption of the program, the Bulgarian Government also committed to a comprehensive policy for accomplishment of real equality of the Roma people through affirmative actions, including desegregation of Roma schools and establishment of a government fund for support of businesses which offer employment to Roma, etcetera.

Now, more than one year following the adoption of the framework program, no progress toward its implementation is evident. The Bulgarian Government has not undertaken any legislative measures to ensure the implementation of the program. In their accounts on the implementation of the program, public officials point to the appointment of Roma, two at the level of central government and several at the local governments, that have taken place following the adoption of the national program. The Roma who have been appointed are in low positions in the government structures, and their powers are very limited.

So, in conclusion, I wanted to raise a question and to make some recommendations. The question is actually very fundamental. Who cares about Roma? We do not have a mother country. The governments of Central and Eastern Europe do not address our problems. European countries in the Council of Europe and the European Union also do not address our problems. So who cares about Roma?

Who will take the responsibility for this, tomorrow's problem? Who will cover these ten million uncovered people in Europe? We want to be in the society's mainstream.

My recommendations are, that you care for the democracy, so please find a way to include us, to include us in now-existing programs. There are many programs. Train the parliament, train the police, train the courts, and support the NGOs to monitor the process.

Thank you very much for your attention.
 Mr. Smith. Mr. Russinov, thank you very much for your testimony.
 I'd like to ask Ms. Kocze if she would proceed.

**TESTIMONY OF ANGELA KOCZE, HUMAN RIGHTS EDUCATION
 DIRECTOR, EUROPEAN ROMA RIGHTS CENTER**

Ms. KOCZE. Thank you, Mr. Chairman. It is an honor to be appearing before the Helsinki Commission as the Human Rights Education Director of the European Roma Rights Center.

As many of my colleagues pointed out, the main issue is human rights, lack of access to public services and lack of political participation. I would like to speak about the educational situation in Central and Eastern Europe.

I would like to summarize my written statement, which is more eloquent, but I am going to say now that, first of all, I would like to quote Martin Luther King, who said that "People hate each other because they do not know each other. They do not know each other because they are segregated." I think that is the most important, compelling issue concerning the education situation in Central and Eastern Europe.

Of course, I cannot pick it out only as just the education. We have to see in a broader context to see the economic situation, and the housing situation and health situation as well, which is very much interrelated with the educational program.

Many of my colleagues mentioned that after the changes with the free market economy, the Roma were the first group in the society who were left behind. After ten years of democratization, we are absolutely left behind, and we are marginalized. We are desperately seeking a better future for all life.

As for educational discrimination, the segregation is revealed in many different ways. One of them is the liberalization of the Central and Eastern European school system. Every parent has the right to choose to send their children where they would like to send them, and much of the time, Roma children have to go to schools which are over represented by Roma.

For example, in Bulgaria almost 70 percent of Roma children attend this kind of Gypsy school, which of course has a lower infrastructure and fewer human resources. These children don't get the equivalent education that they would get in the mainstream educational system.

The other type of school is the mixed school. If Roma children are going to the mixed school and a few of them are accepted, they have to sit in the background in the school, and they don't get any attention from the teachers, and they have to face the hostile environment. Of course, you can give up, or you can go to the Gypsy school, where the environment is better, more friendly, but you can get a lower education than what you are supposed to get in the mainstream education.

The biggest phenomenon, which was mentioned by Professor Orentlicher, is that the special school system is very much playing an important role in the Central European countries to segregate Roma children. This kind of special school was originally set up for the mentally handicapped children, so when the Romani children get out of kindergarten they take a test they cannot pass, maybe because they

cannot speak in proper Czech or Slovak, or in Hungarian, because their mother tongue is Romani. Or simply because the test is biased culturally and linguistically as well, so they are then sent to the school for the mentally handicapped, and they are considered mentally handicapped children during the next 8 years.

What is going to happen later on? These children won't be able to continue their education higher in the secondary school, or in higher education at all. If they drop out, they won't be able to get health insurance, so it is very much interrelated.

The European Roma Rights Center, which you can read about in my written testimony as well, has started a case in the Czech Republic and we have challenged the Czech educational system in Ostrava city. We made the research, and it turns out that more than 50 percent of the Romani children are in the special schools for the mentally handicapped children. We turned to the constitutional court to seek an administrative remedy, and the court turned down the case, saying that they had no authority to rule that racial discrimination exists in the Czech Republic or in Ostrava. Now we turn to the Human Rights Court in Strasbourg, and we are seeking remedies.

Nevertheless, I think this case is very important and a landmark, and it is really an issue in the whole of Central and Eastern Europe, because--if we go to these special schools, we have no future. We are not able to go on to higher education. We won't get jobs. We won't get health insurance. What can we do? We are forced into marginalization.

It is really important that many Central and Eastern European governments are just afraid about speaking to the many social consequences that will happen within 10 years or 20 years. Many children are going to be juvenile delinquents, or they will be drug addicts. I think that kind of issue is what we have to raise, and I really would like to urge the U.S. State Department to put us on the diplomatic agenda, and to raise more awareness about the issue. Thank you very much.

Mr. Smith. Ms. Kocze, thank you very much for your fine testimony. I'd like to ask Ms. Banomova if she would proceed.

**TESTIMONY OF KAROLINA BAMANOVA, MEMBER,
CZECHOSLOVAK ROMA ASSOCIATION IN CANADA**

Ms. BANOMOVA. Ladies and gentlemen, my name is Karolina Banomova, and I want to thank your commission for inviting me here today to speak on behalf of the Czechoslovak Roma Association in Canada.

Let me start by quoting a guiding principle of the United Nations Declaration of Human Rights. "Every human is born free and equal, with dignity and respect." The mandate of the Czechoslovak Roma Association in Canada is to preserve Romani traditions, language, culture, values, and identity. This mandate is intended to ensure the realization of this key guiding principle as outlined in the United Nations Declaration of Human Rights.

Today I will be providing you with an overview of the status of the Roma people in Canada, historical and present conditions of Roma in the Czech Republic and Western countries, recommendations, and concluding remarks.

An analysis of the Romani position in the Czech Republic: There is a long, consistent history of persecution and discrimination of Romani people in the Czech Republic, starting in the 13th century, 700 years ago, resulting in negative economic, social, and cultural consequences. During World War II, the Romani people were almost wiped out due to genocide, almost 100 percent of the Romani population was killed in Germany, 95 percent in the Czech Republic, and 75 percent in Poland.

We consider the current situation in the Czech Republic as the second worst in the modern history of the Roma people. Roma are exposed to intense racism in everyday life, starting from birth. They are often not allowed to visit public places, for example restaurants. They are unable to find a job because of their ethnic origin. Ninety percent are unemployed. They are the first to be fired and the last to be hired.

Roma students are often placed in segregated special education schools on the basis of their ethnic origin only. The courts, justices, and police have tendencies to minimize racially motivated attacks causing injury or death of Roma people, as documented by Amnesty International.

The protection of Romani people is highly unsatisfactory. The tendency to criticize Roma people is increasing, as illustrated in the city of Pilsen, as well as the effort to isolate them by building walls. The wall in the city of Usti nad Labem has become a symbol of hate. Although the wall was finally removed only after intense international pressure, the underlying prejudice remains.

There were 33 Roma killed in the Czech Republic since 1989 due to racial, nationalistic, fascist pogroms, according to the Center for Analysis of the Roma Democratic Congress. The printing of fascist press is not banished in the Czech Republic. The results of public opinion polls show that 80 percent of the Czech population has negative attitudes toward Roma. There is a tendency to support emigration of Roma to get rid of them.

Under current conditions, the Roma have lost their faith and trust in Czech justice. They have increased their efforts to emigrate, mainly to West European countries. The exodus is not caused by social and economic conditions, as most Czech people assume, but by the political conditions in the Czech Republic, the lack of respect for our own laws, and the hatred toward the Roma minority.

The situation of Czech Roma in Canada: It is estimated that 1,500 Roma from the Czech Republic are in Canada. We can say that all of them are refugees. We are getting our permanent residence papers, and next year we will apply for Canadian citizenship.

The Roma people have adjusted well to living in Canada. For example, the school performance and language acquisition of Roma children compares well to other immigrant groups. Families have managed access to housing and are viewed as good tenants. Many adults have secured employment in construction and food services, in addition to starting their own small business, and no longer rely on social assistance.

Why have Czech Roma fared so well in Canada? Canada is a multicultural country, and everyone has the same starting point and opportunities.

The Western response: With sadness, we watched the action taken by Western countries. These activities include discouraging legitimate asylum seekers, preventive arrests of asylum seekers in England, and forced deportation of asylum seekers in Belgium. In May 2000, there was a meeting of the British Ambassador and the Czech Minister of Internal Affairs to establish a temporary British immigration control checkpoint at the Prague airport. What length will the cradle of democracy, Great Britain, go to keep the Roma out of their country? This is an outrage.

The United States should not just pressure the countries of Eastern Europe to change their fundamental policy toward Roma, but especially the United States could show to the world that they will accept Roma political asylum seekers from eastern countries. We are asking the United States to establish a definite quota for Roma political asylum seekers.

Solutions and recommendations: Currently, the Czech cabinet is engaged in discussion with Romani intellectuals to improve the position of Romani people in the Czech Republic. This followed criticism by Western countries and institutions documenting human rights violations. It is our opinion that partial steps of one branch of the government does not go far enough. An integrated approach by the Ministries of Education, Social Services, Labor, and Internal Affairs is required. This, coupled with a public education campaign targeted toward Roma and Czechs that teaches tolerance and mutual respect, will begin to address the issue and remove racial barriers.

Conclusion: We see the situation as one of coexistence of two different cultures, whereby all that is dissimilar to the majority culture is rejected, scorned, and considered less than valuable. We reject the approach of assimilation. We support cultural integration while preserving our identity, including our values, which we must not and do not want to give up.

The Czech Republic must grow from a set of monocultural to multicultural values. In this time, Europe has become a continent of complicated and painful struggles by all Roma for their rights. This is similar to the situation of African Americans in the '50s and '60s under the leadership of Martin Luther King Jr, and the Indians.

The Czech Roma will not be passive in this process, and I would like to conclude by quoting a well-known Jewish intellectual Fedor Gal, "For Jews, the suffering ended with the end of World War II, but Roma wore the Star of David forever."

Mr. SMITH. Thank you very much for your testimony as well. I'd like to just ask a few opening questions, and then yield to the distinguished Co-Chairman from the Senate.

Deputy Horakova, I understand that you are mentoring some Roma, hopefully with political aspirations. One thing that we want to check out and follow up to this hearing is how inclusive our programs have been in promoting the Roma minority and democratization in Central and Eastern Europe. Who will speak for the Romani? Who will speak out?

Well, certainly, if there is political empowerment, and people are of the Romani minority themselves, they will have greater standing and a greater incentive to demand absolute equality. That's something that we need to be promoting as a Commission. We need to be moni-

toring our own aid programs and the National Endowment for Democracy. We plan to do a letter and follow up to ask in detail what indeed they are doing to be inclusive of the Romani minority.

How are you listened to as a lawmaker? I know you are from a minority party in a minority coalition government. How do you perceive the political will? Twice you yourself have been denied access. Who speaks up for you as a lawmaker? It's inconceivable, sitting here, to think that a peer, a colleague, could be so mistreated and not have your fellow colleagues move to your side and stand in solidarity with you.

Multipart question: Are the U.S. Government programs at all helpful, or are they just teaching democracy itself, excluding or being indifferent to the Romani people? Your recommendations to us on how we could proceed to strengthen the political empowerment of the Roma as all of you get further involved, as you are already doing, but in terms of actually becoming the lawmakers, out of the streets, into the suites, so to speak.

Ms. HORAKOVA. I will try to answer both of your questions. The first one, you asked if your programs are useful. I think of course that they are useful, but—I mean, as I said before, we see somehow that they do not include Roma in these programs, and they are somewhere standing behind, you know. They would just like to be included into this program.

You asked me how we can find the real political representation, who we should speak to. I would like to answer that question, of course, that we—I was talking about that we don't have political representation, strong political representation, but we have well-established international Roma organizations, and national Roma organizations, and—this is civil activity. Of course, it's not political activity, but it's really close to political activity, the civil activity. So these are people who should be contacted, and who are willing to help and who should be included in these programs.

The second question was, if I understood well—

Mr. SMITH. I understand you are mentoring some young people, or at least some aspiring politicians. How is that going, and why your own party? Apparently other colleagues did not rush to your defense regarding the discrimination that you have suffered. Or have they?

Ms. HORAKOVA. I'm sorry. I did not hear the question.

Mr. SMITH. Have your colleagues in the parliament joined hands with you to fight the discrimination that you personally have faced? You serving side by side with other parliamentarians, when they know that you are suffering indignities, have they arisen to your defense?

Ms. HORAKOVA. My colleagues in my party, and also from some other parties in parliament, were on my side, and of course they feel that it is unjust and that is impossible. In these cases, it is very dependant on the state prosecutor and on judges, who are independent from the parliamentary assembly. But there are colleagues and MP's who are aware of that issue and are standing on my side.

Mr. SMITH. Let me ask, and anyone on the panel might want to address this, but we often hear that some government officials and writers in Europe have characterized Roma as a pan-European minority.

Then they argue that as a transnational minority, solutions to Romani issues have to be developed on the intergovernmental level, through the OSCE, Council of Europe, or through the European Union. Critics say that this rhetoric is designed to pass the buck, pass the responsibility from national governments to international organizations. I'd like to know how you feel. It's like, "Let him do it. Let her do it", rather than, "Why don't we step up to the plate and do it ourselves?"

Prof. ORENTLICHER. For obvious reasons I think it is appropriate for the Romani witnesses to address the part of your question that deals with attitudes within the Romani community. There is a very serious problem of buck-passing among governments. It is critically important that the OSCE and other regional organizations make a high priority of pressing governments to meet their responsibilities toward the Romani citizens. In doing so, these organizations have to make clear that the principal responsibility for addressing the concerns of Roma lies with governments and not transnational institutions.

I would like to say, though, that one of the most promising signs I saw during my work for the High Commissioner was that, appropriate forms of pressure by regional organizations can make a difference. Some most positive developments relating to Roma undertaken by governments have come about because of concerted, sustained, and focused pressure by regional organizations. This type of pressure has worked best when the buck has been passed where it belongs—to governments.

Mr. RUSSINOV. I want to add something. I think that it is important to pay more attention on the national level to strengthen the national Roma movement, the Roma movement in the countries, and to strengthen the status of Roma in the countries, and support creating a network of Romani organizations throughout Europe.

Ms. KOCZE. I would like to add something. Of course, the Roma are a transnational minority, because we are all over Europe, or even America as well, but probably you don't know so much about it. Of course, I think both the international organization and the national government and organization as well do take over the responsibility and take care of the issue.

Just something has always come up, like Roma coming from India, and often this question is appearing that why Roma don't establish a state or go back to India. I think this question is not valid. We are in Europe, I don't know, centuries, and we feel that we are European. I am Hungarian, primarily, and of course I have a Roma ethnic background, but I am a Hungarian citizen. He is a Bulgarian citizen. Czech citizen. Or whatever. I think the governments should take care of the issue. Thank you.

Mr. SMITH. One recommendation in the High Commissioner's report was for an OSCE seminar on data collection. I know that without knowledge and without information that is pertinent and factual, very often there is no catalyst for action. Very often when you get the information, get a critical mass, you can move forward with it.

What is your view on that seminar, and whether or not we should proceed with that? Would anyone like to—Diane.

Prof. ORENTLICHER. Perhaps I could start by explaining very briefly what the thinking was behind this recommendation. Your question has already captured some of our thinking. This issue is obviously complicated. On the one side of it, gathering data can be critically important in advancing Roma rights. You need to know how many people are discriminated against in order to bring a successful discrimination case in court. You need to be able to track the results of policies to know if they are working. So that's the one side of it.

On the other side of this issue, the risks speak for themselves. There is a very serious, very troubling, at times horrific history of abuse of ethnic data. So the thinking behind the High Commissioner's recommendation was, quite simply, that we need thoughtful, careful analysis of this complex issue.

Mr. SMITH. I'd like to ask Co-Chairman Campbell.

Sen. CAMPBELL. Thank you, Mr. Chairman. I am particularly interested in several issues, because the similarity in history that Roma and American Indians have faced.

I was reading a historical background of Roma. I am just amazed at the similarity in the ill treatment that they have faced, including the expulsion or arrest solely on the basis of ethnicity, forced assimilation, enslavement, targeting for extermination, government orchestrated extermination by the Nazis, and even how they got their name according to somebody else, with the word, the derogatory word, I assume, of—"Gypsy" coming from a corruption of the word "Egyptian."

So let me ask a few cultural questions, just to fix it in my own mind as a Native American. First, and any one of our experts can answer this, I have noticed history throughout the world is written by the winners, usually, and aboriginal people, often, did not have a written language historically. American Indians did not have a written language.

Five-hundred and eight years ago, as you probably know in our history, a sailor was hopelessly lost and stumbled on the shores of this continent and thought he was in India. He looked at the native peoples. He said oh, I know I'm in India, therefore you must be Indians. American Indians don't call themselves Indians. Perhaps you know that. They call themselves in their own language what they have always called themselves. They had been here 20,000 years before he stumbled ashore, so they never changed their own way of speaking about themselves, but because they come from different groups, they have different words.

If you translate into English, it always means "the people," but the Apache call themselves one thing, the Navajo call themselves Diné, the Sioux call themselves Lakota, the Cheyenne call themselves Tsitsitas. They all have different names, but because it is too complicated to try to explain to everybody, they just kind of resign themselves sometimes to being called "Native Americans" or "Indians."

In the Roma culture, were there different groups who called themselves different things? If you go to Hungary or Poland, or somewhere else, did they call themselves different things in their own language?

Ms. KOCZE. Yes, they did.

Sen. CAMPBELL. They did. So the word "Roma" is a broader phrase that your people have accepted as a sort of generic word, is that correct?

Ms. KOCZE. Yes. Very much similar to the situation which you just mentioned before, like Native Americans, how they called themselves in their own language. So we have, in the Romani languages, Roma, which means human being, and we would like to use it in every kind of international document as much as possible.

Of course, there are many groups inside the Roma population, Sinti, or Vlax, or Boyash, or Kalderash, but this Roma name, it's a sort of unifier. Of course, we would like to go against the name of Gypsy, because it is very much derogatory, and there are many negative connotations.

Sen. CAMPBELL. For Native Americans, if you translate their word for themselves into English, it means the same thing, "the people." But we also are the object of historians and anthropologists, who usually write the books, and according to many of those people, the American Indians came from Asia Minor, and according to somebody else's written book, the Roma came from India.

In your traditional beliefs, where do you think you came from? Because, as an example, American Indians, if you ask traditional Indians, "Where did you come from?" they will say, "God put us here. We didn't come from anywhere. We were always here." What do the Roma say about where they came from? Anyone? Yes, please.

Ms. KOCZE. According to many scientists, the Roma came from India, because during the 18th century, many Hungarian linguists and scholars pointed out that the Roma language is very much similar to the Hindu, which is used in India, so that's why. But that's why I said as well that it is not valid, always, to go back to India, because we feel that we are here. It just happened to be in Europe.

Sen. CAMPBELL. You don't get involved, then, so much as American Indians do, about their traditional beliefs.

Ms. KOCZE. For me personally. I'm not speaking on behalf of the whole Roma population, but for me personally, I am acknowledging or admitting many scholars' opinion, but for me it is not really important. I happened to be born in Hungary, and happened to be Roma.

Sen. CAMPBELL. Did traditional Roma have a written language?

Ms. KOCZE. No.

Sen. CAMPBELL. Like American natives, they had a spoken language?

Ms. KOCZE. It is very much based on oral history.

Sen. CAMPBELL. American Indians have what we call in English a "black joke," that we are very happy that Columbus didn't think he was in Turkey, for obvious reasons, if somebody else was going to name us something else.

Let me ask Ms. Horakova some questions, because I am particularly interested in her background, being a colleague who was elected to office. In the Czech Parliament, what percent of the parliament are women?

Ms. HORAKOVA. I think that there are about 20 women out of 200.

Sen. CAMPBELL. About 10 percent. When you are dealing with issues—I know here we have two parties, Democrats and Republicans, but the women on both sides often, maybe most of the time, if they deal with issues related to women, they tend to be similar in their approach and they agree many times, rather than they agree with

parties. Do you find, being a member of parliament, that you will find some common ground with the other women in the parliament, rather than as a person of ethnic difference.

Ms. HORAKOVA. It's an interesting question.

Sen. CAMPBELL. That's why I asked it.

Ms. HORAKOVA. I think, in the Czech Republic, I think it is a little bit different situation than in the United States. The question of women's issues has not been taken up to the parliament and up to the government level as seriously as has been taken here for a long time. Also, a little bit on the non-governmental level as well. But if I can speak about other women in parliament, yes, I think that sometimes it is easier to find a common way of thinking.

Sen. CAMPBELL. As an example here, women in Congress are dealing with nutrition for children or education or health care for women, they tend to agree, regardless of party. Do you find that bridge is a little easier for you?

Ms. HORAKOVA. Yes, sometimes talking to them is easier, but it also very much depends on which kind of political party they belong to, you know, so maybe the final decision is also made by the party.

Sen. CAMPBELL. You are the only Roma in the Czech parliament, is that correct?

Ms. HORAKOVA. Yes, yes.

Sen. CAMPBELL. Well, I happen to be the only Native American in Congress. My mother was Anglo. My father was Native American. When I ran for office, it created some real problems, because there was a lot of distrust. I come from the West, where the big reservations are, the Indian reservations, you know, where they were put years ago and where many still live, and I think that distrust, I had to work very hard to dispel that distrust. I would guess that you probably have to go through some of the same issues.

Nevertheless, let me ask you a couple of other things more related to what we are dealing with today, before I turn the floor back to the Chairman. I understand that Roma have the same religion as the majority population where they live. We find that in our native cultures, too. We have traditional religion, which is different than Catholicism or Lutherans or any other religion. Some of the old people, and I think some practice both in this country, Native Americans, and some go one way or the other.

But in Slovakia—there are Orthodox in Romania, Catholics in Slovakia, Muslims in Albania, and so on. At the same time, I understand there are many Roma who have adopted religions that are less popular within the society at large, such as the Pentecostal, Jehovah's Witness, which is also discriminated against, as you probably know. That can make them a double target, I suppose, for religious discrimination as well as ethnic discrimination. Is that true? Maybe, professor, would you like to deal with that? Is that true? Whoever would like to. Yes.

Mr. RUSSINOV. Actually, I don't think Roma are victims of double discrimination, in terms of religion. Roma are victims only of ethnic discrimination. I don't think there is strong evidence to think about in this direction, and, I don't know, maybe I'm wrong, but I don't think there is, in Bulgaria. I don't think, also, that Romani women are doubly discriminated against.

So I think, actually, the very strong point is the ethnic discrimination, and the ethnic origin is the very strong point of discrimination.

Ms. KOCZE. I would like to add, unfortunately—I'm sorry, but it very much shows how diverse we are. I don't really share your opinion. I think the women have double discrimination, the Roma minority, and in fact, you were right that Roma have no unified religion, because they always pick up the religion where they are living, but I have heard often, and the people testified, that for example when they want to baptize their children to the Catholic churches, they were refused.

Sen. CAMPBELL. The Catholic church refused to baptize the Romani children?

Ms. KOCZE. Yes, to baptize the Romani children. It's very popular. There is a movement to join the Roma to the Pentecostal churches, especially Slovakia and the Czech Republic, as far as I know, and Hungary absolutely.

Sen. CAMPBELL. I have some more questions, Mr. Chairman, but I want to share the time, so I will relinquish.

Mr. SMITH. Commissioner Pitts?

Mr. PITTS. Thank you, Mr. Chairman. I apologize for being late. If you covered the following points, please tell me.

Ms. Horakova, I understand that Secretary of State Madeleine Albright met with some young Romani university students when she was in the Czech Republic in March. My question is, are such contacts constructive? Do you have any recommendations for how the United States can more usefully approach this issue?

Ms. HORAKOVA. I know about that meeting with Roma young students from the Czech Republic, and I received some reaction to that, especially from the side of young Roma people, they were really thankful for that, to be able to get this chance to speak with Ms. Albright, and I think it is important. It is also a really important message to the public, to the majority, that Ms. Albright is coming to the Czech Republic and she wants to meet with Roma young students. I think that this is a really strong and helpful message to the public.

Ms. ZOON. I would like to respond to Monika's answer with some thoughts about the way in which maybe the Commission and the Department of State might be instrumental in improving Roma rights. In the first run, I would like to say that a comprehensive review of U.N. aid programs and national endowment programs, and their focus on Roma and the measure on which they address Roma issues in all these countries would maybe be very useful in order to see what kind of effectiveness these programs have for the improvement of Roma.

On the other side, within the OSCE process, I am thinking that the missions at the national level, the OSCE delegations to the countries, that might be more helpful, and again, maybe a review of their role and their focus at the national level on Roma, that might be useful.

In the countries where such missions don't exist, maybe a suggestion might be to make targeted missions, like in other countries in the OSCE region, with a focus on Roma.

The third point I would like to make is, in fact, more a question that I put to myself. In this region, the Open Society Institute is the leading funder of the Roma programs.

Mr. PITTS. Would you mind repeating the name of that organization?

Ms. ZOON. The Open Society Institute. The Roma programs, the civil society, the Roma NGOs do not have a real funding source, except the Open Society Institute, while the United States is known as supporting programs, democracy programs, you know, improvement of human rights programs all over the world.

So my question was, why are there not more programs for the civil society's specific problems, and why is there not clearer leadership in this field of the United States?

Finally, I think that the systematic emphasis on the adoption of anti-discrimination legislation in each of these countries, and implementation, including equality rights commissions, well funded and well staffed with knowledgeable people, that will be extremely helpful.

Mr. PITTS. Thank you, Ms. Zoon.

Ms. KOCZE. I would just like to add one sentence. As I know from Hungary and the Czech Republic, USAID doesn't operate anymore, and I would just like to rethink that program, because it would be very necessary regarding the unemployment rate, the segregation in the schools, the children who drop out of the schools, and the health issues, for the Roma.

Mr. PITTS. Thank you. To follow up, Ms. Zoon, I understand you have been living in Spain for the last couple of years. Some people view Spain as a country that has a relatively better record for addressing Roma human rights issues. Would you agree with that? Do you see Spain as a model in this regard? Which countries have the best record, and what are some of the aspects that make their records commendable?

Ms. ZOON. Well, definitely there are some developments in the last 20 years in Spain. I would be very hesitant to call that a model. The program for the development of Roma people in Spain, it's, in my opinion, a rather short-winded, ineffective, and one-sided program which does not have necessarily the effect which might be expected.

Again, it is a clear attempt of the government to address in a systematic manner the problem, but the Roma problem is considered a social problem, which kind of ignores the human rights dimension, ignores the discrimination dimension of Roma, and this affects the quality. However, I am very convinced that there are areas where the Spanish experience should be shared.

But this being said, I think that the problem of the situation of Roma in the other Western countries is extremely important, and should be addressed. Roma are not discriminated against only in Central and Eastern Europe, yet there is a tendency at the international level to kind of, you know, shift the entire Roma problem to that area, and probably politically it is wise. Probably there are certain moments, political moments, that should be used, but in Spain and in Portugal, the situation—and in Greece, and in Italy, the situation of Roma is painful, to say the least.

I want to make another recommendation. It's about the role of the World Bank. I think that the World Bank has many programs in our countries that aid in giving our countries loans for reform in health areas. Being encouraged to add a focus on Roma issues into the discussions with the government, to bring more expertise on Roma, to

systematically add Roma components on the programs which are developed in our countries, I think that it will be very powerful, and again, probably, with the World Bank, which already has some intentions, right? There are developments. There is an interest already in the World Bank, which must be encouraged and must be very visible. Thank you.

Mr. PITTS. Thank you—

Mr. SMITH. Mr. Russinov, why are Romani and other minority issues in Bulgaria dealt with by a ‘National Council on Ethnic and Demographic Issues?’ Why are ethnic issues and demographic issues linked? If you could just hold the response, and I will take a look at it. Especially given the past horrific abuses that have taken place, with forced sterilization, of trying to keep the numbers down, and then to have that linked with the demographic council and ethnic issues, it just jumps off the page as to why the two are linked.

Secondly, all witnesses, regarding the OSCE Parliamentary Assembly coming up in July, what would be your recommendation to our delegation? Last year we had 17 members. Ben Nighthorse Campbell and I, and others, spoke out forcefully on a myriad of human rights issues.

What would be your recommendation to us about an agenda for the Romani people at that assembly? We’ll have parliamentarians from all the countries, and perhaps our distinguished deputy from the Czech Republic can somehow get on her delegation to raise the issue. What would you recommend we raise? It will be held in Romania, as you probably know, during the week of July 4th.

I will look forward to reading and hearing from my staff exactly what your recommendations are, both orally and anything you want to convey to us in written form.

Mr. RUSSINOV. As far as I understood your question, you asked me why—

Sen. CAMPBELL. You can say it now, but for the record, for him, [Chairman Smith] he’s going to have to leave, so we will convey that in writing to him for the record.

Mr. RUSSINOV. Okay.

Sen. CAMPBELL. Go ahead, Mr. Pitts. Basically, he wants your opinion on what we should do at the next OSCE Parliamentary Assembly meeting.

Mr. PITTS. In writing, please. Professor, the report of the High Commissioner focused on Roma in the OSCE region. It didn’t cover every country where Roma live. For instance, the United States was not included. Can you tell us how countries were chosen for examination? Did you receive any information about Roma in the United States? If so, what is your impression of their situation here?

Prof. ORENTLICHER. Well, to answer your first question about selection, it was impossible to go to every country that we would like to have visited, and so the decisions about which countries we would examine were based principally on the size of Roma communities within OSCE participating States. We tried to visit countries with the largest Romani communities. A number of countries, besides having substantial Romani communities, were selected because problems in those countries represented problems that recurred elsewhere. Visiting these countries afforded an opportunity to examine concerns that had significance extending beyond the countries’ own borders.

We visited the United Kingdom for this reason. Substantially more Roma maintain a semi-nomadic lifestyle in the West than in Central and Eastern Europe. Many Roma in the U.K. who wish to maintain such a lifestyle face serious discrimination in their efforts to do so legally. So we visited the United Kingdom because the situation there exemplified a problem that happens to be serious for Roma in a number of Western European countries.

Turning to the United States, the report mentioned in the report one of the most serious concerns expressed by Roma in this country, and that is negative stereotyping of Roma in the U.S. media. This is a problem in every country of which I am aware. The report quoted a couple of very troubling examples of negative stereotyping of Roma in the *New York Times* a few years ago.

Happily, the *New York Times* more recently has done some very good reporting on the conditions of Roma, including a terrific profile of Ms. Horakova about a month ago. But the *Times* published some reports a few years ago, in 1996 and '97, that include astonishingly pejorative statements about Roma.

This problem is very serious. I have seen a number of articles, including a series in the *Arkansas Democrat-Gazette*, last April, which included very negative stereotypes of Roma. One article was effectively a platform for recycling hostile stereotypes of Roma. You had the sense at times that the reporter had solicited negative stereotypes of Roma from some sources he quoted.

He quoted one sheriff in Arkansas who said, "I don't have a problem with Roma. They are, for the most part, law-abiding." But then the reporter went on to say that the sheriff conceded that, and I think this is close to being an exact quote, "if there is a Gypsy involved, there's a scam." So negative stereotyping is a serious problem in the U.S. media, and this problem is noted in the report of the High Commissioner.

Other concerns reported commonly in the United States include racial profiling of Roma by police precincts. There have also been reports of some police precincts engaging in shakedowns of local Roma—extorting money from Roma in exchange for agreeing not to prosecute them.

There was one report—ironically, in the series published in the *Arkansas Democrat-Gazette* of a problem, which I suspect may be more common than we realize. The article quoted a sheriff who said, in his words, that he had a policy of "terrorizing local Gypsies," in order to get them to leave the county. He said he would make a point of arresting them, if possible, for disorderly conduct, for not doing paperwork properly, for whatever charge he could find. He said that if he could not find a charge, he would charge them anyway or kick them out of the county.

These are the principal problems confronting Roma that are reported in this country, and I appreciate your asking that question.

Mr. PITTS. Thank you very much.

Sen. CAMPBELL. Well, I am just continually amazed at your answers, the similarities. I was just talking to staff about racial profiling. It still goes on in this country, as you probably know, with African Americans, American Indians, and Hispanic Americans, too. It's wrong in Europe and it's wrong here, too.

Professor, you mentioned the *New York Times*. I guess you are referring to that 1997 article when a reporter wrote that the Roma were better off under Romania's Ceaucescu, because he had suppressed their culture. Is that the article you are referring to?

Prof. ORENTLICHER. That was one of them, yes.

Sen. CAMPBELL. Last year, as I understand it, the Hungarian Ambassador wrote that the "inherited lifestyle of the Roma is a source of their problems." American Indians face the same thing. According to our government, giving gifts to elected officials is a real taboo. We have laws against it, as you probably know. We have laws against nepotism, hiring of relatives. But in the traditional culture, to give a gift is considered good, and to refuse a gift is considered a terrible insult.

Also, in the native way of thinking, if you don't take care of relatives, you're just a very bad human being, but to the elected form of thought, if you take care of your relatives too well, it's a form of nepotism. I was wondering, do Roma traditions or cultural—their beliefs contribute to the thought that was expressed by that Hungarian Ambassador?

Prof. ORENTLICHER. Perhaps I can best answer your question by recalling a point emphasized by Ms. Kocze, who in her testimony noted how much ignorance there is about Roma because non-Roma rarely get to know Roma. Your examples are very apt. I've heard many, many similar accounts of Romani culture by non-Roma who completely misunderstand aspects of Romani culture and attribute inappropriate meaning to practices they do not understand.

In this country, the problems of Roma do not begin to approach the severity of the discrimination Roma experience in some parts of Europe. Even so, my students did not realize how many negative stereotypes of Roma they had developed from reading the newspapers in this country until they had the chance to meet Ms. Kocze, with whom I had the honor of co-teaching this past semester. When they met her, and got to know her and came to understand Romani culture through what Ms. Kocze was able to share in 3 weeks, my students realized that they have been accumulating entirely false and inappropriate stereotypes about Romani culture. Happily, she shattered those stereotypes.

Sen. CAMPBELL. How does the media fit in? For instance, I keep referring to this, my own frame of reference, but for decades, probably thirty or forty years, you could not go to a movie that had anything to do with American Indians that was not negative. I mean, they were all depicted as bloody savages that were going to steal your wealth and rape your women and kill your kids and do all that stuff. That was the stock in trade of the movie industry for years.

Do the media—television and films—in Europe, do that to Roma as the American media and movie did that to Indians for so many years? Yes, sir.

Mr. RUSSINOV. I wanted to mention before you asked me, because actually this was part of the problem Roma faced in our countries in the last decade. Roma were portrayed mainly as perpetrators of criminal acts, very negative, yes, in a very negative way. The first problem was that the media developed the negative prejudices and stereotypes. The second problem was that actual Roma were absent from

the media. There were no Roma journalists in the mainstream media, in the press and electronic media. The Roma point of view is missing from the media.

I think maybe this is very optimistic, what I am saying, but I think there is some small change in the last year in some of the media. I mean some Roma activists had the possibility to speak before the media, but actually maybe this is exceptional. I think that we have a lot to do in this area. We can recommend some training courses, maybe, for journalists, for tolerance, coverage of interethnic—of different cultures, different ethnic groups and so on.

Sen. CAMPBELL. It's changed in the United States, too, but that part was not changed by law, because the people that make those movies are protected by the First Amendment of the Constitution. They have freedom of expression, even if it is bad expression and we don't agree with it, and that was bad expression. I think the thing that changed the American media in general—was public pressure.

We didn't do it by law, so much. We did it by public pressure that finally, I think, convinced many in the media that Indians weren't all bad, and they weren't all thieves, they weren't all dirty, they weren't all whatever. That kind of public pressure has made a big change now in the media reception, including giving them jobs in the industry, too, which they could not get years ago. If you watched an old movie about Indians, you saw Italians dressed like Indians, or something, but they wouldn't give Indians jobs in those days.

Let me ask you a little bit more about the law. We have a constitution. We are governed by laws. I understand that some countries, of the countries we are dealing with here there are many Roma people, they have a provision in their criminal codes which prevent discrimination, but are they used? Do prosecutors use them or circumvent them

Ms. KOCZE. It's very necessary to set up anti-discrimination legislation. Often there is the argument that we have already some articles and different laws, like for example the criminal law as well, but we have to know that this kind of article at one point is not in force by the legal enforcement, by the court, and the other point is that it is always misused.

For example, there was one case in Slovakia or the Czech Republic, I can't remember exactly, maybe in Slovakia. There was a case against Roma, and it was absolute racial discrimination, and the court said, actually it's not racial discrimination, because the Roma belong to the Slovak nation. They are not a different race.

So when they want to use it, the term, legally, racial discrimination, it doesn't work, but of course in practice we are discriminated based on race and ethnicity.

Sen. CAMPBELL. Professor Orentlicher—

Mr. RUSSINOV. I can add—

Sen. CAMPBELL. Yes. Go ahead.

Mr. RUSSINOV. I can add to this answer that, I can explain for Bulgaria that Bulgaria has not adopted comprehensive anti-discrimination legislation. In the criminal justice system, racial motivation of crime is not considered an aggravating circumstance in defining the penalty, and criminal responsibility for propagating or inciting racial or national hatred is envisioned by the criminal court, however none of the provisions have been enforced in the past ten years, and no sentence for such crimes has been delivered by the Bulgarian courts.

Sen. CAMPBELL. That is very complicated, from an outsider's standpoint. Diane, let me get back to you and maybe ask you one last question or two. You touched on the High Commissioner's report. One recommendation in that report called for an OSCE seminar on data collection. I won't be going to the July OSCE Parliamentary Assembly meeting, but Chairman Smith will, and many other commissioners will.

I assume you believe that might be useful, and I would ask you, that report didn't cover all the countries where Roma live, including—it didn't cover the United States, as an example. How were those countries chosen?

Prof. ORENTLICHER. Thank you. Could I—would it be appropriate for me to add one footnote to your previous question as well?

Sen. CAMPBELL. Sure.

Prof. ORENTLICHER. Because it was such an important question, I just want to reinforce the importance of what Mr. Russinov and Ms. Zoon and others have said, which is that we sort of tend to assume that there must be adequate laws against discrimination in every country, and that those problems are not adequately enforced.

Well, there is a serious problem of enforcement, but there is also a very serious problem, as the other witnesses have said, the laws themselves. In many countries, there is a glaring, glaring gap in legal protection. There is virtually no protection against discrimination in the law of many countries.

The report cites one example in which a Hungarian parliamentary commissioner said that a job advertisement that said "no Roma should apply" was unconstitutional—every constitution prohibits discrimination—but, he said, "I can't do anything about this. There is no law that lets me do anything." This is a very common problem: Roma are outside the protection of the law. A bottom-line concern for the U.S. delegation to the OSCE has to be that governments must meet their fundamental obligations to ensure all citizens are protected equally before the law.

On your question about data collection, as I suggested in my testimony, this is a very difficult issue. Beyond reiterating the basic point that this issue deserves serious attention because so much turns on handling it properly, I would like to emphasize how critically important it is, that Roma themselves be at the center of any discussion about this issue, as in every other area of Romani policy.

Roma have many reasons to be deeply suspicious—and even afraid of abuse—of statistics. But at this time when there is a very dynamic revitalization of Romani activism, it is also important to understand what tools, including data, may be available to advance Romani rights, and to utilize data-based strategies in a manner that minimizes the risks associated with ethnically-based data collection.

So the recommendation of the report is not that greater use should be made of ethnic data, but that it would be useful to thoughtfully examine how such data might be used without abuse. No prejudgement of the outcome of such a study was intended by this recommendation.

Turning to your question concerning how we selected the countries examined in the report of the High Commissioner, I would like to emphasize that Roma experience significant problems in almost every country where they are a substantial minority. As Ms. Zoon's response to the question about Spain indicated, it is difficult to find a

country that has a good record on Romani rights. I wish we could have visited more countries that provide positive examples. We tried to visit as many countries as possible that would provide a representative picture of the problems confronting Roma, and we tried to focus on countries that have the largest Romani communities. Thank you.

Sen. CAMPBELL. Well, certainly we are not without blame in the United States, but at least, I think, people here recognize that we do have a constitution, and they have some constitutional rights, even though they may have to go to court to get them, or get them through different methods. They use that as a frame of reference. What many Americans don't recognize is that constitution only protects them as far as the borders, and if they get into some foreign countries—I know our office gets calls all the time from people who have gotten in trouble in a foreign country, and they want to talk about their constitutional rights. We remind them they are in Mexico, or somewhere else. Their constitutional rights are out the door, because Mexico doesn't have our constitution. It's amazing that we are so insulated here that we don't see that.

I have no more questions, but I wanted to convey to all of you that I know I can speak for my colleagues to tell you we are very concerned, and we are going to do our best to pursue these matters. I happen to be somewhat of a dreamer, and I want to tell you about that statue in the back.

I don't know if you noticed that when you came in the door or not, but that statue was made by a dear friend of mine, who passed away about 10 years ago. He was an Apache, and his name was Alan Hauser. His grandfather was a scout for the great war chief Geronimo. After Geronimo voluntarily gave up to the U.S. Government, they put him and his scouts and the other Apache scouts who were enlisted by the government, they put them all in the same prison, in Fort Marion, Florida.

I asked Alan Hauser when he first did this sculpture years ago, what was the inspiration for that? He told me that there was a story in Apache culture about a young warrior who wouldn't give up, who believed that if you keep shooting for the stars, sooner or later your dreams come true. We had that—Sen. Inouye, who was the Chairman then, and I was the Vice Chairman. The statue was purchased with private donations. We placed it in this room because this is one of the few dedicated rooms in the Senate.

Only Native American issues are heard in this room, and we use it also for CSCE hearings. The statue is an inspirational piece for particularly young people that come in here and think that they are beaten down so bad, they have no hope for the future. I thought that statue would be a really graphic illustration that there is always hope for the future if you don't give up. So I would hope that you wouldn't give up.

Thank you for appearing. We will keep this hearing open for 2 weeks for any additional comments you want to make, or any comments from the audience, and other commissioners may send you a written question, too. If you could answer those if you get them, we would appreciate that.

With that, this Commission hearing is adjourned.

(Whereupon the hearing was adjourned at 4:05 p.m.)

**PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH,
CHAIRMAN**

Two years ago, the Helsinki Commission held its first hearing on Romani human rights issues. Today, we revisit that issue and take stock of the developments since then.

Much of today's hearing will focus on Central and Southern Europe—post-communist countries where Roma are the most numerous. But there are Roma in almost every OSCE country and Roma face prejudice in every country in which they live. In the United States, there are an estimated one million Roma and it was only in 1997 that the legislators in my own State, New Jersey, unanimously voted to repeal the last anti-Roma statute—originally adopted in 1917—still on the books at the state level. American Roma continue to fight the straightjacket of ethnic stereotyping.

Roma in other democracies also have problems. In early May, the parents of more than 600 students in Spain kept their children from going to St. Juan Bosco Catholic School to protest the admission of three Romani children—ages 3, 7, and 8—to the school. Police had to establish a cordon to bring the Romani children and six other students to class. In Germany, courts have upheld a ruling that landlords may deny Roma housing, solely on the basis of their ethnic identity, and the Bavarian police continue the discredited Nazi practice of maintaining records which single out Roma for identification based on their ethnicity. In Nea Kios, Greece, municipal authorities have issued a declaration saying Roma are not welcome and suggesting that Roma property owners “return” their lands to the city.

In other countries, Roma may face even greater dangers. In Slovakia, one local official called for a “Chinese fertility program” for Roma, raising the threat of renewed forced sterilizations. An official in Hungary was reprimanded for his proposal that the government address Romani problems by distributing birth control free to Romani women.

Some government officials have shown courage and wisdom in condemning such racist views. When a Slovak parliamentarian called for punishing Roma because they had exercised their right to seek asylum, government human rights official Juraj Hrabko condemned the legislator's remarks as “cheap populism” and “racist.”

Regrettably, racist words and deeds are too often met with silence on the part of elected representatives and public leaders. In April, for example, a Hungarian mayor said that the Roma in his town “have no place among human beings. Just as in the animal world, parasites must be expelled.” In the face of this outrageous statement, public officials in Hungary have remained silent. As Edmund Burke said, “The only thing necessary for the triumph of evil is for good men to do nothing.”

I welcome today our distinguished panel of experts who have come to address this important subject. Our first witness will be Professor Diane Orentlicher. Ms. Orentlicher is professor of international law at the Washington College of Law and has expertise in virtually every area of human rights law. Most recently, she served as Special Advisor to the OSCE High Commissioner on National Minorities.

We will also hear from Dorina-Celia Zoon. Ms. Zoon is perhaps best known to the Helsinki Commission for her meticulously prepared reports documenting the denial of citizenship to members of the Ro-

mani minority in the Czech Republic. She is currently preparing a report on the access of Roma to municipal services in several countries.

Monika Horakova was elected to the Czech Parliament in 1998 as a member of the Freedom Union party. Trained as a clinical psychologist, she previously served as Executive Vice-Chair of the Inter-ministerial Commission for Roma Affairs.

Rumyan Russinov became Director of the Open Society Institute's Roma Participation Project in May. Prior to that, he worked with the Human Rights Project in Sofia and played a leading role in forging a landmark agreement between Romani NGOs and the Bulgarian government on a national agenda for Roma.

Angela Kocze is Human Rights Education Director for the European Roma Rights Center, an international public interest law organization which monitors the situation of Roma in Europe and provides legal defense to victims of human rights violations. She works with Romani communities in many Central European countries.

Finally, I welcome Karolina Banomova. Ms. Banomova is a Romani activist and member of the Czechoslovak Roma Association of Canada. In 1997, Ms. Banomova fled her native country, the Czech Republic, and sought asylum in Canada along with hundreds of other Czech Roma.

**PREPARED STATEMENT OF
HON. BEN NIGHORSE CAMPBELL, CO-CHAIRMAN**

Mr. Chairman, I welcome the opportunity to participate in this hearing which will examine the challenges facing Roma in the OSCE region today. It is quite appropriate that we meet here in the Committee on Indian Affairs, which I have the privilege of chairing, as a reminder that this nation's record of treatment of our own indigenous people is an embarrassment. I have devoted myself to breaking the cycle of poverty and helplessness that have traditionally characterized the life on most Indian reservations.

Many Roma similarly find themselves in societies where violence and other manifestations of racism run rampant and discrimination is something to be confronted daily. Such treatment—or more correctly, mistreatment—is easy as long as this segment of society remains a “silent minority.” Increasingly, however, Roma have begun to raise their voices not in search of special treatment, but for an opportunity to freely exercise their human rights and fundamental freedoms without discrimination.

Today, we have a distinguished group of witnesses who will shed light on the social, economic, and political realities facing Roma in the OSCE region today. I look forward to hearing from these experts.

Thank you, Mr. Chairman.

**PREPARED SUBMISSION OF DIANE F. ORENTLICHER,
PROFESSOR OF LAW, AMERICAN UNIVERSITY**

Thank you for inviting me to testify about one of the most pressing human rights issues confronting the participating States of the Organization for Security and Co-operation in Europe (OSCE)—the situation of Roma. I have been asked to address the conclusions and recommendations set forth in the recently released Report on the Situation of Roma and Sinti in the OSCE Area, which the High Commissioner on National Minorities of the OSCE, Max van der Stoel, released in April of this year.⁽¹⁾ I welcome the opportunity to do so. I nonetheless want to make clear that I am not representing Mr. van der Stoel at this hearing; opinions expressed in this testimony are my own.

I. HUMAN RIGHTS CONCERNS

The report's first conclusion is unambiguous: "discrimination and exclusion are fundamental features of the Roma experience."⁽²⁾ In fact, Roma are subject to pervasive, tenacious and at times virulent forms of discrimination.

A telling measure of this is the license that many political figures feel in expressing overtly hostile views about Roma, both publicly and privately. Like the proverbial picture that speaks a thousand words, two examples cited in the High Commissioner's study provide a vivid sense of this problem: In May 1998 the leader of the Czech Republican Party, Miroslav Sladek, reportedly said at a public rally in the South Bohemian town of Písek, "summer's getting near, it's time for swimming lessons again." This was a perverse reference to an incident five years earlier in which a Romani teenager, Tibor Danihel, drowned after being chased into the Otava River in Písek by some 40 skinheads. The attackers prevented Mr. Danihel from climbing out of the river by beating and kicking him. In August 1998, the leader of an extremist opposition party in Romania, Corneliu Vadim Tudor, reportedly announced a ten-point "program to run the country," which included "isolat[ing] the Roma criminals in special colonies" in order to "stop the transformation of Romania in[to] a Gypsy camp."

Statements like these have helped foster a climate of intolerance that imperils the physical security of Roma. One of the most alarming patterns described in the High Commissioner's report is the high incidence of violence against Roma in many OSCE participating States. The report describes recent attacks in Bulgaria, the Czech Republic, Croatia, Hungary, Italy, Macedonia, and the Slovak Republic and notes that episodes of anti-Roma violence have also been reported in Albania, Austria, Bosnia, Poland, Romania, Russia, Ukraine, and Yugoslavia. Many of these incidents involve attacks by skinheads and other private citizens; others involve police abuse. In some instances, entire Romani communities have been attacked; as the report observes, these incidents "must properly be called pogroms."⁽³⁾

Of course these incidents do not occur in a vacuum. I have already noted the role of inflammatory statements by public figures in several countries. Beyond this, negative stereotyping of Roma is commonplace in the media of many OSCE participating States. While the disturbing trends addressed in the High Commissioner's report are

especially pronounced in Central and Eastern Europe, where a majority of Roma live, pejorative images of Roma are a common feature of reporting in several western countries, notably including the United Kingdom. Closer to home, several American newspapers have recently provided welcome coverage of issues relating to Roma. Still, it is by no means unusual to see accounts in the U.S. media that depict Roma as a social menace. For example, a recent article in the *Arkansas Democrat-Gazette* asserted: “Some Gypsies are honest. Far more, police and prosecutors say, earn their livings preying on the Gorje” [sic]—that is, non-Roma.⁽⁴⁾ The article asserted that, for Gypsies, “[o]utwit[ting] [the Gorje] is no crime.”⁽⁵⁾ A second article by the same reporter provided an extended forum for publicizing the views of local individuals that Gypsies in the Texarkana region typically “harbor a criminal element.”⁽⁶⁾ One of the more revealing quotations suggests the reporter’s determination to elicit negative generalizations of this kind: “Jefferson County’s [sheriff’s Maj. Noel] Foster says that Gypsies are mostly well behaved and law-abiding in their home county but acknowledges some truth to the concept that ‘if there is a Gypsy involved, there is a scam.’”

In many OSCE participating States, Roma are effectively outside the protection of legal and other authorities whom they encounter on a daily basis. Consider, for example, the experience of a 13-year-old Romani schoolgirl who was assaulted last month in Belgrade. According to the Humanitarian Law Center, the girl was attacked on May 10 by a group of fellow students and skinheads while walking home from school. As they stabbed her 17 times, the assailants taunted the girl, “your Gypsy blood will pour out of you.”

Earlier that day, the group had threatened to rape the victim and cut her “to pieces,” and also “slapped around” a Romani boy in the school yard. The girl reported the incident to her math teacher, who, she recounted, was not interested, while the boy reported the incident involving him to the school principal. The group that attacked the girl had previously threatened Romani schoolchildren. Although the children told their school principal of the threats against them, it has been reported that neither he nor any other school authority took steps to protect these students. The parents of these children are, understandably, anxious about sending their children to school.

While physical violence is one of the most alarming manifestations of anti-Roma prejudice, its most enduring impact may be in the realm of education. Segregated schooling is commonplace in several OSCE participating States. In some countries, Romani children typically attend predominantly Roma schools or “Roma classes” in mixed schools. The most pernicious form of segregation, however, has been achieved by routing Romani children to “special schools,” the term by which schools for the mentally disabled are known, or to classes for mentally disabled children in regular schools. This degrading practice has consigned generations of Romani children to a future in which their brightest prospect is menial work.

The practice of channeling Romani children to “special schools” has been especially pronounced in the Czech Republic, the Slovak Republic and Hungary. A report by the Hungarian Parliamentary Commissioner for National and Ethnic Minority Rights cites one estimate that, in 1998, Romani children constituted 94 percent of the special school population in one county in eastern Hungary. In the view of

the Commissioner, this pattern is “not due to intellectual deficiency of Gypsy students, but to discrimination, and is a sign of the pedagogical failure of the normal institutions of public education.”⁽⁷⁾ Last year, in a welcome acknowledgment of the need to address similar patterns in its country, the Czech government estimated that about three-fourths of Romani children in the Czech Republic attend special schools.⁽⁸⁾

Although not the sole reason, these patterns go a long way toward explaining why levels of academic achievement among Romani children tend to be very low. In most countries examined in the High Commissioner’s study, Romani children attend primary school at levels substantially below the national average; the disparity becomes drastic at higher levels of education. In consequence, many Roma are ill-prepared to compete for desirable jobs, and indeed unemployment levels are staggeringly high among Romani communities in many OSCE participating States. For example, last year a Hungarian official estimated that 70 percent of her country’s Roma were unemployed; in some Hungarian villages unemployment among Roma ranged as high as 90 to 100 percent.⁽⁹⁾

But poor levels of academic achievement are not the only explanation for these sobering statistics. Even highly-educated Roma encounter what often seem to be insurmountable barriers of discrimination when they apply for jobs. In some countries in Central and Eastern Europe, it is not uncommon for job advertisements to make clear that Roma should not apply. The 1998 report of Hungary’s Parliamentary Commissioner for National and Ethnic Minority Rights includes this example:

In the 8 July 1998 issue of the *Expressz* newspaper, an employment notice with the following text appeared: “We will immediately hire a white-skinned, non-alcoholic bricklayer.” Following this, in a radio interview, the individual who placed the notice made it clear that by using the term “white-skinned” he wanted to obtain the result that Gypsies would not apply for the position.⁽¹⁰⁾

In March of last year, a Romanian official told me that the Attorney General had taken the position that similar advertisements in Romania were “much too common to be prosecuted.”

In light of the high levels of unemployment among Roma in many countries, it is not surprising that many live in conditions that can only be called abysmal. In a classic vicious cycle, these conditions are compounded by discriminatory practices in the realm of housing, often entailing deliberate policies of segregation. It was perhaps with this last trend in mind that the High Commissioner cautioned: “Ten years after the iron curtain fell, Europe is at risk of being divided by new walls.”⁽¹¹⁾

The CSCE is of course well aware of one of the most visible emblems of this phenomenon—the campaign by non-Roma in the Czech town of Ustí nad Labem to construct a wall around an apartment complex occupied principally by Romani tenants. In another variation on this trend, two villages in Eastern Slovakia adopted resolutions in 1997 banning Romani families from settling in or even entering the villages. These resolutions capped a ten-year campaign by local authorities and non-Romani citizens to “get rid of local Roma-

nies,” in the words of the mayor of one of the towns. In the face of substantial international pressure as well as interventions by national Slovak authorities, these decrees were formally rescinded last year.

In several Western European countries, Roma experience *de facto* discrimination in respect of living accommodations. For example in England, zoning regulations are enforced in a fashion that effectively discriminates against Gypsies—the most common term of self-description used in the U.K. More generally, British law and patterns of enforcement have placed significant obstacles in the path of Gypsies who wish to maintain a traveling lifestyle.⁽¹²⁾

In brief, under the law of the United Kingdom Gypsies have three options for lawful camping. First, they can park on public caravan sites. The British government acknowledges, however, that the number of such sites falls far short of the need. Second, Gypsies can park on occupied land with the consent of the occupier. Finally, Gypsies can park on property they own. In most cases, however, this requires what is known as “planning permission” from local authorities. This regulatory scheme allows broad play for discretion, which has repeatedly been exercised to the detriment of Gypsy applicants. In 1991, the last year for which relevant patterns were assessed, 90 percent of applications for planning permission submitted by Gypsies were turned down. This contrasted with a success rate of 80 percent for all planning applications that year. Thus many British Gypsies, unable to find adequate accommodation in public caravan sites, encounter apparent discrimination when they seek to park their mobile homes on their own property. Increasingly, Gypsies in the United Kingdom are forced to choose between remaining within the law and maintaining their traditional traveling lifestyle.

Summarizing the human rights situation of Roma in the OSCE area, the High Commissioner’s report concludes that “the persistence of racially-motivated hatred and violence directed against the Roma and Sinti can only be considered a blight on the records of individual participating States and of European society in general.”⁽¹³⁾

B. GOVERNMENT INITIATIVES

One of the principal aims of the High Commissioner’s report is to recommend effective strategies for tackling the urgent problems I have just summarized. With this in mind, the report describes a broad range of initiatives undertaken in recent years, from local projects to regional programs, and offers recommendations that draw upon these experiences as well as on the core values of the OSCE.

I will briefly summarize some of the principal recommendations set forth in the report. First, however, it may be helpful to place these in context.

This hearing comes at a time of heightened attention among OSCE participating States to the concerns I have just outlined. As some of my previous observations reflect, in some countries government officials have acknowledged in forthright policy statements that Roma are victims of serious and systemic discrimination. Against a longstanding refusal by many governments even to acknowledge discrimination against Roma, this is itself noteworthy and commendable.

A variety of factors accounts for these developments; one of the most significant is that the European Commission has put five applicant countries on notice that they must make substantial progress in addressing the plight of their Romani citizens to qualify for accession to the European Union. This has provided a powerful incentive for the applicant states to devise national programs aimed at improving the conditions of Roma. Indeed, the report of the High Commissioner cites numerous examples of governmental initiatives adopted in the past year alone.

This is of course a welcome trend. There is, however, a significant risk that governments will adopt superficial or otherwise inadequate programs. After all, concerns relating to Roma are not a popular political issue in any country, least of all in those countries where substantial efforts are most needed. In the course of my field work last year, I was often struck by the thin support that otherwise salutary governmental initiatives concerning Roma enjoyed within the government itself. New departments created to address Romani concerns were often short-staffed, under-funded and, as one might say in this town, out of the loop. Officials committed to advancing the situation of Roma in their countries often seemed to occupy a lonely ledge within their governments.

But I also saw that sustained attention by other states and by regional organizations could go a long way toward ensuring that governments reinvigorate their efforts to combat discrimination against Roma. As noted earlier, for example, sustained pressure helped secure a reversal of resolutions banning Roma from two towns in Slovakia. This Commission has played a particularly important role in monitoring troubling developments relating to Roma and acting in a timely fashion to address those concerns.

C. RECOMMENDATIONS

The report of the High Commissioner sets forth numerous recommendations, and also offers examples of effective initiatives that, while perhaps not appropriate models for every country, might provide inspiration to some. Since I cannot do justice here to all of the report's recommendations, I will highlight those which have overarching significance, as well as several concrete recommendations that merit special note.

One of the core themes of the report is that Roma must play a central role in developing, implementing and refining any programs aimed at improving their conditions. I would like to believe that this point is too obvious to require mention. Unfortunately, however, government programs for Roma have, historically, been designed without meaningful participation by Roma. This pattern is, of course, incompatible with fundamental principles of human dignity and democratic participation. And it is a prescription for failure.

In recent years a number of countries in Central and Eastern Europe have developed, or at least have begun the process of designing, major new programs to address the pressing concerns of their Romani communities. In large measure as a result of pressure from the European Commission and other outside actors, Roma have played a more significant role in these national processes than they otherwise would have assumed. But I know of no country where the level of Romani participation has been adequate. In this setting, the CSCE

can play a constructive role in expressing its support for meaningful participation of Roma in the development, implementation and evaluation of new initiatives relating to Roma. Indeed, the Commission has set a commendable example in this regard by inviting a preponderance of Romani witnesses to testify at this hearing.

A second major focus of attention at the national level should be the adoption of comprehensive anti-discrimination legislation and vigorous enforcement of the law when rights of Roma are violated. Although national constitutions typically prohibit discrimination, many OSCE participating States have failed to enact or enforce legislation necessary to give effect to this fundamental right. Enacting effective anti-discrimination legislation should be a high priority for OSCE participating States that have not yet done so.

At a minimum, national laws should prohibit discrimination in all fields of public life and should establish effective remedies for violations. In addition to providing civil remedies that victims of discrimination can invoke, national law should ensure that State authorities can act to nullify discriminatory practices by government officials and organs at all levels.

It is also crucially important that national legal systems administer justice when Roma are victims of racist attacks. Not surprisingly, anti-Roma violence has been prevalent in countries where these crimes are committed with impunity or without punishment that is commensurate with the seriousness of the offense. Again, however, recent experience has demonstrated the constructive role of sustained outside pressure. In at least two countries whose legal systems have characteristically failed to protect Romani victims of racially-motivated violence and other forms of discrimination, a few courts have recently rendered judgments enforcing the fundamental rights of Roma.

Most of these decisions were rendered in cases that had received sustained international attention or that had been the focus of major litigation campaigns by human rights organizations.⁽¹⁴⁾ As these developments suggest, the CSCE can make a valuable contribution in advancing Roma rights by continuing its longstanding emphasis on the reliable and fair administration of justice.

The report also emphasizes the central importance of addressing discrimination against Roma in the realm of education. In particular, it recommends that governments make concerted efforts to eradicate practices that foster segregated schooling, especially the practice of channeling Romani children to schools for the mentally handicapped. One important recommendation in this regard is that governments eliminate policies that inadvertently create financial incentives for educators to refer Romani children to "special schools" and to keep them there. The report sets forth a number of other recommendations relating to education, among which I will note three: First, the report urges governments to develop and support pre-school programs that help prepare Romani children for primary school, as well as extra-curricular support programs for Romani students already in school. Second, the report urges governments of countries with substantial Romani communities to ensure that educational texts include material on Romani history and culture. Third, the report expresses support for educational programs that draw upon the human resources of Roma, including the use of Romani teachers' assistants.

Turning to the OSCE, the focus of the High Commissioner's recommendations is, of course, the Contact Point for Roma and Sinti Issues of the Office for Democratic Institutions and Human Rights (ODIHR). The report commends the Ministerial Council's decision in December 1998 to strengthen the Contact Point as well as ODIHR's appointment of Dr. Nicolae Gheorghe, a highly-respected Romanian Rom, to head the Contact Point as its Advisor on Roma and Sinti Issues. As the report emphasizes, "OSCE participating States must now ensure that they provide the Contact Point the support it needs to carry out its important mission."

In recent years several regional and international organizations have established or expanded initiatives to address concerns relating to Roma. In light of this welcome trend, the High Commissioner's report emphasizes the value of "targeted expertise." That is, each organization should establish priorities that reflect its unique expertise, thereby maximizing its own contributions while minimizing duplication of effort among inter-governmental organizations.

With this in mind, his report encourages the Contact Point to place special emphasis on the following areas:

(1) *Effective participation of Roma at all levels of government.* In view of the role of ODIHR as a vehicle for promoting democratic processes, the Contact Point has a special role to play in advising governments on mechanisms likely to ensure the effective participation of Roma. One aspect of this that merits special attention is the relationship between national and local administrations. Recent experiences have highlighted the importance of ensuring effective participation of Roma at all levels of government.

Parenthetically, I want to mention here that one of the most important trends in recent years has been the revitalization of a dynamic Romani movement in Europe, several of whose leaders are witnesses at this hearing, and whose efforts deserve the strong support of the OSCE.

(2) *Mechanisms for alleviating tension and conflict between Roma and non-Romani communities.* The Contact Point can make a valuable contribution in advising governments about models, such as ombudsmen offices, for alleviating such tensions.

(3) *Combating discrimination within public administrations.* Recalling that the mandate of the Contact Point includes developing a work program that includes "seminars [and] workshops," the High Commissioner's report suggests that such a program could make a particularly useful contribution by addressing the issue of ethnic data collection by governments. Needless to say, this is an extremely sensitive issue—and one in which thoughtful analysis is essential.

In closing, I want to thank this Commission for its steadfast leadership on issues relating to Roma in OSCE participating States. I have long admired its contributions in this area; my experiences in Europe last year deepened my appreciation for the constructive impact of its efforts.

ENDNOTES

1. Last year I served as Special Advisor to the High Commissioner, on secondment from the U.S. Department of State. In this capacity I assisted in the research for the High Commissioner's study and drafted substantial portions of the report.

2. Organization for Security and Co-operation in Europe, High Commissioner on National Minorities, Report on the Situation of Roma and Sinti in the OSCE Area, p. 1 (Apr. 2000) [hereinafter HCNM Report].
3. *Id.*, p. 1.
4. The word many Roma use to refer to non-Roma is more commonly spelled “gadje.”
5. Adam Welsh, Clannish Gypsies keep to their own, *Arkansas Democrat-Gazette*, Apr. 2, 2000.
6. Adam Welsh, Elderly often prey for Gypsies, lawmen say, *Arkansas Democrat-Gazette*, Apr. 3, 2000.
7. Hungarian Parliamentary Commissioner on National and Ethnic Minority Rights, Report on Special Schools in Hungary, Aug. 1999, § 1 (unofficial translation, quoted in HCNM Report, p. 74, no. 218).
8. Office of the Government of the Czech Republic, Resolution No. 279 on “Concept of Government Policy towards Members of Romany Community Facilitating Their Integration into the Society,” Apr. 7, 1999, p. 11.
9. Remarks of Gabriella Varjú, Deputy President, Office of National and Ethnic Minorities, “Social Integration Opportunities of the Roma Population in Hungary and Governmental Measures Affecting the Process of Integration,” Conference on Legal Protection of Roma in Contemporary Europe on the Occasion of the 50th Anniversary of the Council of Europe, June 28-29, 1999, Charles University in Prague, sponsored by the European Information Centre in co-operation with the Ministry of Foreign Affairs of the Czech Republic and with the support of the Embassy of Canada in the Czech Republic.
10. Annual Report of the Parliamentary Commissioner for National and Ethnic Minority Rights, 1 January–31 December 1998, § 4.2.5.
11. HCNM Report, p. 1.
12. Although estimates are imprecise, a majority of Roma—by one estimate, 60 percent—are thought to be sedentary. Among the rest, perhaps half are nomadic and the other half semi-nomadic. Traveling tends to be more common among Roma in Western European countries than in Central and Eastern Europe.
13. Forward, HCNM Report, *supra*.
14. According to the European Roma Rights Center (ERRC): Czech courts have recently rendered a number of decisions in connection with instances of racially motivated crime. In some cases, especially where there has been intense domestic and international media attention paid to cases, verdicts have departed from a previous tendency to acquit skinheads or pass shamefully mild sentences. In other cases, the Czech judicial system continues to render unsatisfactory decisions. *Roma Rights*, Number 1, 2000, p. 15.

LETTER DATED JUNE 27, 2000,
FROM PROF. DIANE F. ORENTLICHER
TO HON. CHRISTOPHER H. SMITH

June 27, 2000

The Honorable Christopher H. Smith
Chairman
Commission on Security and Cooperation in Europe
Room 234 Ford House Office Building
Washington, DC 20515-6460

Dear Chairman Smith:

I am writing in response to the question that you addressed to me and other witnesses at the hearing on June 8, 2000 concerning "Human Rights of the Romani Minority." Specifically, you asked us to address the question, "What would be your recommendation to [the U.S. delegation] in terms of an agenda for the Romani people" at the upcoming OSCE parliamentary assembly?

I believe that one of the most effective contributions your delegation can make is to continue to express to your European counterparts the central importance of enacting effective anti-discrimination legislation, as well as ensuring vigorous enforcement of the law when rights of Roma are violated.

Looking beyond the parliamentary assembly, another area where the CSCE can make an invaluable contribution relates to the European Union (EU) accession process. As noted in my testimony, the European Commission has put five applicant countries on notice that improvement in their treatment of Roma is a precondition to membership in the EU. Initially, this produced a powerful incentive for applicant countries to address the concerns of their Romani communities. In the past year, however, the Commission's focus on issues relating to Roma seems to have attenuated. If this trend continues, the EU risks squandering a rare opportunity to help foster improved conditions for Roma. The European Commission would doubtless be keenly interested in the CSCE's assessment of the conditions of Roma in applicant states. For reasons suggested above, your contribution in bringing these issues to the Commission's attention could be particularly valuable at this time.

I very much appreciate the opportunity to respond to your question.

Sincerely yours,

Diane F. Orentlicher
Professor of Law

**PREPARED SUBMISSION OF CELIA-DORINA ZOON,
CONSULTANT, OPEN SOCIETY INSTITUTE**

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.

POINT ONE

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.

POINT TWO

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 percent among men and even 100 percent 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.

POINT THREE

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-commu-

nist 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.

**PREPARED SUBMISSION OF
HON. MONIKA HORAKOVA, MEMBER, CZECH PARLIAMENT**

I am here to tell you about the serious situation the Romani people are facing in Eastern Europe.

Two years ago I had the opportunity of visiting the United States at the invitation of the USIA. Here, in the U.S., I learned a lot about the history of the struggle for human rights. This experience became the framework for my understanding of the situation of the Romani people in Eastern Europe today. I shall be speaking primarily about the Czech Republic and the experience of the Romani people there, but I know that my conclusions could be applied to the situation in much of Eastern Europe and in a number of other countries as well.

I wanted to start on a positive note, so I was trying to find an area, where the situation of the Romani people is good, but it was not an easy task. Our birth rate, as one example, is still fairly good, but even this has been affected by the forced sterilization of Romani women under the communist regime in the former Czechoslovakia. Thankfully, this of course has ceased with the destruction of communism but there continue to be many other forms of mistreatment, discrimination and prejudice against the Romani people, which went on under the communist regime and unfortunately persist today.

In the last ten years we have made some positive progress in changing the way the general Czech populace views us. If we accuse them of having racist attitudes, they don't like it anymore. They now recognize that it is wrong to be racist. But if you ask them why they discriminate against Romani people, they will tell you that they have nothing against the Roma in general, but nevertheless they regard the vast majority of Romani people as thieves, crooks, uneducated, dirty, etc, and therefore believe they deserve the discrimination to which they are subjected. This attitude is common not only among ordinary people, but can be found also among the political elites.

Just imagine that you are going to dinner or to a club and when you try to enter, the bouncer or doorman man comes along and tells you that Romani people are not allowed into this establishment. There are no signs prohibiting Romani people from entering anymore, but the unwritten rule still applies in many places. We have seen this type of discrimination in other places and in other times, both in Europe and North America, but sadly it lives on today in Eastern Europe.

When this experience had happened to me one time too many times, I took them to court. I initiated a criminal prosecution of the owner of the Orpheus club in Brno. However, the state prosecutor in Brno rejected it my suit on the basis that no valid laws were broken. I later won a landmark victory, at least as far as the Czech Republic goes, and subsequently was awarded about \$7,500 in damages in a civil court, but I know that I will have to wait a long time before I collect this award, if I ever do. In the event that I do, I have decided to devote the money to the construction of decent residences for orphaned (Romani) children.

Like other minorities who experience widespread and ongoing prejudice, the Romani of Eastern European are vastly under-represented in political life, even where exist institutions specifically for dealing with Roma issues.

For example in the case of the Czech Republic I am the only Roma Member of Parliament. I was elected as a citizen of the Czech Republic, not as a representative of the Roma people. For a person to become a Member of Parliament in our republic, she or he must join a political party, which in its turn must gain at least five percent of the total vote before it can hold a seat in Parliament. This means that if the Romani try to get into Parliament by forming their own political party, they will have no chance because the Romani community forms only three percent of the population of the Czech Republic.

In this respect, we should note, that there is no Roma representative in either the 150 member Slovak Parliament or among Hungary's 386 Members of Parliament. Only one individual who identifies himself as a Roma serves in Bulgaria's National Assembly. Only one self-identified Roma in the Romanian Parliament was elected as a representative of a Romani association to a reserved minority seat.

The prospects for Romani political candidates are somewhat better at the local levels of government—at least in districts where Romani voters constitute a majority. But even here, too, the picture is one of significant under-representation.

I am working to find a good and effective way to improve the present bleak situation of the Romani minority in the Czech Republic and elsewhere in Eastern Europe. One way to improve the situation, in my view, is to involve the Romani in public life.

We would of course love to receive financial assistance for our cause from the US to help deal with the situation of the Romani people, but lets face facts, the US Congress is already spending significant funds to help Eastern European countries democratize and retake their rightful place in the modern world. The US and its partners have been very generous in this regard. However, we should remind ourselves that all around the world the US government makes its developmental assistance to other countries dependant on their human rights performance. Why would the same conditions not apply to US assistance to Eastern Europe regarding the treatment of its minorities and, in particular, the treatment being given to the long-suffering Romani people? Adding such a rider to assistance for Eastern Europe would be an easy and obvious way to persuade Eastern European governments that they should deal with this issue now if they wish to be regarded as governing truly democratic societies -and there would be no additional cost to the US taxpayers, but you would know that justice is being served.

The US Congress has funded many programs for leadership training, for building and strengthening political parties, and for programs which monitor elections throughout Central Europe. While maintaining these programs, it is important to ensure that the Romani people as individuals, and as a community are actively involved and included in these programs. We are not looking for special, preferential arrangements like quotas; we just want to be part of the national dialogue and the electoral process, no more and no less, and, of course, as part of this process, we want to see the general public educated such that the old stereotypes are abandoned and the Romani people are able to live as equals, without discrimination, in their own countries.

The situation of the Romani and Sinti people in Eastern Europe is off the radar screen for most of the US media and therefore may not appear to be such a serious problem for many Americans either. For that reason, I welcome this opportunity to appear here and to remind you that there is a serious problem, which needs to be dealt with as soon as possible, because it is the right thing to do. The US has fought and overcome the legacy of years of discrimination in its own country. Please help the Romani of Eastern Europe do the same in our countries so that we can say we live in real democracies without the disfigurement of racism and discrimination. Thank you.

**PREPARED SUBMISSION OF RUMYAN RUSSINOV,
DIRECTOR, ROMA PARTICIPATION PROJECT**

BASIC HISTORICAL FACTS ABOUT ROMA

Today, between 800 000-1,000 000 Roma people or 10 percent-12 percent of the country's population live in Bulgaria as an ethnic minority group with a distinct culture and language. First settlement of Roma on today's territory of Bulgaria is believed to have occurred in 13-14 century and since that time Roma have always been part of Bulgarian national history. Despite this fact their experience through history and to date has been and remains the experience of an alien people. What marks the situation of Roma in past and present times is negative prejudice and intolerance on part of the majority population and discriminatory treatment on part of the state, resulting in exclusion of this minority group from mainstream society.

In the 20th century Roma have been subjected to discriminatory treatment both as a result of the enactment of specific legislation and as a result of unwarranted practices of denial by public officials. Large parts of the Roma people had been disenfranchised by the adoption of amendments to the Election Law in 1901, which banned non-Christian and nomadic Roma from voting. Under Bulgarian communist rule, Roma have been victims of forced assimilation. In the 50s and early 60s with the explicit purpose to "bulgarize" people of non-Bulgarian ethnic origin, Bulgarian government enforced several regulations, which obliged Roma to change their Turko-Arab names and take up Slavic names instead. This policy culminated in the mid 80s when the government carried out the most massive operation of forcible change of the non-Slavic names of Bulgarian citizens of Turkish and Roma origin. Over the period of communism, and particularly after the prohibition of the nomadic life of Roma by a government decree from 1958, the Roma people have suffered gross suppression of their identity by infringement of the right to speak their mother tongue at public places, the right to association, the right to publish and disseminate information in their mother tongue, etc.

THE SITUATION OF ROMA IN THE POST-COMMUNIST PERIOD

In the past ten years of democratic development Roma people in Bulgaria were confronted with a new wave of discrimination and violence. Numerous cases of violence against Roma by public officials and private persons have been documented by the Bulgarian based Roma rights advocacy group Human Rights Project and international human rights organizations. In the period of transition from totalitarian to democratic rule, characterized by a crisis in public morals and institutional instability, the Roma community has become a target of the scapegoating reflexes of society. A number of surveys on the inter-ethnic relations in Bulgaria conducted in 1992, 1994, and 1997, have shown high levels of negative attitudes and social distance towards Roma, which are comparable to the levels of negative prejudice and social distance of white Americans in the Southern US states towards the Black people in the 50s and early 60s. Racial stereotyping of Roma in the public space singles them out as inferior, prone to crime, and disastrous for the prosperity of the country. Press accounts of the ethnic origin of the suspects or perpetrators of crime, when they had been Roma, reinforce the criminal stigmatization of

Roma and have made legitimate the term "Roma criminality." Criminal statistics, published in the media, presenting a biased and manipulative "evidence" of the high rates of crime among Roma, only hardened the stigma. Prejudice and hatred have fostered a climate of insecurity for the Roma, who are targeted by racially-motivated violence and acts of collective retribution on part of the majority community. In many cases Roma victims of violence have been confronted with indifference on part of the law enforcement organs and have been denied protection by the law.

On April 18, 1996 a group of young people, who had been notorious in their locality for racist attitudes and behavior, attacked a Roma man, Anguel Ivanov, and caused his death by repeatedly stabbing him with a knife. The criminal investigation into the murder case has not been concluded as of January 2000. In another case on June 15, 1999 Nadezhda Dimitrova, 33, was beaten to death by a group of schoolboys, who had recognized that she was a Roma and attacked her at a playground near their school. The criminal investigation into the murder case has not been concluded as of January 2000.

Racially-motivated violence on Roma is being committed not only by private persons or groups but also by public officials. Endemic practices of torture and ill-treatment of Roma by police officers stand out as the most serious human rights problem in Bulgaria. Physical abuse, including arbitrary use of fire arms by the police, has resulted in deaths of Roma and serious injury. Violence against Roma by law enforcement officers is compounded by a pattern of discrimination of Roma in the judicial system and impunity for the perpetrators of crimes against Roma. Complaints of Roma for police abuse are as a rule turned down by prosecutors. Where criminal proceedings had been instituted, they had been biased and did not lead to indictment of perpetrators from the police.

During a police raid in the Roma neighborhood of Pazardjik in February 1997, local residents suffered unwarranted physical injuries and harassment as a result of unlawful use of physical force and auxiliary means. After a two-year-long investigation, the criminal proceedings were terminated by the first instance prosecutor with no indictment of police officers. Upon appeal before the Military Appellate Prosecution Office, the termination decree was reversed in November 1999 as inconsistent with the law and the case was referred back for additional consideration. In another police raid on the Roma neighborhood of the village of Mechka in July 1998, at least a dozen of Roma suffered physical abuse and their property was damaged by the police. The criminal investigation into the case was terminated in March 1999 with no indictment of police officers, whose actions had not been found in breach of the law.

In January 1998 near the town of Kostinbrod, police officers shot dead a Roma man, who was confused with a criminal suspect, who had been traced by the police. The criminal proceedings into the murder case were terminated by the first instance prosecutor leaving the police officers uncharged. After appeal before the Military Appellate Prosecution Office, the investigation was reopened and criminal charges dismissed once more in November 1999 with the arguments that, on the one hand, the actual perpetrator had been unidentifiable and, on the other hand, the police had acted in accordance with the Interior Ministry Act.

In 1999 and 2000 the European Court of Human Rights delivered two judgments on Bulgarian state for sanctioning illegal actions on part of law enforcement officers against Roma people. In the case *Assenov and others v. Bulgaria* the Court found Bulgaria in breach of Article 3 of the European Convention on Human Rights (No one should be subjected to torture or to inhuman or degrading treatment or punishment.) as it had established that Bulgarian authorities failed to investigate the arguable claims of the victim for ill-treatment by the police. In the case *Velikova v. Bulgaria* violation of Article 2 (Everyone's right to life shall be protected by law...) and Article 13 (Everyone whose rights and freedoms as set forth in this Convention shall have the right to an effective remedy...) has been found as the Court established that Bulgarian authorities failed to provide a reasonable explanation to the death of a Roma person under police custody and did not conduct a meaningful investigation to identify the perpetrators.

Manifestations of intolerance towards Roma went alongside discriminatory treatment in all social spheres—employment, education, housing, health care, etc.

Roma were most severely affected by the transition to market economy in Bulgaria. Unemployment rate among Roma, grossly disproportionate to the average for the country, approaches 100 percent in many areas. Among other factors, discrimination of Roma in employment has significantly preconditioned this disparity. Evidence exists that Roma were not only been the first to lose their jobs when state industries were closed, but also have been refused jobs as their ethnic origin had been recognized by employers. Low level of education resulting from long-lasting discrimination in education, has also reduced employment opportunities.

De facto segregated schools, inherited from the communist system, perpetuated unequal education opportunities and deepened division between Roma and non-Roma. Until early 1990s these schools, which are attended predominantly by Roma, had special curricula, emphasizing the vocational training. Nowadays special curricula have been abolished, however the quality of education in the segregated schools remains exorbitantly low. Attempts of Roma parents to enroll their children to non-segregated schools have commonly met resistance and rejection on part of the school authorities. A particularly dehumanizing form of discrimination has been the practice of sending Roma children to schools for the mentally disabled.

The housing situation of Roma, who, for their largest part live separately from the majority population, is characterized by overcrowding, poor sanitation, inadequate or completely missing water and electricity supply, and lack of infrastructure. The prevailing part of the neighborhoods, inhabited by Roma, are outside the regulation plans of the towns and villages, a fact which has allowed for various abuse on part of the local administration, including destruction of Roma houses.

Low standard of living conditions, poverty and poor education has resulted in a number of health problems, affecting Roma such as higher rate of child mortality and lower life expectancy rate as compared to the average for the country rates. Discriminatory treatment of Roma by the public health services is among the main factors defining the poor health condition among Roma. Apart from being excluded from

educational and other health programs, it is not uncommon that Roma are denied medical service or provided with inadequate medical care, resulting in detrimental, sometimes fatal, consequences.

Roma are also subject to discrimination in the criminal justice system. They are disproportionately represented as inmates in the prisons. Surveys have shown that Roma are more liable to ill-treatment during detention and in the preliminary investigation as well as they are more likely to go to trial without a lawyer. Cases of torture and ill-treatment of Roma in Bulgarian prisons as well as discrimination in the criminal justice system are extensively covered by the report of the European Roma Rights Center "Profession: Prisoner. Roma in Detention in Bulgaria."

Deprivation and exclusion of Roma is also reflected in their under-representation in public life. Roma are not adequately involved in the decision-making processes at both local and central level of government. Currently in Bulgarian Parliament there is only one person, who identifies himself as a Rom. Appointments of two Roma to structures of the central government which took place in mid 1999 have not altered the situation of under-representation of Roma as the positions held by Roma are low and offer very limited powers. Following the local elections of October 1999, where a Roma political party ran for the first time, the prospects for political representation of Roma at the local level appeared to be better. However, despite the fact that in areas with large Roma communities there are Roma mayors and Roma municipal counselors, the problem of inadequate access of Roma to governance remains. Until very recently the Roma people had been ignored as participants in the elaboration of various government documents pertaining to the Roma community and had been merely an object of influence on part of the authorities. Experience has proved that any policies developed without the active involvement of Roma are doomed to a failure.

PROTECTION OF ROMA AS AN ETHNIC MINORITY IN BULGARIAN LEGISLATION

In general Bulgarian law provides a minimum anti-discriminatory standard, through provisions in the Constitution and several other laws. The principle of equality before the law and non-discrimination is proclaimed by Bulgarian Constitution, Article 6(2): "All citizens shall be equal before the law. There shall be no privileges or restriction of rights based on race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status."

Bulgaria is also a signatory to a number of international human rights treaties, which contain provisions for protection of minorities and protection against discrimination, such as the International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, International Labor Organization Discrimination Convention, UNESCO Convention against Discrimination in Education, European Convention for the Protection of Civil Rights and Fundamental Principles, the Framework Convention for the Protection of National Minorities and others. According to Art. 5, para. 4 of the Bulgarian Constitution all in-

ternational treaties which are ratified are considered part of the domestic legislation and take precedence over those domestic acts which contradict them.

Apart from the constitutional provisions and the international law, there are general anti-discriminatory clauses in several other Bulgarian laws such as the Social Assistance Act, Labor Code, National Education Act, Code of Criminal Procedure, Protection during Unemployment and Encouragement of Employment Act, and others.

It should be noted that regardless of the fact that national legislation contains the principle of protection against discrimination, implementation of non-discrimination law has been almost completely absent from legal practice. Judgments based on the anti-discriminatory provisions have never been delivered so far. Bulgaria has not adopted comprehensive anti-discrimination legislation. Specific legislation to combat racism does not exist either. Racial motivation of crime does not constitute an aggravating circumstance in Bulgarian criminal law. Criminal responsibility for propagating or inciting to racial or national hatred is envisaged by the Criminal Code (Articles 162, 163), however none of the provisions have been enforced in the past 10 years and no sentences for such crimes have been delivered by Bulgarian courts.

Contrary to the obligations of Bulgarian state under some international human rights treaties (e.g. Race Convention), Bulgarian Constitution, which has precedence on international law, prohibits privileges on the grounds of race, nationality, ethnic self-identity, etc. (Art. 6, par. 2). By its decision 14/1992 Bulgarian Constitutional Court ruled that any privilege based on the grounds enumerated by Article 6(2) will be a violation of the non-discrimination principle.

An inadequate legal framework for protection against discrimination and racism exists alongside a vacuum of proactive government policy to eliminate discrimination and establish preconditions for equality of Roma people. There is no structure within the state apparatus which has the authority to effectively combat discrimination. The only existing government structure for minority issues is the National Council for the Ethnic and Demographic Issues (NCEDI). The statute of the NCEDI, formulated by a Decree of the Council of Ministers at the end of 1997, limits its authority to conduct an effective protection of minorities and to implement policies for improvement of their status. The functions of the NCEDI are reduced to coordination and consultation and they preclude executive authority for the implementation of measures related to the observation by Bulgarian state of its international commitments and obligations for the protection of human rights.

Bulgarian state is inactive in implementing policies to combat discrimination and manifestations of racism against Roma. Furthermore, public officials refrain from acknowledgement that such problems exist and sometimes actively reject assertions that Roma or any other minority group is subject to unequal treatment. Such behavior, if not justified, is fairly predictable in a social context of extreme antipathy for Roma, where any demonstration of solidarity with their plight could be detrimental to the public image of politicians. Thus heinous acts of racist violence on Roma in the past several years went by without any public denouncement on part of state officials.

THE FRAMEWORK PROGRAM FOR EQUAL INTEGRATION OF ROMA IN BULGARIAN SOCIETY

On April 7, 1999 Roma organizations in Bulgaria signed an agreement with Bulgarian government over the Framework Program for Equal Integration of Roma in Bulgarian society.

This significant accomplishment of the Roma community has been the outcome of the national campaign "For Equal Participation of Roma in the Public Life of Bulgaria," which had been initiated by the Bulgarian based Roma rights advocacy organization Human Rights Project (HRP) in the beginning of 1998. Within this campaign the HRP in cooperation with other national Roma organizations mobilized over 70 Roma organizations throughout the country for the elaboration of the first political document of the Roma people in Bulgaria—the Framework Program for Equal Integration of Roma in Bulgarian Society. In October 1998 a working group representing Roma organizations in the country undertook to negotiate the adoption of the Framework Program with Bulgarian government. In the following six months Roma representatives and representatives of the governmental National Council for the Ethnic and Demographic Issues were engaged in a debate over the fundamental principles of government policies pertaining to Roma, which disclosed grave controversies in the positions of the two sides. For their part the government representatives produced an alternative to the Roma created document, which implicated minimum responsibility and concrete action on part of the state and was reminiscent of previous programs for the Roma people, developed in communist times. The bone of contention between the Roma and the government has been the issue of acknowledgement and combating discrimination. The proposals for anti-discrimination legislation and establishment of a specialized state body for protection against ethnic discrimination were met with serious resistance on part of the government.

In the end of March 2000 it became obvious that the government will accept the basic principles of the Roma created document. The most successful advocacy campaign for Roma rights in Bulgaria and in the CEE region had been completed with the Decision of Bulgarian government from April 22, 1999 for the endorsement of the Framework Program for Equal Integration of Roma in Bulgarian Society.

The Framework Program received the appraisal of international institutions such as the Council of Europe and the Organization for Security and Cooperation in Europe. In its periodic report on Bulgaria from October 1999, the European Commission defined the Framework Program as a positive act on part of the government towards the solution of the Roma problem in Bulgaria. This estimate was reaffirmed by the Chair of the European Commission, Mr. Romano Prodi, in his speech before Bulgarian Parliament in January 2000.

The adoption of the Framework Program is a serious political commitment on part of Bulgarian government. Ensuing from it is the task of the government to introduce legislation changes, warranting the equality and the protection of ethnic minorities, as well as to undertake action to neutralize the negative effects of discriminatory treatment of the Roma people in Bulgaria in all spheres of social life (see attached the full text of the Framework Program for Equal Integration of Roma in Bulgarian Society). The Roma community in Bul-

garia accepted this commitment of the government with the expectation that it will be followed by a consistent and comprehensive policy of the state in this direction.

IMPLEMENTATION OF THE FRAMEWORK PROGRAM

One year following the adoption of the Framework Program the policy of the Bulgarian state towards Roma people failed to give substance to the commitment for integration of Roma in society, which had been declared by senior state officials. A sharp discrepancy was evident between the official discourse of Bulgarian statesmen, claiming that the Roma problem constitutes a high priority, and the lack of any financial resources from the state for this purpose. Inactivity of the public authorities and their denial of responsibility even in those cases, which did not require financial resources for the work on Roma problems, demonstrated lack of political will within the state for the solution of these problems.

Over a period of one year following the endorsement of the Framework Program, there are no concrete actions for its implementation. For the period April 1999-April 2000 Bulgarian government failed to undertake the implementation of any of the tasks, set forth by the Framework Program in the fields of legislation, economic development, territorial and settlement planning, education, health care and culture. Neither had there been any preparatory activities for the implementation of these tasks such as development of detailed plans on each part of the Framework Program, assignment of concrete responsibilities, etc. No interaction took place between the ministries, responsible for the implementation of the Framework Program, and the group of 24 Roma consultants, authorized by the Roma organizations to develop strategies for the implementation of the Framework Program in cooperation with the respective ministries. The representatives of the ministries—members of the National Council for the Ethnic and Demographic Issues (NCEDI), failed to participate in most of the meetings of the NCEDI at which the Roma organizations discussed the Framework Program, and these ministries practically remained distanced from the process of discussion of the implementation of the Framework Program. The NCEDI, authorized by the government to coordinate the activities on the Framework Program, had been left with an ambiguous statute and without a real potential to carry out the functions assigned to it.

The appointments of Roma specialists to the Council of Ministers and the Ministry of Culture, as well as to several County Administrations, are a positive development as part of the strategy for integration of Roma in the structures of the state administration. In this particular case, however, real participation of Roma in public affairs is unattainable due to the fact that the positions, occupied by the Roma, offer no opportunity for participation in the decision-making process. Most of the Roma, appointed to the structures of the state administration, are not assigned to specific duties—a fact, which renders their appointment a formality. The prevailing part of the appointments of Roma had been made without transparency and without consultations with the Roma community. As a consequence of the one-sided approach of the government there grew mistrust on part of the Roma community towards the people, appointed to represent it,

as well as unwillingness for cooperation. Given such public attitudes, further implementation of the Framework Program will be frustrated by serious obstacles.

The Framework Program for Equal Integration of Roma in Bulgarian Society sets forth that the elimination of discrimination against Roma should become one of the main political priorities of Bulgarian state.

Section I—Protection against Discrimination of the Framework Program

Protection against Discrimination of the Framework Program requires the drafting of a law for prevention of ethnic discrimination and for establishment of a state body for prevention of ethnic discrimination. The Framework Program also requires introduction of amendments to a number of laws, which should outlaw discriminatory treatment on ethnic basis. Special focus is laid on the Criminal Code and the introduction of sentence enhancement for crimes against human beings, which are committed with racial motivation.

The legislation changes envisaged in the Framework Program had not been introduced. Bulgarian government failed to observe the one-year term for drafting a law for prevention of discrimination.

In Bulgaria there is no specialized body for protection against discrimination. By the end of 1999 the executive and the legislative organs did not undertake to draft a law for the establishment of such body. In the legislation of the state, apart from several general texts in the Labor Code, Education Act, Social Assistance Act and others, there are no specific provisions forbidding acts of discrimination on ethnic basis as well as mechanisms for imposing sanctions for such acts.

Section II—Economic Development of the Framework Program

Economic Development of the Framework Program requires immediate action to secure employment for Roma. A special fund with Government participation must be established in order to guarantee Roma employment. This fund should make loans under the condition that these loans are used for employment of Roma.

Over a period of one year no action had been undertaken towards the establishment of such fund as well as towards the implementation of the other actions, envisaged by the Framework Program, to guarantee employment of Roma.

Section III—Health Care of the Framework Program

Health Care of the Framework Program requires:

In order to achieve a satisfactory level of a Roma health service it is necessary to:

1. Strengthen sanitary control on the main parameters of Roma housing;
2. Intensify programs for health education and stimulate Roma participation in them.

Over a period of one year no action had been undertaken for the accomplishment of these tasks.

Section IV—Territorial Planning of Roma Residential Districts

Territorial Planning of Roma Residential Districts requires:

Amendments should be introduced to the Territorial and Settlement Planning Act in order to overcome the complicated bureaucratic procedure for legalization of housing. This should be followed by immediate steps for legalization of houses in Roma residential districts applying the principle of minimum interference in the existing situation.

The changes to the Territorial and Settlement Planning Act introduced in 1999, did not warrant simplification of the sophisticated bureaucratic procedure for the legalization of dwellings. No attempts for legalization of Roma houses had been made. All over the country continued the tensions related to the existence of Roma neighborhoods outside the regulation plans and in critical condition. In some areas, where Roma neighborhoods boarder non-Roma neighborhoods, serious conflicts arose due to the refusal of ethnic Bulgarians to live next to the Roma neighborhoods with poor sanitation.

Section V—Education of the Framework Program

Education of the Framework Program requires

1. Desegregation of Roma schools
2. Elimination of the practice to send Roma children to be educated in “special” schools for children with disabilities.
3. Counteraction to manifestations of racism in the classrooms
4. Providing the opportunity to study Roma language at school
5. University education for Rom

**PREPARED SUBMISSION OF ANGELA KOCZE,
HUMAN RIGHTS EDUCATION DIRECTOR,
EUROPEAN ROMA RIGHTS CENTER**

It is an honor to be appearing before the Commission on Security and Cooperation in Europe to discuss the education of Romani children in central and eastern Europe. Before I begin, let me just say a word about myself and the organization I represent. I am the Human Rights Education Director of the European Roma Rights Center based in Budapest, Hungary. The ERRC is an international, non-governmental organization, which monitors the situation of Roma in Europe, providing legal defense to victims of abuse. Since it was established in January 1996, the ERRC has undertaken field research in more than a dozen countries, and has disseminated numerous publications, advocacy letters and public statements. In the summer of 1998, the then Legal Director of the ERRC, Mr. James Goldston presented testimony before this body about the current human rights situation of Roma in the region, and why the United States government and public should be concerned. For further information and reports, see <http://www.errc.org>

Apart from my activities related to the ERRC, I am also the Council of Europe's representative for Hungary on their Specialist Group on Roma/Sinti Issues.

**THE NATURE AND IMPORTANCE OF EDUCATION:
LINKS TO SOCIO-ECONOMIC FACTORS**

Public education plays a compelling role in society. In particular, it is one of the most sensitive and important issues in minority-majority relations in various countries. I believe that education can be considered as academic capital, which results from formal education and is measured in society by degrees or diplomas held. Unfortunately, Roma quite often than not, are deprived such academic capital which could be a meaningful tool for integration in European society. Powerful structural changes can be rendered by education. Without equal access to appropriate education, structural mobilization is almost impossible. It is important to note that within the post-communist countries of Central and Eastern Europe, the economic transition has meant drastic budgetary cuts in educational programs.

The problems of access to education are quite complex, and they have a profound and lasting impact on the self-esteem of Roma. With reference to Romani children's education, the following points are inextricably linked: the socio-economic status of Romani communities (throughout the region today, Romani unemployment lies between 70-100 percent officially) has adverse impacts on maintaining a home, the health of the community, and naturally, school attendance. Many Romani children, just like children in the Third World, are forced to work alongside their parents in farming, scrap collection, trading, and even in the informal economy. Those in urban areas may drift towards delinquency given the poor socio-economic circumstances of their household. Lack of socio-economic opportunities result in increasing welfare dependency. A sense of hopelessness pervades these *Romani* communities.

* I would like to thank Ms. Nidhi Trehan, a doctoral student at the London School of Economics and Political Science, for assisting me in the drafting of this statement.

Racism, prejudice, misconception and hostility against Romani children are openly tolerated in the region. Central and Eastern Europe is today characterized by racism against Romani children in the classrooms, by both students and teachers. There are some myths concerning Roma children and parents all over Europe, one of that is the Roma parents do not encourage children to go school, however almost everybody want to seek a better future for their children life as it they had. Many of them parents report the real danger of skinhead violence when sending their children to school. Teachers and local authorities refuse to guarantee their safety. Then of course there is the isolation of most Romani children in the classroom and the neglect on the part of their teachers. This neglect can be considered as a form of passive racism. No wonder that Romani children, left to a traditional system of education coupled with socio-economic hardships in their family, and facing racism, drop out in large numbers even before completing primary education. While the last decade in the region witnessed an increasing emphasis on the attainment of civil and political rights for the Romani communities, the social and economic rights of Roma seem to have been relegated to a secondary status. However, it is precisely these rights that tend to determine whether the Romani communities will be viable in the future—viable enough to practice their civil and political rights.

Though there are serious issues related to the provision of Romani children's education in Western Europe(1), I will focus on the post-communist countries, where the majority of Roma live today. The estimated Romani population in Europe is between 8-10 million. My brief presentation will focus on problems of access (or lack thereof) to quality education and offer some recommendations for the members of the U.S. Congress.

HISTORICAL OVERVIEW OF THE EDUCATION OF ROMA

The lack of access to a quality education for Roma in the region has been the result of the peculiar and complex history of state policy in each country. Time does not permit me to give an exhaustive overview of the history, however, the legacies of the strong assimilationist policies of the Hapsburg monarchy in central Europe, and in the Balkans, the policies of the Ottoman Empire, have had profound consequences for such issues as language preservation and identity of the Romani communities today. In present-day Romania, which has the largest per capita Romani population, the history of slavery in Wallachia and Moldavia finally ended in the late 1800s. And it would be amiss of me if I didn't mention the greatest tragedy for Roma in the 20th century, the Holocaust or Porrajmos in Romani, an event which resulted in the destruction of whole Romani communities, and which is conservatively estimated at over half a million dead. As I am focusing on education in this presentation, I would like to emphasize that one of the continuing ways we are discriminated against is that our history is completely neglected in mainstream textbooks and research on our past, as well as contributions to society, are generally neglected by mainstream scholars.

Socialist Period

The next significant period in Romani history is the period after Nazism, where the liberation by Russia, and the subsequent strengthening of their hold on the region took place. The States in central and eastern Europe were in the process of power centralization as the communist parties became hegemonic. During this period, the Romani communities were seen in need of integration into the larger society, but an integration that was directed solely by the State. Though this resulted in significant improvements with regard to material and social benefits, for example, a guaranteed job and loans for housing, as well as a gradually increasing rate of school attendance for Romani children, the Socialist state tended to be hostile towards the maintenance of Romani identity. It was at this time that a system of differential learning began in central Europe: one for Romani children (many of whom spoke Romani as their mother tongue) who were labelled as “learning deficient,” another, far superior education for non-Romani children. Those children who attended school with non-Romani children, were in many cases sent to separate classes. Even within the classroom, Romani children were at times placed on one side of the classroom, while the non-Romani children were placed on the other side. This system of segregated education has continued with some modifications to this day (eg. Ostrava case).

Post-Socialist Period

Since 1989 the educational policy towards Roma and their access to public services, including education has seen dramatic changes. I would now like to focus on several issues or problems which Roma children face today in the educational system:

I. *Educational Segregation*: This manifests itself in many different forms and varies from country to country in the region. If we look to contemporary history, two examples of systematic discrimination of minorities within the mainstream educational system stand out. The first has been the exclusion of African-Americans in U.S. society, while the other has been a parallel exclusion for European Roma. U.S. legislators need to be aware of the example set forth by the *Brown v. Board of Education* (1954) decision which heralded a new way of thinking in minority-majority relations in America.

At present, the societies in Central and Eastern Europe have become increasingly polarised, and this has resulted in growing segregation in the region. Hungarian philosopher Tamas Gaspar Miklos has classified this as one of the symptoms of a global phenomenon which he calls “post-Fascism,” which in this case is characterised by stronger segregation in the school systems of central and east Europe.

A. Exclusion from Educational System

In many cases, mainstream schools don't accept Romani children for enrolment (in great part due to pressure by non-Romani parents), and re-direct them to so-called “Gypsy schools.” Another form of exclusion is legislative restriction. For example, the current Romanian law on education (June 1995) prohibits children who have dropped out from the educational system for more than 3 years from resuming their studies. Coupled with poor socio-economic conditions, many

Romani children become drop-outs and street children. One human rights advocate stated that in Romania the children are rejected very easily from schools if they do not have identification cards, thus ID cards are determining factors in obtaining an education. Needless to say, many Romani children do not possess these ID cards. Moreover, the parents, many of whom are illiterate, have a difficult time in negotiating with the bureaucracy, which inevitably requires written requests for their children. Romani families without valid documentation (as a result of forced marginalization) tend to fall out of the social safety net. Finally, I would like to make special mention of the situation in the Balkans. The thousands of Romani children from ex-Yugoslavia who were internally displaced and rendered de facto refugees (eg. Croatia, Bosnia, Serbia, etc.) have been unable to attend school for various reasons. The results of the previous decades wars, both the internal fractures within former Yugoslavia, and the most recent NATO war on Yugoslavia (re: Kosovar Roma) have resulted in massive internal displacements of Roma as well as loss of citizenship, disenfranchisement, and rights for thousands. Many of these families are living lives of legal limbo, and their children are deprived of educational possibilities. This has emanated from the tendency among many states of the region (eg. Croatia, Czech Republic, and others) to define one's nation on the basis of the dominant ethnic group's affiliation, thereby resulting in the de facto exclusion of Roma from citizenship.

B. Special Schools—Schools for Mentally or Physically Impaired Children

The over-representation of Romani children within the “special school” systems in the region has been an “open secret” for the past two decades. There was research conducted on the problem, but there was seemingly little will to change the policies. There are several reasons for the tracking of these Romani children into these substandard schools. For many Romani-speaking children, instead of receiving Romani-language instruction, they received lessons on how to “speak properly” in the language of their country. Another problem was the culturally biased test for entering school. These tests were based to a large extent on the values of the particular state's middle-class. To combat this severe institutionalised discrimination in the region, my organization now has a lawsuit before the European Court of Human Rights. This is a landmark case, which is drawing attention to one of the most serious educational problems facing the Romani community today (unfortunately, it could be many years before the ECHR reaches a decision). I quote the ERRC press release below:

Representing 18 Romani children from the Czech city of Ostrava, the European Roma Rights Center and local counsel filed an application with the European Court of Human Rights in Strasbourg, to challenge systematic racial segregation and discrimination in Czech schools. Dimitrina Petrova, ERRC's Executive Director, observed. “The Czech Republic's aspirations for integration with Europe cannot be reconciled with continued with continued racial segregation in education. We are asking Strasbourg to declare what the Czech Republic, have suffered racial discrimination in violation of their human rights.

Each applicant, ranging from almost 9 to 15 years of age, was initially assigned to a special school for the mentally deficient on the basis of tests which have been validated for the Czech Roma, pursuant to procedures which give free rein to conscious and unconscious racial prejudice on the part of teachers, psychologist and school administrators. For decades, despite ample evidence of disparate racial impact, Czech officials have knowingly perpetuated a system which routinely brands disproportionate numbers of Roma have been deprived from an early age of equal educational opportunities essential to future life success.

The Strasbourg application contains abundant evidence showing that, in the district of Ostrava, Romani children outnumbered non-Roma in special schools by a proportion of more than twenty-seven to one. Although Roma represent fewer than 5 percent of all primary school-age students in Ostrava, they constitute 50 percent of the special school population. Nation-wide, as the Czech government itself concedes, approximately 75 percent of Romani children attend special schools, and more than halves of all special school students are Roma.

As a result of their segregation in dead-end schools for the mentally retarded, the applicants, like many other Romani children in Ostrava and around the nation, have suffered severe educational, psychological and emotional harm, including the following:

- They have been subjected to a curriculum far inferior to that in basic;
- They have been prohibited by practice from entrance to non-vocational secondary educational institutions, with attendant damage to their opportunities to secure adequate employment;
- They have been stigmatised as stupid or retarded with effects that will brand them for life, including diminished self-esteem and feelings of humiliation, alienation and lack of self-worth;
- They have been forced to study in racially segregated classrooms and hence denied the benefits of a multi-cultural educational environment.

In June of 1999, the present applicants unsuccessfully pursued administrative remedies and sought redress from the Constitutional Court of Czech Republic. The lawsuits charged the Czech Ministry of Educational and local school authorities with segregating the plaintiffs and numerous other Romani children into special schools for mentally deficient because they are Roma. The complaints noted that racial segregation and discrimination in education violate the Constitution of the Czech Republic, the Czech Charter of Fundamental Rights and Freedoms, other provisions of domestic law, and numerous binding international treaties including the European Convention on Human Rights.

The Constitutional Court, acknowledging the “persuasiveness” of the Applicants’ arguments, nonetheless rejected the complaints, ruling that it had no authority to consider evidence demonstrating a pattern and practice of racial discrimination in Ostrava or the Czech Republic. The Court effectively refused to apply applicable international legal standards for proving racial discrimination.

Having exhausted domestic remedies, the applicants are now turning to the European Court of Human Rights in Strasbourg. Their Application contends that their assignment to special schools constitutes “degrading treatment” in violation of Article 3 of the European Convention of Human Rights. In so doing, it relies on the legal authority of the Strasbourg organs, which have made clear that “a special importance should be attached to discrimination based on race.” The submission further argues that the Applicants have been denied their right to educational, in breach of Article 14; and that the procedure that resulted in their assignment to special school did not afford the minimal requisites of due process required by Article 6(1).

As Slovak Romani activist, Mrs. Anna Koptova has emphasised in the past, the placement of Romani school children in tantamount to the cultural and spiritual genocide of the Romani nation.

C. SCHOOLS IN ROMANI SETTLEMENTS

Throughout the region, there has been historical segregation of the Romani population that today continues to be manifested in separate Romani settlements or shantytowns on the edges of villages and towns. Though the socialist regimes of the region attempted to provide better housing for Roma and integrate them into the cities in some cases, they were not entirely successful in overcoming society’s prejudices. The segregation of Romani children, already in place under the socialist regime, has been exacerbated by the liberalization of the educational system whereby parents can choose to place their children (eg. Hungary and Czech Republic) in schools with no or very few Romani children. In effect, the new regimes of central Europe have ceded their moral and legal mandates to curb the segregation and alienation of schoolchildren.

The so-called ‘Gypsy’ schools in the settlements are situated in or near the Romani quarters, and have a majority of Romani children. In Bulgaria for example, apparently more than 70 percent of Romani children attend such schools. Generally, the schools in the Romani settlements have poor infrastructure, where the buildings are substandard, toilets are unhygienic, etc. In addition, the teaching staff at these schools tends to be of poor quality, and unmotivated to help with the children’s development.

D. Segregation in Separate Classrooms/School Facilities

Even in those schools in the region where Roma and non-Romani children share their social space, there are at times separate classes for Romani children and/or separate facilities for the children. As pointed out earlier, the segregation of Romani children within the schools and their facilities is still common.

In 1997, it was revealed that in the eastern Hungarian town of Tiszavasvari, 17 Romani students graduated from the Ferenc Pethe Primary school (8th grade). The ceremony was segregated, with the Romani children graduating at a different time than their non-Romani classmates. Upon further investigation by activists and journalists, it was revealed that the students had been physically segregated for eleven years. Moreover, these children were not allowed to use the gym or the students’ cafeteria either. These practices were in direct abrogation of the Hungarian Constitution, Article 4 (7) of the Law on Public Education, as well as Law 77 of the Rights of Ethnic

and National Minorities (1993). In addition, Article 76 of the Civil Code regards discrimination of the above nature as a violation of personal rights.

This graduation ceremony was the ultimate expression of the continuing discrimination in contemporary Hungarian educational practice. In a lawsuit brought forward by the Roma Foundation for Civil Rights, the School administration was charged with discrimination, and compensation for moral damages in the amount of approximately US\$2350 was requested. On December 1, 1998, the Nyiregyhaza City Court ruled that the personal rights of the children had been violated (under Article 76 of the Civil Code). The court's decision, however, did not recognize the anti-discriminatory provisions under the Law on the Rights of Ethnic and National Minorities.

Finally, though there certainly have been changes in the region in terms of the discourse on Roma (formerly "Gypsies") and in terms of national policy programmes, it has proven enormously difficult in the present political circumstances whereby the solution to the "Romani question" has been seen as a tool by the regional governments to gain accession to the European Union. We seek a political willingness to improving access to school and opportunities for academic achievement by Roma.

Moreover each country should develop an effective educational policy with a Roma community involvement.

In recent years there have been several successful projects addressing the Roma educational problem, which mainly initiated by the civil sector. A substantial innovative programmes are supported by the Open Society Institute.

When the First Lady, Mrs. Hillary Clinton came to Budapest a few years ago, I had the pleasure of meeting her at the District VII Community Center. Here, many Romani people had the chance to raise their concerns about the problems facing our community, and now I feel privileged to share with you, the U.S. Congress, my personal views on the matter. Below, I highlight some concrete suggestions, which the U.S. government could assist with to encourage education of Roma in the region.

RECOMMENDATIONS:

- 1) In the present circumstances in the region, independent observers(2) have suggested the importance of anti-discrimination legislation to fight segregation and societal disintegration.
- 2) Programmes for Romani assistant teachers in the primary school classrooms, and sensitization of non-Romani teachers (here both class and cultural issues are important). Teachers need to understand the child's needs, and in order to understand their needs, must understand their family situation. Thus, improved training for teachers in the teacher training colleges is needed.
- 3) Encouragement of parent-teacher communication by providing incentives at the local level (parent-teacher dinners/workshops, etc.)
- 4) Information about Roma should be "mainstreamed," not merely as projects in a few localities, but throughout the region (per-

- haps the European Union educational directorate-general should assist the applicant countries with this task).
- 5) In those Romani communities where the Romani language and other languages (such as Beas or Sinti) are the lingua franca of the local population, bilingual primary educational programs should be investigated and scholarships offered to Romani teachers to study bilingual methodology in the United States; this could be conducted through the auspices of USIS or the USAID. In addition, scholarships for Roma to learn about adult education in their own communities should be encouraged in the same manner.
 - 6) Strengthening and re-orientation of vocational school programmes to meet market needs; for example, schools that will teach computer and information technology, re: USAID programs in the region.
 - 7) University and High School exchange programmes for learning English, this could be conducted through a variety of public-private initiatives involving the US government and colleges/universities.
 - 8) Finally I would like to add that the problem of anti-Romani sentiment in the region is not likely to go away without the continuous push on the part of domestic actors to overcome racism and xenophobia in society. Campaigns in the schools to educate European children in the mainstream about the contributions of Roma to their society and culture would be useful and certainly anti-bias education should also be implemented in this regard.

Ladies and Gentlemen of the United States Congress, thank you for your consideration.

ENDNOTES

1. This has been covered in *School Provision for Ethnic Minorities: The Gypsy Paradigm*, ed. Jean-Pierre Liegeois, University of Hertfordshire Press, 1998.

2. For example, see the Draft Report by the Save the Children Foundation, "Denied a Future? The Right to Education of Roma, Gypsy and Traveller Children," March 2000.

**PREPARED SUBMISSION OF KAROLINA BAMANOVA,
CZECHOSLOVAK ROMA ASSOCIATION IN CANADA**

Ladies and Gentleman,

My name is Karolina Banomova. I want to thank your organization for inviting me here today to speak on behalf of the Czechoslovak Roma Association in Canada. Let me start by quoting one of the guiding principles of the United Nations Declaration of Human Rights:

“Every human is born free and equal with dignity and respect.”

The mandate of the Czechoslovak Roma Association in Canada is to preserve Romani tradition, language, culture, values, our identity. This mandate is intended to ensure the realization of this key guiding principle as outlined in the United Nations Declaration on Human Rights.

Today I will be providing you with an overview of the current status of Roma people in Canada, historical and present conditions in the Czech Republic and Western countries, recommendations and concluding remarks.

ANALYSIS OF ROMANI POSITION IN THE CZECH REPUBLIC

There is a long consistent history of persecution and discrimination of Romani people in the Czech Republic starting in 1300 (700 years ago) resulting in negative economic, social and cultural consequences. During World War II the Romani people were almost wiped out due to genocide: almost 100 percent killed in Germany, 95 percent in Czech republic and 75 percent in Poland. We consider the current situation in The Czech republic as the second worst time in modern history for the Romani people. Roma are exposed to immense racism in everyday life starting from birth. They are often not allowed to visit public places, for example restaurants and stores. They are unable to find a job because of their ethnic origin and 90 percent are unemployed. They are the first to be fired and the last to be hired. Roma students are often placed in segregated special education schools on the basis of their ethnic origin only. The courts, justice and police have a tendency to minimize racially motivated attacks causing injury or death of Roma people, as documented by Amnesty International. The protection of Romani people is highly unsatisfactory. The tendency to ghettoize Roma people is increasing (as illustrated in the City of Plzen) as well as the effort to isolate them by building walls. The wall in the city of Usti nad Labem has become a symbol of hate. Although the wall was finally removed, only after intense international pressure, the underlying prejudice remains.

There were 33 Roma killed in the Czech Republic since 1989 due to racial, nationalistic and fascist pogroms according to the Centre for Analysis of the Roma Democratic Congress. The printing of fascist press is not punished in the Czech Republic. The results of public opinion polls show that 80 percent of the Czech population has negative attitudes towards Roma.

There is a tendency to support immigration of Roma in order to get rid of them. Under current conditions where Roma have lost their faith and trust in Czech justice they have increased their effort to immigrate, mainly to West European countries. The exodus is not

caused by social and economic conditions, as most Czech people assume, but by the political conditions in the Czech Republic, the lack of respect for our own laws, and hatred towards the Romani minority.

SITUATION OF CZECH ROMA IN CANADA

It is estimated that 1500 Roma from the Czech Republic are in Canada. We can say that all of them are convention refugees. We are getting our permanent residence papers and next year we will apply for Canadian citizenship. The Roma people have adjusted well to life in Canada. For example:

The school performance and language acquisition of Roma children and youth compares well to other immigrant groups. Families have managed to access housing and are viewed as good tenants. Many adults have secured employment in construction and food services in addition to starting their own small businesses and no longer rely on social assistance. Why have Czech Roma fared so well in Canada? Because Canada is a multi-cultural country, and everyone has the same starting point and opportunities.

THE WESTERN RESPONSE

With sadness we watch the action taken by Western countries.

These activities include discouraging legitimate asylum seekers, preventive arrest of asylum seekers in England, and forced deportation of asylum seekers in Belgium. In May 2000, there was a meeting of the British ambassador and the Czech minister of Internal Affairs to establish a temporary British immigration Control Checkpoint at the Prague Airport. What lengths will the cradle of democracy, Great Britain, go to keep the Roma out of their country.

This is an outrage! The U.S. should not just pressure the countries of Eastern Europe to change their fundamental policy towards Roma, but the U.S. could show to the world that they will accept Roma political asylum seekers from Eastern countries. We are asking the United States to establish a definite quota for Roma political asylum seekers.

SOLUTIONS/RECOMMENDATIONS

Currently the Czech Cabinet is engaged in discussions with Romani intellectuals to improve the position of Romani people in the Czech Republic. This followed criticism by Western countries and institutions watching human rights violations. It is our opinion that partial steps of one branch of the government does not go far enough.

An integrated approach by the ministries of education, social services, labour and internal affairs is required. This, coupled with a public education campaign targeted towards Roma and Czechs that teaches tolerance and mutual respect, will begin to address the issues and remove racial barriers.

CONCLUSION

We see the situation as one of coexistence of two different cultures whereby all that is dissimilar to the majority culture is rejected, scorned and considered less than valuable, bad.

We reject the approach of assimilation.

We support cultural integration while preserving our identity, including our values which we must not and do not want to give up. The Czech Republic must grow from a set of mono-cultural to multi-cultural values.

In this time Europe has become a continent of complicated and painful struggles by all Roma for their rights. This is similar to the situation of African-Americans in the 1950s and '60s, under the leadership of Martin Luther King. We Czech Roma will not be passive in this process.

I would like to conclude by quoting a well-known Jewish intellectual from Prague, Fedor Gal:

“For Jews, their suffering ended with the end of World War II, but Roma wear the Star of David forever.”

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