

THE HUMAN RIGHTS SITUATION OF ROMA: EUROPE'S LARGEST ETHNIC MINORITY



June 16, 2006

Briefing of the
Commission on Security and Cooperation in Europe

Washington: 2008

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ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 55 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

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THE HUMAN RIGHTS SITUATION OF ROMA: EUROPE'S LARGEST ETHNIC MINORITY

JUNE 16, 2006

Commission on Security and Cooperation in Europe Washington, DC

The briefing was held at 10:05 a.m. in room 226 Dirksen Senate Office Building, Washington, DC, Ronald McNamara, International Policy Director, Commission on Security and Cooperation in Europe, moderating.

Commissioners present: Hon. Robert B. Aderholt, Commissioner, Commission on Security and Cooperation in Europe and Hon. Mike McIntyre, Commissioner, Commission on Security and Cooperation in Europe.

Panalists present: Ronald McNamara, International Policy Director, Commission on Security and Cooperation in Europe; Erika Schlager, Counsel for International Law, Commission on Security and Cooperation in Europe; Tano Bechev, Program Director, Regional Policy Development Centre (Bulgaria); Madga Matache, Director, Romani Center for Social Intervention and Studies (Romania); Timea Junghaus, Arts and Culture Network Program, Open Society Institute (Hungary); and Nicolae Gheorghe, Senior Advisor, Office for Democratic Institutions and Human Rights, Organization for Security and Cooperation in Europe.

Mr. McNAMARA. Good morning. My name is Ron McNamara. I am currently serving as the International Policy Director for the Commission on Security and Cooperation in Europe. We welcome you to this morning's briefing, which is part of the ongoing work of the Commission focused on the questions relating to the Roma minority in the OSCE region.

Today's briefing, which will be fully transcribed, will be conducted under the title "The Human Rights Situation of Roma: Europe's Largest Ethnic Minority." At the end of the formal presentations, we will try to allow some period for questions and answers from the audience. My colleague Erika Schlager, who is our analyst covering the developments relating to the Roma, will moderate that aspect of the program.

We will call you forward to pose a brief question, either to one or a number of the panelists today. The one thing that we do ask is that you give your name and any affiliation that you have so that we have that for the record as well.

An informal transcription of today's proceedings will be posted on the Commission's Web site, which is www.csce.gov.

Conservatively, they are estimated at 8 million to 12 million. Roma are not only Europe's largest ethnic minority, they are also one of its most marginalized. Certainly, I have had the opportunity in my own travels and work with the commission to visit Romani populations throughout the OSCE region from Greece to Belarus, and just about everywhere in between. As the United Nations Development Program report in 2003 noted, "by measures ranging from literacy to infant mortality to basic nutrition, most of the region's Roma endure living conditions closer to those of sub-Saharan Africa than to Europe."

In a classic downward spiral, each of these conditions exacerbates the other in a self-perpetuating cycle. Sadly, efforts to improve the situation of Roma have often been stunted by pervasive discrimination, opportunistic political anti-Romism, and government neglect. But the situation is not entirely bleak. Roma are taking control of their destiny as never before, winning seats in the European Union Parliament and winning cases before the European Court on Human Rights.

Romani activists like those who are here today are changing both the political dialogue in their respective countries and shaping public policy on matters relating to the Roma.

I want to welcome and introduce our four expert panelists this morning. Tano Hariev Bechev is the Program Director for the Regional Policy Development Center in Sofia, Bulgaria. From 2001 to 2005, he served as a senior expert on ethnic issues and the integration of minorities for the municipality of Montana, Bulgaria, where in 2004 he developed the municipal program for integrating ethnic minority children in the school system there.

Next, we will hear from Magda Matache. She is the Executive Director of Romani CRISS, one of the leading nongovernmental organizations in Romania dedicated to defending and promoting the rights of Roma by providing legal assistance in cases of abuse. Romani CRISS works to combat and prevent racial discrimination against Roma in all areas of public life, including the fields of education, employment, housing, and health.

Next, we will hear from Timea Junghaus, who is an art historian and cultural activist. Since 2005, Ms. Junghaus has been affiliated with the Open Society Institute Foundation in Budapest, where she is head of the Roma cultural participation project, the component of the Open Society Institute's art and culture network program.

We are also grateful to the Open Society Institute for facilitating the availability of these three experts.

We are also very pleased to be joined by Nicolae Gheorghe. Mr. Gheorghe has served as the OSCE's Office of Democratic Institution and Human Rights senior adviser with responsibility for Romani issues since 1999. In that capacity, he has worked to promote the full integration of Roma into the societies they live in, while preserving their identity. Mr. Gheorghe is recognized across Europe for his leadership in the Romani civil rights movement and for the instrumental role he has played in successfully advocating for the inclusion of Roma in international human rights documents.

He has received human rights awards from Helsinki Watch USA in 1992, the National Commission on Human Rights of the French Republic in 1993, and from the Bruno Kreisky Foundation in 1994.

We are honored to have him here with us today, and for those who are unaware, Mr. Gheorghe also testified at the Helsinki Commission's hearing yesterday on developments

in South Central Europe, where he addressed the situation of Roma in the Balkans region.

Before we proceed with the presentations by our expert panelists, I would also note the presence of a number of leading individuals on issues relating to the Roma who are with us today. Debbie Harding is the former vice president of the Open Society Institute who has made an immeasurable contribution in the field of Romani human rights. Julie Denisha is a photojournalist who has worked closely with Romani communities in several Central European Countries. And Krista Hegberg is a Holocaust scholar and visiting fellow at the U.S. Holocaust Memorial Museum. And finally, I welcome any representatives who are with us. I see a few familiar faces from the diplomatic corps. We will proceed with this morning's presentations.

Again, there will be a full transcription of today's proceedings and you can also access the very numerous initiatives of our Commission relating to Roma on our Web site, www.csce.gov.

So without further ado, we will start with Mr. Bechev.

Mr. BECHEV. Thank you very much for the great introduction.

Distinguished members of the Commission, ladies and gentlemen, thank you for the opportunity to be here and to address the Roma issue in Bulgaria. My presentation today is going to concentrate on desegregation of Roma education in Bulgaria.

During the past decade, Romani education has always been among the problems which both governments and nongovernmental organizations across Central and Eastern Europe have been trying to solve. After more than a decade, however, even the most serious, the most funded, and the most comprehensive attempts to raise the educational status of Roma did not succeed. The worst tendencies affecting Romani education—high dropout rates, low educational achievement, and exclusion from school—persisted. The general status of Romani education did not improve. On the contrary, it deteriorated. Hence, the prospects for Roma to overcome the social exclusion also dwindled.

Looking at the approaches to Romani education over these years, the explanation for this situation is simple. Most of the educational initiatives, be they governmental or non-governmental, operated within the status quo of the segregated educational systems. Purposefully or not, these initiatives have been striving to breathe life into a concept long dead, the concept that separate can be equal.

This has been taking place despite the fact that the results of the experience of separate educational systems for Roma have been all too obvious: an ever-growing number of uneducated Roma, and ever-growing number of Roma excluded from the life opportunities available for non-Roma; and an ever-deepening division along ethnic lines in society. Money and human resources have poured into the segregated schools for the Roma, be they all-Romani ghetto schools or schools for mentally handicapped, helping them to survive, keeping the Romani children there, and multiplying from year to year the numbers of uneducated Roma.

In the recent years, a new movement is gaining ground in Europe. This movement has articulated segregated education of Roma as the root cause for the lack of equal educational opportunities for Roma. It is trying to channel the numerous, yet haphazard initiatives for Romani education towards the dismantling of the segregated educational system. It is no wonder that the leaders of this movement are Roma who themselves

enjoyed the benefits of integrated education. Their voices are becoming sharper, and their message is unequivocal: Romani education should be desegregated.

Most recently, during the Open Society/World Bank conference, "Roma in an Expanding Europe," the Romani representatives of eight countries in Central and Eastern Europe addressed their governments and the international community with a declaration stating: "in education, we want to integrate the school systems, to desegregate the schools and the classrooms, and to provide equal and quality education to Roma in the domestic school system from preschool to university."

A serious impetus to this movement has been given by Romani nongovernmental organizations, which demonstrated in practice how the problem of Romani education should be dealt with. In the school year 2000 to 2001, the Open Society Institute Roma Participation Program in Budapest initiated a pilot desegregation project in Vidin, Bulgaria, led by local nongovernmental organizations. The goal of the project was to ensure equal education for the Romani children of Vidin Nov Pat Romani settlement by transferring them to the Vidin's mainstream schools.

The project started with the bussing of around 300 Romani children from the Romani ghetto school. This number grew in the following 2 years, reaching more than 700 children in the school year 2003 to 2004 or over 70 percent of all children attending school in the Romani neighborhood of Vidin.

In the meantime, the Roma Participation Program supported another six desegregation initiatives in Bulgaria based on the Vidin model. Beyond their own value of ensuring equal education for more than 2,000 Romani children in Bulgaria, these projects also have a strategic goal. They are meant to demonstrate that the desegregation of the Romani ghetto schools in Bulgaria is a feasible undertaking which, if carefully planned and executed, would not lead to social collisions or any further exclusion of Romani children from the educational system.

The successful implementation of the desegregation projects in Bulgaria was used as a tool by Romani NGOs and human rights activists to pressure the Bulgarian government to take responsibility for a nationwide desegregation process of Romani education. In other words, the grassroots desegregation initiatives were aimed at achieving a long-term nationwide effect on the educational status of Roma by providing a model for governmental policies on Romani education.

Currently, all of these projects are supported by Roman Education Funds. For 6 years now, the success of the desegregation projects in Bulgaria has dispelled the fears and misconceptions accompanying the public debate about the possibility of integrating Romani children in education. Prior to the start of the Vidin desegregation project, the following misconceptions existed.

One of them is Romani parents will not allow their children to attend school outside the Romani neighborhood. Many people argued that because of fears of racist harassment and attacks on the Romani children in the majority environment, the Romani parents would obstruct the desegregation efforts. Another assertion was that, due to their low educational aspirations, Roma are indifferent to the quality of education their children receive and would have no motivation to send them in a school offering higher quality education.

The desegregation initiatives in Bulgaria, however, made obvious the fact that when Romani parents have certainty that their children will be taken good care of away from the Romani neighborhoods, they are willing to change the all-Romani ghetto school for a

better one, even though it may be far away from their neighborhood. Furthermore, it was obvious that when the Romani parents are aware of the inferior quality of the education their children would receive in the ghetto school and the disadvantages for the children, they do not object to desegregation. Moreover, many Romani parents did not need to be persuaded that their children would have a better future if they go to school together with non-Romani children. All they needed was support to transfer their children to non-Romani schools.

Another was Romani children will not be accepted in non-Romani schools, which was another obstacle or misconception from the beginning. Although such fears were not unreasonable, hostility of the non-Roma toward Roma at school proved to be possible to control and overcome. Incidents of racial harassment of the Romani children were exceptions. With the interference of Romani supervisors placed by the Romani NGOs at each school, such incidents had been prevented and remedied when necessary, and their occurrence did not discourage Romani children from continuing their education in the integrated schools.

Another misconception was that non-Romani parents will withdraw their children from the schools which receive Romani children. No white flight of any significant proportions took place. Despite the tensions in the first months after the transfer of the Romani children to the integrated schools, the non-Romani parents did not react by withdrawing their children. After the first year, the issue of non-Romani parents protesting against the higher number of Romani children in the schools was forgotten.

Similar had been the reaction on the part of the teachers in the integrated schools. Although they had reservations regarding the quality of the educational process after the enrollment of the Romani children and some of them even treated Romani children in a discriminatory way, the timely and adequate interference of representatives of the Romani organizations solved these problems.

Romani children will not be able to meet the higher standards of the mainstream schools. This was another misconception. Fears that the Romani children would fail to meet the higher standards in the integrated schools proved unjustified. With adequate academic support, most of the Romani children reached the level of their non-Romani peers and by the end of the first years had success comparable to that of the non-Romani children.

The desegregation projects in Bulgaria operated in the specific context of educational segregation existing in this country. This context is characterized by the prevalence of all-Romani ghetto schools based in the Romani ghettos. The Bulgarian model can be implemented in other countries where ghetto schools exist like Romania and Slovakia. Other forms of segregated education such as the special schools for mentally handicapped children or the all-Romani classes in the mainstream schools require different types of action. The Bulgarian model, however, provides some essential rules which are applicable to all countries regardless of the patterns of segregation existing in them.

First, Romani-led desegregation action. Everywhere Romani organizations took the lead in carrying out the desegregation activities. This made possible building relations of trust with the Romani parents and eventually persuading them to enroll their children in the schools outside the Romani settlements. The role models that the Romani individuals themselves presented to the community were also important for the process.

The leading role of Romani organizations in the desegregation process has also a far-reaching effect of promoting the value of Romani participation in the implementation of policies which affect the Romani community. It was important to show to the public that Roma are taking responsibility for decisions affecting their lives.

Second, all inclusive desegregation campaign and action. The process of desegregation has a direct impact on a number of groups in society. Apart from Romani parents and children, desegregation would also enter the lives of non-Romani parents, children and teachers. All these groups should be prepared to experience the process and participate in it. Romani parents and children, non-Romani parents and children, teachers in the integrated schools and teachers in the segregated schools were all approached separately and well in advance of the beginning of the desegregation actions.

In the first place, it was necessary to persuade Romani parents to enroll their children in the mainstream schools. Second, the desegregation initiatives had to overcome the resistance of non-Romani parents to the placement of Roma in the schools where there were no Roma up to that moment. Third, successful desegregation of Roma can take place if the school environment where the Romani children will go is prepared to accept them. Even if the school formally accepted to enroll Romani children, teachers and non-Romani children have to be sensitized and involved in activities which challenge the stereotypes towards Roma.

Continuous support for the Romani children transferred from segregated into integrated schools. Given the inferior quality of the education that Roma received in the segregated schools, it is not realistic to expect them to achieve the same results as their non-Romani peers without any support. The mere transfer of the children in the integrated schools without any further care for their adaptation to the new school could be counterproductive and undermine the success of the desegregation process. Academic support should come from the school itself in the form of supplementary school programs.

As a result of the good outcomes of the desegregation process in Bulgaria, we have several documents adopted by the government like the National Strategy for Integration of the Minorities in Education; Governmental Action Plan for Implementation of the Decade of Roma Inclusion, where desegregation is a main priority in the educational sphere. On the other hand, there are governmental initiatives already in Romania and Hungary and in Slovakia, Serbia, and Croatia at the NGO level.

It is clear that it is in the public interest to do away with a system which reproduces inequality and dependency of large groups of people and thus increases the burdens on the whole society. The new movement for desegregation of Romani education is committed to make explicit for the public and for the politicians this interdependence of the educational status of Roma and the prosperity of the whole society, and to mobilize political will at different levels to desegregate Romani education.

We are aware that desegregation of Romani education is not the only solution to the problems facing Roma in education. Yet desegregation is the only solution that makes a difference, the difference between good education and inferior education; the difference between life with dignity and life in humiliation; and finally, the difference between equality and inequality.

Thank you very much.

Mr. McNAMARA. Thank you very much.

Ms. Matache?

Ms. MATACHE. Thank you very much for your introduction.

Dear members of the Commission, dear colleagues, and dear friends, I am honored to participate at this meeting and to share with you our views, Romani CRISS' views regarding the equal access of Roma to housing in Romania, looking specifically to the role of the Romanian institutions, but also to the role of the civil society in ensuring these rights.

By its very mandate, as an organization that militates for the defense and promotion of human rights, Romani CRISS has documented and intervened in cases of discrimination and abuse in the field of housing, but it also contributed to the development of policies and good practices in the field of housing in Romania.

There are several aspects that I would like to share with you today, that we consider while discussing about housing rights in Romania.

One important issue related to housing rights is the lack of property documents for the houses where Roma live in different communities in Romania, which happens for several reasons actually. When they bought the houses, they didn't sign selling-buying contracts. They received only hand receipts that are not accepted as property documents in the Romania legislation, and thus they cannot obtain permanent domicile because the taxes for the houses are still paid by someone else who was the owner of the house.

Then, a second problem is that due to the legislative changes that appear after 1990, when the revolution was in Romania, it appears also that the evictions problem from the houses allocated from the place of work, evictions from the houses claimed by the former owners of these houses, but also evictions of Roma families from the social houses that they used to live in.

Nevertheless, one of the most important problems that I want to share with you today is the issue of certain patterns of discrimination or abuse on housing and living conditions of the Roma population in Romania. These abuses are mainly done by the representative of local authorities in Romania.

I would like to stress the fact that Romani CRISS has been very indignant with the policy of local public authorities to evict, but also to segregate Roma from the cities to the margins of society. This concern was manifested in the context of more cases and situations documented at the local level in several areas of the country.

Until the present, the governmental authorities do not have any action or instrument that would correct the decisions adopted by local councils regarding the demolition of Roma's peripheral houses or the Roma evictions from the neighborhoods of the cities that they used to live in.

I would like to mention here only one case that happened in May, 2004, and is not still solved, when 140 Roma persons have been evicted from a building located in the center of Miercurea locality in Romania. They have been settled by the city hall, by the municipality at the outskirts of the town in the very neighborhood of the filtering station, in very precious living conditions.

Although the prefect admitted publicly that this act was illegal, and although different organizations, including also Romani CRISS, complained to the National Council for Combating Discrimination in Romania, so far no remedy has been applied, and in 2006 the conditions are not very good and a lot of children live in these conditions, although the Ministry of Health underlined the fact that there are a lot of risks for the children to get ill immediately.

As I said before, in such cases the most affected categories of population are the children. Children end up actually living in inhuman conditions, although they are the ones supposed to enjoy a special attention and protection from the states, but also women and older people without any defense tools against this situation.

To conclude, I would like to mention that although the Romanian Government ensured maximum formal type of equality for Roma, and here we have to mention the strategies, the programs, but also the legislation, a lot of tools and instruments that we can use to combat discrimination. The factual situation of the Roma is much different, and the representatives of the state authorities, especially at the local level, I would like to underline that especially at the local level, are not always aware about the existence of these policies or sometimes they just don't respect these policies and the legislation.

We should admit that actually in Romania still exists a widespread racism within the local administration. There is a need for a very strong backup from the political elite in Romania, but not only from Romania, to support civil society actions to stop these systematic practices.

As other international human rights bodies recommended to Romanian authorities, it is very necessary to take steps to ensure that the members of the Roma community have access to decent housing. On the other hand, it is extremely important to impose actual penalties on local government officials who engage in discriminatory practices against Roma, among others, in the area of housing.

I would only like to stress one point that actually if we look to the report on Romania that the U.S. Department of State issued in 2006, but also in 2005, but also if we look to the statement of Senator Hillary Clinton, but also to the strong support that we have from Open Society Institute until now, then we think that it is important beside the need from the political elite in Romania to stand up against racism and discrimination in Romania. There is still a need for support from other institutions and other bodies at the international level to support us to combat discrimination in Romania.

I only mentioned one case here of abuse, but you can find outside more documents about the situation in Romania, about the human rights situation, and about the cases that Romani CRISS already documented in the field in Romania.

Thank you very much for your attention.

Mr. McNAMARA. Thank you, Ms. Matache.

Ms. Junghaus?

Ms. JUNGHAUS. Thank you.

I also would like to thank the Commission for the invitation and I would like to thank the Hungarian community of Roma intellectuals and Open Society Institute for delegating me to represent the Roma situation in Hungary here.

According to the 2003 representative national study, the number of Roma living in Hungary is between 520,000 and 650,000. Precise demographic data are not available due in large part to the reluctance of many Roma to identify themselves as such for official purposes and the refusal of the government to include Roma as a legitimate category for census purpose. And 56 percent of Roma households belong to the lowest income tenth of the population. They are poor in the worst sense of the word and cannot even obtain food of the necessary quality.

The Hungarian Roma community is strongly polarized. The process of emerging into the middle class has started among the Roma, too, and today one-fifth of the Roma live

at or above the social average level. There is meanwhile a growing underclass which is not constituted exclusively by Roma, but in which they are strongly over-represented.

Because of this, researchers and many acknowledged sociologists have concluded that Roma does not simply mean an ethnic category, but refers to a particular class which is excluded to its lifestyle and appearance. According to this statement, everybody is a Roma who is like a Roma.

This conclusion which is, by the way, found offensive and unacceptable for the Roma elite in Hungary, this conclusion recognizes the Roma on the basis of a superficial stereotype and fails to acknowledge the Roma cultural identity. It basically means that the Roma who have repressed their identity during Communism will now suffer cultural oppression.

In October 2004, Prime Minister Ferenc Gyurcsany opened the exposition of the government program by saying: "There is only one Hungary: The common country of both Roma and Hungarians." It was a historical moment when Gyurcsany was the first politician to address the Hungarian Parliament in Romani language. The government program strengthens the new Ministry of Equal Opportunities, and fostered the formation of a Roma political elite, which participates in public administration.

Hungary may in fact have advanced furthest in its experiment on the Roma minority, trying to keep up with the external expectation of the EU authorities, while doing a juggling act of containing the pressure from its minority communities.

The most stirring case of the past years was that of segregated education in Jaszladany, where the predominantly non-Romani Gypsy minority self-government did not protest the establishment of a local private school created to segregate the local Romani children from the non-Romani children, and the school started operating in the autumn of 2003. By comparison, the previous Gypsy minority self-government, composed of Roma, fought against the establishment of the private school with all the legal powers available to it, and had effectively blocked or delayed the establishment of the school.

In 2003, increasing segregation in primary schools was confirmed. Also, desegregation programs were initiated in 2003 by the Ministry of Education, the rapidly increasing social segregation, and the schooling regulations based on place of residence hindered the desegregation process. The most comprehensive legal framework for education policies is provided by Act 125 of 2003 on the Promotion of Anti-Discrimination, and the amended Act 56 2003 on Public Education. Neither of them, unfortunately, empowers the Ministry of Education to sanction discriminative educational practice.

In the past decades, the most remarkable index of the Roma's failure in education was the number of dropouts in the early phase, in primary school. Today, this figure is negligible. The most significant inequality now emerges at the point of starting secondary education. One important reason why Roma children are at a disadvantage when trying to enter secondary education is that many of them study in special needs primary schools, ones for the handicapped children. The Roma do not have the opportunity for self-representation and cannot find stereotypes in discrimination. The social inclusion of the Roma people is not possible without cultural recognition and inclusion. Having the space, equipment and support for cultural practice is not a luxury. It is a basic human right.

Culture has never been on the agenda of Roma politics and Roma social reform, while changing negative attitudes toward the Roma and stopping the spread of negative stereo-

types are the key priorities of many recent initiatives, such as the Roma Decade of Inclusion.

As a consequence of exclusion, the majority societies form their views of Roma culture in accordance with their own preconceptions, which has a crucial role in culture and political debate at any level. Images are at least as influential and informative as the written and spoken language.

In 2002, two young Roma artists, Norbert Szirmai and Istvan Revesz made a 15-minute documentary film entitled "Fradi is Better." The film shows the fans, a crowd of more than 500 persons, of the football team, Fradi, in their Budapest stadium, singing and cheering with racist rhymes and songs. It is a shocking and frightful document of extreme racism and anti-Roma sentiment. The film is well known in Hungary, Romania, Austria, and the Czech Republic. It has been an important tool in generating solidarity, evoking empathy, and making Roma hatred visible in the region.

Another example of the effect of images disseminated in the cultural scene. Olah Action, an Internet game with the objective of killing all Roma in Hungary, could be accessed on the Internet despite previous police action to remove the game. The game, in which Hungary is declared "clean" and turns white after all Roma are killed, first appeared in February 2005. The game received over 4,000 visitors. Police ordered the game to be removed from the host server, but RomNet, an NGO, reports that it is still available on many Web sites.

The younger generation of Roma intellectuals are the last generation to be able to interact with the survivors of the Roma Holocaust. It was in 2004 on the occasion of the 60th anniversary of the Holocaust, that Roma contemporary artists could return to the temple of Hungarian contemporary art and create together with established European artists works that reflected on the Roma Holocaust.

The Roma claim the recognition of their culture. This recognition will create pride and empowerment. At present, Roma culture is a victim of ghettoization, and is damned to stay within the walls of marginal cultural centers, self-governments, and Roma NGOs.

Thank you.

Mr. MCNAMARA. Thank you, Ms. Junghaus.

Mr. Gheorghe?

Mr. GHEORGHE. Thank you, and thanks to all the members of the Helsinki Commission in the auditorium to be here. I am honored to have the chance to address you again after being several times invited over the last 15 years to address such meetings.

I would like to drop really my presentation and to try to react to the messages from my younger colleagues, and eventually to set up an agenda of debate among ourselves. I was invited to speak mainly about the role of the international institutions in raising awareness about the Roma and finding ways to address the challenges posed by this issue. For sure, I am supposed to speak mainly about the OSCE and the activities done by it, in particular about the OSCE Action Plan for improving the situation of Roma in the OSCE participating States, a documentation adopted in December 2003.

This is only just one of the documents of wider international organizations dealing with the Roma issues. I may mention here a number of other documents of the Council of Europe, for instance, which has its own recommendations and its own institutional arrangements for Roma, in particular the Specialist Group for Roma issues; or the European Union which, beginning in 1997, started to move very effectively into dealing with

the issue of the Roma, asking the candidate countries in Central and Eastern Europe that part of the process to prepare for the accession to the European Union is to address the human rights of minorities, and particularly that of Roma in their respective countries, which generated some specific criteria on how to measure the improvement of the representation of Roma. In the European Commission progress reports for each country which is a candidate there is a special entry about the situation of Roma and there are remarks about the situation of Roma throughout different chapters of these reports, which plays a major role indeed to bring some of them improvements which can be reported then here.

United Nations agencies also have their own programs, particularly the Commission for the Elimination of Racial Discrimination, the United Nations Development Program, and one of the most recent and high-profile initiatives. What emerged from this was in the UN agencies that dictate Roma inclusion in a major comprehensive action which gathered eight states in the Central and Eastern and Southeastern Europe, in combination with the resources of the World Bank, of the UNDP, and in particular the Open Society Institute, which is no longer an international organization, it was the organization which triggered the whole initiative, and the efforts of 10 years, basically 2005 to 2015, where we try to measure progress in education, housing, health and employment and other issues in the conduct of discrimination against Roma.

If I may continue this inventory of different initiatives just to illustrate how over a period of, let's say, 10 or 12 or 15 years, a long decade initiated by the changes in 1990, how this managed to bring in to the attention of the public the Roma issues, and to generate policy and documents.

Myself, and I might say my generation of Roma activists, we have been effective in bringing the grievance of Roma into the attention of the international organizations and to generate this awareness and policy initiatives mentioned, with the help of a lot of non-Roma dedicated human rights activists.

Somehow we may be, let's say, proud of what we have achieved, but now, and over the last years, I became very critical about these approaches and self-critical. I think that we placed too much attention and hopes on the intergovernmental or international institutions. In my generation, I see that we neglected somehow the responsibility of the states with all the [inaudible] and the role of the dynamic within each nation or state in order to improve the station of Roma, including the dynamic which had to be, or the actions which have to be implemented by the local authorities, by the municipal councils.

I repeat, this is a self-criticism because now, listening to what Tano said, and I take it as a leitmotif of my comments. He said by the way of the action in the area of education that we didn't address the status quo. We took the status quo as such, and we wanted to improve the situation in the conditions as they are, of segregated classes. And then I listened to Magda and to Timea. I tried to understand from this point of view, and to make this the basis of my reflections and self-criticism.

We didn't bring too much attention to what "Gypsy" or "Tsigan" means in our societies, why are we called like this, why we behave as we are used to behaving, and how we are participating in the reproduction of the prejudices of the majority society? We took it as a given. If I was called by someone "Tsigan", then I took it as such. I internalized this. I did my best to prove that I am not as the others defined us, but I didn't change the dynamic which is behind this. For sure, I was not able to do this. None of us individually can do this. We need an action to try to address what is indicated by many people

as being the root causes, which is the racist attitudes in our society, and the racism which is based on this, I might say, not mentality, but institutions which continue to generate the inequalities of the situation of being an underclass, et cetera.

This is the fact that although we address the international organizations, we have only focused mainly on Central Europe or Eastern Europe, or Southeastern Europe. We are less aware of what is happening in Western Europe. We took it also as a reality the divide between the two halves of Europe, and we tended to see that the situation in our country is much worse than in other countries in Western Europe.

We neglected that in Greece, in France, in Spain, in Italy where the situation is as bad or worse than it is in our countries. Of course, we didn't have the possibility to be aware about this, to exchange information, to have enough contact.

So to realize that we have to deal in Europe with the Roma issue in the same way that, let's say, in the beginning of the 1950s in America, the decade that brought into attention the American dilemma, the place of the Blacks in society, as the title of the book and also the times.

So I don't think that Europe for the time being realizes the depth of the racism and the racist attitudes in its structures, Europe as a whole, and then different countries, with variations we have heard. Europe in general is represented by the political elites, by the intellectual elites, and then by media, and then the common people start slowly to cope with this reality that was generated in the last centuries, in particularly the totalitarian ideologies, the Fascists, the Communists, the Holocaust. I think that the Roma debate, it is a debate about racism in general in European societies, in the culture, in the political institutions.

This is to make, let's say, our work not less, but to intensify it in this moment.

Now, the element of self-criticism I see from this point of view is that I think that we have been somehow very much influenced, if not contaminated, let's say, ideologically by the ideology of nationalism. One of the ideas that one of the approaches that we have in our Roma movement is to try to construct Roma as a nation, somehow in the same way that the existing nations are in Europe, as a cultural nation, shall we say, not as a political nation with territory and with a state of its own.

The very fact is that the Roma have been not accepted as being a national minority in the countries where we live, and that was one of a sense of people said that we are inferior as a group. As long as there is no kin-state or territory, you know, and one religion, and as long as Europe is organized on this very principle of nation-states, legitimated by national ideologies, the Roma, having no state, it is like a second-class category of humans or a second-class category of national minorities.

In the 1990s, we started to have access to that. The Roma in some countries in Europe in many are recognized now as being a national minority. But this is beneficial. It generated some kind of self-representation, appointed representatives, which again didn't change the status quo. It didn't change the very basis of the national ideologies as being the legitimacy of the states in which we are living.

We wanted to imitate the others and to become ourselves a cultural nation, a designation as a minority in different countries, putting us sometimes in the direction of actions which I want to say have many advantages, but have also disadvantages. Among others, I may say now, we have our own leaders who may be as totalitarian in their emphasis and corrupted as all the other leaders in the region. We don't dare sometimes

to change them because it is like we are, how do you say, we are undermining the credibility of own actions. I would like to say that we have to change also this concept of Roma being a national minority in the different countries, and trying to portray us in the way it was imposed or defined by others.

I may continue like that, just to indicate, I repeat, an element of self-criticism, of the need of reflection in our movement, in the way that we try to formulate the policies, and not all the time to just answer to the different [inaudible] coming from the intergovernmental organizations, from the nation states, and to applaud what Timea mentioned, the experiments here and there in different countries.

If I may say, and again I hope to have the chance maybe to have a debate and to try to learn as much as possible from these encounters what we can learn from the American society, and to try not to imitate, but try to adapt to the specific situations of the civil rights movement, human rights movement, that we try to have in our countries.

If I say a breakthrough to that, as we have seen in the last decade, I see that we had a problem with police and the Roma. We spend a lot of time to document police abuse, police violence in relation to our communities. In Romania, I say that based on the action plan, we now launched a program for self-assessment of the police as an institution, in what way the institutional practices of the police may generate, may allow for abuses, in particular of [inaudible] and they are right to do that not only because Romania has a better or worse record than other countries, but because we met with the Romanian diplomats and the officers and the police to take this painful exercise of self-assessing what is going wrong in the police as an institution that generates particular incidents that are documented by the Roma and which we send on to the NGOs.

We hope this experiment in an intellectual way to bring results and eventually to other countries to share this good practice.

If I see, then, the last point, a way out of this it is to have an increased political participation of Roma. That is also something that we neglected in the last decade, how to make best use of the numbers that the Roma represent in different European countries, they being also electoral constituencies, as voters in the mainstream societies, as representing good parts of the electoral district in particular localities and regions throughout Europe, in eastern Slovakia, throughout Romania, in Montana, or in Hungary, or in the southeastern Hungary.

We need to learn from the Black, from the African-American movement in the United States how to organize politically, how to enter into political parties, how to be candidates, voters, elected officers, and like this to try to change the status quo, which was mentioned in advance, and to do this at all levels of the electoral process beginning with the local level where the Roma are concentrated, where the everyday life is organized by the local authorities, and going to the national assembly or national parliaments.

We have in the OSCE a practice on that. We started to raise awareness of the Roma as being voters, candidates, elected members of the bodies. We have a number of instances of cooperation with the participating States to document that. I hope that for the next generation of Roma representative speakers that that will be part of their agenda—some of the Roma who are now in the NGOs will enter the world of the mainstream politics, will be elected, will enter the European Parliament, or other entities and members of local authorities throughout the region.

One way that we meet expectations is how to enter political parties with the mainstream political parties. And this is not the for the governments. This is not for the inter-governmental organizations. You cannot impose on the political parties how to organize themselves. We have to persuade. We have to lobby for. And that is an experience that we lack, and we would like to learn much more and probably there will be another hearing sometime in 3 or 4 years, and we may try to focus and to report results of that.

As your staff here and the activists, and with the Members of the Senate and the Congress of the United States, the Congressmen elected, the Senators, they are meeting delegations of the political parties coming from the region, or government officers, I think that that might be part of the agenda tied to questions of how much minorities are representing the parties, as for instance sometimes [inaudible] there are remarkable achievements from this kind of having a woman in the elected offices. How can we do this with the people belonging to minorities or to the racial groups that we talk about.

I thank you very much for your attention. I hope that in a debate we may try to address some of these issues. Thanks.

Mr. MCNAMARA. Thank you very much.

Just a couple of observations before I pass the floor over to Erika Schlager. One is really just reflecting on the presentations. Policy is obviously very important. I guess for me the point that was very salient was that it really distills down to the dignity of the individual. It is important that we not lose sight also of the real-life impact that these policies or racial practices have on real-life individuals.

Again, sort of a recurring theme seemed to be sort of local government. So I am very interested in this question of sort of national policy, which obviously is our main focus in the OSCE context, but very much having followed developments in countries like Greece and so forth, you really see how it is the local authorities who are calling out the bulldozers, erecting walls, all such sort of crazy things.

While our focus at today's briefing is on current developments, one thing I did want to mention that had a big impact on me, at the main OSCE meeting on human rights late last fall, there was a very impressive film by an American academic, Michelle Kelso, on the legacy, if you will, of the Roma in the Holocaust, in a wonderfully done piece that she has done, "Hidden Sorrows." So if you haven't had a chance to view that video, it really was an eye-opener for me and some folks who had an opportunity to view that for the first time.

Certainly at that OSCE main meeting under Mr. Gheorghe's leadership, really it has become one of the most vibrant aspects of the OSCE's ongoing work, and there is an increased amount of activity. Erika just returned from a major conference on Roma issues that was hosted in Romania just recently. She has an article that I think is now posted on our Web site relating to that particular conference.

So there is a lot of activity and I am sort of also very curious about ideas in terms of translating the activity, the networking and so forth, into sort of real-life change with the objective ultimately of upholding the dignity of the individuals. I don't want to monopolize, just the experiences that I, the limited experiences compared to Erika in this regard.

Thank you very much to our panelists, and Erika will now pick up regarding the Q&A portion of today's presentations.

Ms. SCHLAGER. Thank you, Ron.

Thank you to all our panelists who are here.

I am going to have a couple of quick observations. I am going to exercise the privilege of the chair to make a couple of my own observations. I will exercise my privilege again to ask the first question. And then after that, if you all have questions, if you would step up to this end of the table you can use my microphone.

I think that these are truly expert panelists, and I also had the chance to see them in action yesterday. So feel free to ask questions narrowly on the subjects that they have addressed here, but also I can tell you from seeing them previously that they are extremely capable and there is no question that they cannot answer. So feel free to speak broadly to the issues in front of us.

My own quick observations before I get to my question, first of all, on the issue of education that Tano Bechev addressed: I just want to underscore that everywhere I go, whether I am at an international conference or a small village, education is the No. 1 issue that I hear about from Roma. Equal access to education is virtually universally recognized as the key to addressing all the other issues and problems that Roma face. So that is really critically important.

On the question of the housing issues, this is an emerging crisis in many, many places. It is a complex issue. It does not lend itself to easy generalizations. There are a variety of often multiple, simultaneous causes for this. And so you can't even look at this generalized on a country-to-country basis, but you really have to look even village-to-village to find out what is going on.

When there is a housing crisis, when Roma find themselves forced out of housing, it then exacerbates every other problem they face, whether it is access to education, participation in public life, or other concerns.

I am extremely glad to have Timea Junghaus here testifying. She is one of the guardians of culture, history and memory. I share with her a great appreciation for the importance of symbolism and gestures that can be made. She mentioned the statement that had been made in the Hungarian Parliament in the Romani language. I would note that when I attended the conference on Roma issues in Bucharest a month-and-a-half ago, the Romania State Secretary, Attila Marko, also had words of greeting in Romani. These things can often have a symbolic message of acceptance that is greater than it might appear at first blush. So I welcome the role that you play and your advocacy, as I say, a guardian of culture, history, and memory.

Finally, I am extremely glad to have Nicolae Gheorghe here, someone who shares a little bit of historical perspective on these issues. So much has been achieved in the last 15 years that sometimes we may forget what it was like 15, 16, 17 years ago. I remember when Nicolae Gheorghe and other Romani activists were just coming to the OSCE meetings in 1990 in Copenhagen and Oslo in 1991, and advocating, urging, insisting that Romani human rights issues had to be recognized and addressed at the international level.

I can tell you how extraordinarily difficult that job was, and indeed how many of these activists were met with hostility and open prejudice and bigotry at these gatherings. So to see how far they have come and to see how much is being recognized at the international level is extremely important. My hope is that the work that has been done at the international level creates the political space for the work to be intensified at the national level now.

With my comments out of the way, I will ask my own question. I will give a heads-up that my question is for Tano Bechev and Nicolae Gheorghe, and then I will open the floor to others.

Questions relating to the double discrimination faced by Romani women, ethnic discrimination and gender discrimination, these questions are usually addressed to women. But gender equality cannot be achieved by the work of one gender alone. And so, while the work of Romani women in this area is extraordinary and advancing by leaps and bounds, my question to Tano Bechev and to Nicolae Gheorghe is whether you see Romani men taking some ownership of this issue, and also working to address the goal of gender equality at the same time we work to achieve an end to discrimination and racism.

Thank you.

Tano, would you like to go first? Would you be willing to go first?

Mr. BECHEV. Yes, definitely there is a long way to go. There is not, let's say, a lot of experience at this. I don't know a lot of Roma men activists fighting for or combating the gender equality. Definitely there is room for improvement. My personal opinion is that we have to pay more attention to this. In fact, a part of the main priorities of the decade of Romani inclusion, which are the education, organization, employment, and health care. One of the pressing issues is the gender equality.

Bulgaria this year is launching the decade of the Roma inclusion, and I think and I believe that we will make more efforts to pay attention more on the gender issue.

Mr. GHEORGHE. I think that here is a place for self-criticism. We also see statutory measures that the man is in a privileged position than the woman, the paternalistic attitude and practices are also in our society, in the Roma society in the Roma countries. We do not enough do to change that and to address these issues.

I think that the Roma females pay a higher price, a higher cost to everything that call disadvantages, marginalization of Roma. There is indeed the tendency of Roma men to occupy the stage and to occupy the position of influence and prestige. In the Roma movement also of the NGOs, usually our colleagues, females, they are secretaries. They are in the technical positions, while the leadership is of the men. This is not enough addressed among ourselves and discussed.

I am very glad now in Romani CRISS, this is the first time that we have a colleague that is being the director. We used to look to our colleagues as being the secretaries or our deputies. There are also some realities which have to be documented in the Roma communities. For instance, the trafficking in human persons. Women and children are paying a higher cost than the Roma men who are involved sometimes as being among the perpetrators, and the women and children are the victims.

There are practices of arranged marriages in some traditional segments of the Roma communities, those who preserve the culture of Roma much more than the others who are, let's say, integrated and who are educated. We hear sometimes very painful discussions about that with Roma men defending the tradition where the virginity of the bride and the early marriage is the practice to keep that tradition, and the Roma men are demanding respect without paying attention to what is the point of view of the females on that.

So indeed, I think that this is one of the aspects of the civil rights movement that we have to learn and to internalize in our thinking and in our debate, and I think it is

time now, probably in the next decade, or the decade for Romani inclusion, if possible will accept this as also a decade of self-reflection, of criticism. If we want to, you know, by fighting prejudice, stereotypes, and oppressive practices from outside, to don't let all families, in all communities among ourselves, to end these practices.

With respect to some of our Roma female colleagues, I may say that now some positions of influence are also occupied by Roma women. If I say Klara Orgovanova in Slovakia, Maria Ionescu in Romania, Miranda Vuolasranta in Finland. I mentioned these names, and I could continue like that. Some of them took the very difficult position to represent Roma and to receive the criticism for that. But we have conferences in Bucharest. We proposed to have a meeting soon somewhere. If in Bucharest, it would be very good, to discuss precisely these issues. As the result of a debate in the European Parliament on the second of June on the situation of Romani women, which identified all these practices and generated some criticism of some Roma men about the language of the resolution.

So thank you very much for the question. I think that it is one of the issues for which we have to be better prepared next time to talk about. Thanks.

Ms. SCHLAGER. Thank you, Nicolae.

We have been joined by Congressman Aderholt, one of our Commissioners. I would like to invite you, if you have any remarks you would like to make.

Mr. ADERHOLT. I don't really have any remarks. I just want to say thank you for holding this briefing. I just recently returned from the Balkans, where this of course is an issue there as well, as it is in many parts of Europe. So I am just glad to have the briefing. We have a vote a little earlier so we just got out of a vote.

Anyway, I am just here to listen to the testimony and to see if there are ways that we can address this issue. Thank you.

Ms. SCHLAGER. Thank you very much, Congressman, and thank you for the support that you and the other Commissioners have given that enable the Helsinki Commission to do the work that we have done on Romani issues.

At this point, I would invite anyone who would like to have a question. I would give the floor first to Deborah Harding.

If you would come up, you can use my microphone.

QUESTIONER. Thank you, I would just like to first of all thank the Commission for holding the hearing, and say a special thanks to Erika Schlager who is actually, as far as I am concerned, the only employee of the U.S. Government who works on Roma rights and she has made an enormous contribution in this field over the years. And then, of course, thank our colleagues and friends for their rich testimony and sharing their experiences.

I just had a couple of points, and the first one picks up on something that both Magda and Nicolae said, and that is this. It seems to me that the challenge ahead is how to turn national political will and policy into programs that are implemented at the local level. In my view, given the fact particularly that it is usually at the local level that the responsibility, at least for primary education, resides. So talking about desegregation, that you really need to press for laws, because I think the municipal councils respond to laws, and they don't respond to the policy documents or the sort of blah-blah that comes out of the national government.

I think we have had far too many documents that have gone nowhere. So my advice would be try to get laws passed calling for desegregation, get copies of every law that is passed into the hands of every municipal council. And then hold their feet to the fire. That is one. I would welcome your thoughts on that.

And then just a quick other point is, with respect again to desegregation. It seems to me that Roma need to reach beyond the Ministry of Education to desegregate. I would recommend that you start targeting the macro economists in the Ministry of Finance because I think you can very easily make the case that the dual system of education is not economically feasible. It is much less expensive to let Roma go to good schools and turn out to be productive laborers, workers, than to put them through these schools that result in their inability to ever get a job.

I think what is going on in Vidin right now proves that: there are 26 Roma kids in the elite math school in Vidin, and 15 years ago there was exactly one Roma kid in any of the elite schools there. I am told that there are 100 Roma kids from the desegregated program in Vidin that are studying right now for the university entrance exams. So that is a phenomenal result for a very small grant that the NGO Drom has been receiving for the last few years.

Thank you.

Ms. SCHLAGER. Would any of our witnesses like to respond to that or add to that?

Ms. MATAACHE. I would just like to have a short comment regarding the issue that you mentioned about law and the implementation at the local level. It is a fact, actually, that in Romania we do have an anti-discrimination law. There is even a National Council for Combating Discrimination. There are tools that we can use to combat discrimination. But unfortunately, there are a few problems that we face. First of all, there are Roma in different communities that do not know that they can use these tools. On the other hand, there are not enough good Roma NGOs that can complain to the National Council for Combating Discrimination that can document such cases.

So it is not enough. Our work is not enough. There is a need for much more to combat such actions. But I agree with you, with all the comments that you made before.

Mr. BECHEV. In this regard, I want to comment as well. I fully agree with what you say, so because there is a big need for national policy, really. The support for the desegregation process in Bulgaria is mainly from our side, and recently since last year from the Roma education foundation. So there is a big need for national policy.

Mr. GHEORGHE. One of the issues we have in the area of housing is the Roma housing considered as being illegal. I mean, they exist as a fact, but they don't have land rights and property rights on the houses. This raises the need for some kind of legal process to deal with this reality, which exposes a lot of vulnerabilities, like the identity papers and the possibility to be evicted at any moment.

It also has to do with money. Romania, for instance, we have a project about that. It cost 20,000 euros to obtain the legal documents for 70 houses for paying for studies, a general detailed Roma study. In Macedonia, we had a similar program.

So I just wanted to mention what are the costs of legalizing houses. Either we have a financial line to support that, or we change the regulations to make it easier for these illegal settlements to become legal, and then to start to work for that basis. So thanks for bringing this issue to discussion.

The second part, where we need your expertise, is part of these measures to enter the access to Roma in some localities, or evict them, are based on decisions adopted by the local councils as part of then ensuring the democratic system in the Czech Republic and Slovakia, and now in other countries. It is a little bit of an element of [inaudible], how to prevent local authorities, local councils to adopt decisions which have adverse effects.

The central government has difficulty sometimes to interfere, saying, you know, this is an exercise of democracy. We cannot touch that. So we have to learn how to, while respecting the rights of local councils to adopt decisions, what might be the institutional mechanism to prevent them from adopting decisions which have adverse effects for a segment of the population of their respective localities.

We don't know in the area how to do that. That is why the politicians pretend to do, those in the senior offices in the central government. Any kind of experiences working from the decentralization which exists in the United States, and how to cope with that, would be very welcome to learn and to implement in our countries. Thanks.

QUESTIONER. This question probably goes more to my American friends than to the panel. The ERRC tried to bring a lawsuit against the UN mission in Kosovo before the European Court of Human Rights, challenging the very high levels of lead poisoning among Romani children that were living in UN-organized refugee camps in Kosovo. So I am wondering what the United States government is doing in that capacity with respect to the UN to bring perhaps the political pressure to address this situation, and also whether the individual Romani organizations in Central and Eastern Europe are playing any role in this effort. Thank you.

Mr. ADERHOLT. Let me just say, I am not familiar with that issue, but that will be something that certainly I think we could have the OSCE staff look into and try to find some information on that. So I will be happy to pass that along. Leave a number on how to get in touch with you or whatever, we can get some information to you. This is a new issue for me. I just actually learned about it myself, so I just wanted to come to the hearing today. But we will be glad to look into it and see what information we can find out. Thank you.

Ms. SCHLAGER. If I could just add that that has been an issue of broad concern in many quarters, and something that we have tried to watch. I think there has been some improvement with the relocation to the Osterode facility, but something we want to remain engaged on. We did have a hearing specifically on the Balkan issues yesterday. Nicolae has actually come to us directly from the region, so I would also ask him to present what is perhaps the latest information. Thank you.

Mr. GHEORGHE. Thanks. I don't want to enter into the details of the case against the UN. It is beyond my expertise. But I just might say now informally that I think that was a very good test of courage to raise the case, just to bring it into the awareness and to force a better solution of the problem.

Yes, now there are 700 people who are located in four, or three by now, IDP centers, which are organizing seven years in an area which is contaminated by heavy metals resulting from the mines. The contamination, it is quite high in the region as a whole. There are many children, Serb children, Albanian children and Roma children who have a high degree of lead contamination. In the case of Roma, it is much higher than for the rest.

There is an attempt to deal with this issue by relocating people from the contaminated sites to Osterode, a previous military base of the Yugoslav army, then of the French KFOR. It is in the same area. Indeed, this is not very much different in terms of exposure to hazards, but it is better with concrete. It has running water and electricity. By now, 60 families are removed; the rest are still waiting to be accommodated. It is a temporary location for 1 to 2 years until a durable solution can be found.

The treatment for the lead contamination has not started yet because the World Health Organization, which is responsible for that, did not receive approval from the Ministry of Health of Serbia and for Kosovo, the provisional government of Kosovo. So everything is there—drugs, training, personnel—but not the approval of the Ministries. So if there is something that you know can be done at this level, with the Ministry of Health in Belgrade, the Ministry of Health in Pristina, to give approval for that kind of medication.

But this is the short term. The long-term solution is supposed to be the relocation of people in their houses in Mitrovica, and again, what can be done in discussions here. What created the vulnerability of that community with about 7,000 to 8,000 people in a neighborhood with 750 houses, which have been destroyed in June and July in the summer of 1999, to be relocated. I think that the local municipality has to accept now to restore the Roma neighborhood as it was. There is a manipulation now, if I may say, by municipal authorities because they were not legal houses. They didn't have rights on the land and the houses. They just want to get rid of many of these houses. We cannot reconstruct and bring reconsideration on something which looks like ethnic cleansing.

So that is something which has to be properly addressed and challenged with both authorities of Kosovo provisional government and of the municipality. We have to restore the rights of the people as before 1999, although there are difficulties with proving the property of the land. That raises the point that I raise generally, the very thing that some Roma settlements and houses do not have the legal documents on the property on land, and of housing.

So one way to influence favorably and to get out of this humanitarian crisis is to press the municipality of Mitrovica to enter into direct communication with the Roma owners and with their representatives and to find a deal on how to facilitate the return of the population in the neighborhood and the reconstruction of the houses, of course, [inaudible] urban plan of the reconstruction and to respect the laws of Kosovo.

Again, if there is not the legal [inaudible] to bring remedy, that is at the level of the political agreement we have to restore the justice and to restore the rights of the inhabitants on their land and of their houses. We are speaking about 750 houses destroyed and about 7,000 to 8,000 people who have to be relocated according to their wish in the previous neighborhood. Thank you.

Ms. SCHLAGER. Thank you, Nicolae.

I would like to note that we have been joined by another one of our Commissioners, Mr. McIntyre from my home State. Welcome, and thanks especially to our Commissioners who have come over here to this side of the Capitol. It is a bit of a hike over here. Would you like to make any remarks at this point, sir?

Mr. MCINTYRE. No. It is just good to be with you.

Ms. SCHLAGER. OK, thank you very much.

I will turn it back to additional questions.

QUESTIONER. Hi. I want to thank all of the panelists for being here. It is a rare and valuable opportunity for us in the United States to hear your perspectives on this issue and to hear about the obstacles that you are facing.

I have a question primarily for Nicolae, but I invite all of you to comment on it because you have a regional view and because you noted the political empowerment aspects of Roma issues. How would you assess some of the radically nationalistic parties in the region? I am thinking specifically of Ataka in Bulgaria, which is not only anti-Roma, but anti-Semitic, anti-American; the PRM in Romania and some of the other parties in the region. How would you assess the threat that they pose to democratic reform in general, but specifically to Roma communities? Thank you.

Ms. SCHLAGER. Thank you for an excellent question.

Mr. GHEORGHE. I don't want to monopolize the answering.

Ms. SCHLAGER. Tano, can we start with you on Bulgaria, perhaps? Would you like to go first, please?

Mr. BECHEV [Inaudible].

Mr. GHEORGHE. Again, to keep the coherence of this debate, the roots of these developments is that we do not change enough to start in school, the roots of which is the racial attitudes and the racism of many European countries and in the transition countries, too. The fact of the matter, and I take it as being a serious threat. It appeared in Bulgaria last year in 2005, but it was also in Romania some years ago as the Greater Romania Party, which is a party which is in the parliament.

It was in Slovakia years ago. As far as I know now, there will be elections tomorrow in Slovakia. I was informed that there are not so many dirty elements in the media. That would have to be checked. But it was years ago in Slovakia, as in Bulgaria, the Roma issue has been used by some media and by some political parties to gain the support of some segments of the population by enacting the prejudice and speaking a clear racist language during the electoral campaign.

Now, so [inaudible] the question and this remains a trap. You don't know in what kind of local circumstances that may be [inaudible] from the level of distractive prejudice and eventually violent action. What is also interesting is that, and we have to learn from that, is that there are new arguments like classic. I mean, in the case of racist attitudes. They are [inaudible] and they try to find all the time new justifications. It is trying to portray Roma as being privileged, not as being victims and vulnerable to disadvantages, but saying, well, these people they benefit so much from the international attention, from so much extra funding and so much from [inaudible], say from George Soros Foundation, who the one with the most influential persons outlining the conditions of Roma, but who is himself a controversial person for this kind of segments of the society.

So there is a new rhetoric trying to identify Roma as being privileged, as having access to to some resources. It is something new. It was not in the year 1990 or to the mid-1990s, but it is now in 2006. So we have to be very vigilant, you know, and to prevent too much impact, the distracted impact of such attitudes.

And if I may say about this in Romania, the Greater Romania Party, it is not a major trap. Just because it is [inaudible] with the others. It is contained somehow, because of the dynamic of the political parties who have managed to bring it in a constellation of paramilitary and democratic institutions which keep the influence under control is there. But it is somehow under a limited measure of control. I hope that it will the same with

Ataka in Bulgaria and that in the next elections they will lose the base that they collected in 2005.

So the solution is to continue to develop on the democratic institutions of the country. There is also, if I may say from the Roma part, responsibility to use their right to vote properly. I mean, that they are going to elections. They are voting for those political parties who represent their interests.

So we have to work much more intensely with the Roma voters to educate to be on the voting register, to make use of the right of the vote; to have intense debates in order to understand what is the strategic political allegiances and the political alliances they may have. We also may contribute to this in order to prevent distractive efforts of anti-Roma parties, and to contribute to the consolidation of democratic institutions in our countries. Thanks.

Ms. SCHLAGER. Thank you.

Tano?

Mr. BECHEV. Thank you.

So I would like to address really the experience of Ataka—it was kind of a phenomenon for the Bulgarian political life. Almost 400,000 Bulgarians voted for them. But actually, this was like the key point for solution. Let's say, during this transition period, a lot of things, I mean, just the society was sick of all of these policy changes. The normal citizens, they couldn't feel the changes to democracy.

So Ataka was against everything, against Roma, against America, as you mentioned, against, I mean, they were just like "Bulgaria for Bulgarians" and these kind of statements. So they won 21 seats in the parliament, and now they are just 14 in the political group. So some of them were expelled; some just gave up, and they are 14. I hope that very soon they will be 12 and they cannot formulate the group in the parliament. It was the time something like this to happen, but I really was amazed when they show up without any media campaign. Of course, they may in some states and some private committees, but without really much of support of the media. I hope that we will follow the Romania case and they will be present in the parliament, but not significantly. Thanks.

Ms. JUNGHAUS. I would like to just add a short comment. You wouldn't think, since Hungary has only a small party, MIEP, who is an extreme right anti-Gypsy party, we have to mention the rising populism of the two major parties in Hungary. I am referring to FIDESZ, who has called its voters, basically half of Hungary, because after the elections, it was a very close match of the leading parties, the Socialists and the Young Democrats. FIDESZ has called the people to the streets and their people appeared with Hungarian flags. It was Hungarian flags and hats and that was just to anybody who wasn't Hungarian, who wasn't first in their relation Hungarian, who had a mixed heritage, who didn't wish for, I don't know, Transylvanian heritage kept alive in Hungary. It could be scary and there were many articles about extreme populism in Hungary.

Ms. SCHLAGER. Magda, did you want to add something?

Ms. MATACHE. Yes, very shortly. I would like to mention that actually a new kind of threat in Romania now is the New Generation Party and the leader of this party is also the owner of one of the most well known football teams in Romania. And therefore he has the tools of how to influence people and most probably will get the votes, at least the anti-Roma will go there.

I would not take it as a threat. I mean, he will have one seat in the parliament. Then what is the solution? The solution is to have more Roma in the parliament who can fight for the Roma in the parliament. But so far, we only have one party who runs and one Roma deputy.

On the other hand, you have the whole Roma generation, young Roma generation who works for the NGOs, who is very much influential at this level of policy development, but is not very well motivated to get into political life. One way, of course, is the programs that we try to develop now with NDI. But still, it is not enough. There is a need for a strong political Roma elite, at least in our country.

Ms. SCHLAGER. Thank you.

I think we have time for a couple more questions.

QUESTIONER. I guess I have, well first, I am a Romani woman from Romania. I live in the United States and I do work with the Romani immigrants from Romania that come here. So one of the my first questions is sort of at the conceptual level. It is bouncing off of Nicolae Gheorghes's comment regarding our movement being contaminated with nationalism. It seems to me that one of the key impacts that that has had is that it has also pushed gender issues on the back burner in favor of race and playing up the race issue. Since we don't want to shed negative light on our communities, we are not supposed to talk about domestic violence or the pressure of the virginity test, or the arranged marriages of minors and stuff of that nature.

So my question is, have you seen any sort of progress in terms of discussing issues such as education and culture in an intersectional way where, contrary to what the decade on Roma inclusion, the action plans that I saw, none of them discussed education in a nuanced way that addressed the different roles that women play, and the pressure on women, you know, the child-rearing responsibilities and all those things that kind of funnel us into the home, and that hurts the community as a whole.

So what kind of, I guess, what kind of programs have you seen, or maybe heard of, that address that? In terms of the culture issue, what kind of discussions have you been aware of where our culture is discussed in a nuanced way where, you know, arranged marriages of minors isn't just Romani culture, tradition and that is all it is. Because culture is very dynamic and it is influenced by racism, like even in Sibiu, where we had the arranged marriage of Anna Maria Cioba, even though they were well off financially, the community is very isolated. It was influenced by Romanian practices because a lot of time they used to marry the girls off very early in the villages, back in the day, and even in poor Romanian villages, they marry the women off early.

But yet in the media, it got played up as primitive Gypsy culture, and I actually wrote an article about that which I have with me and I can hand out to some of the panelists. In any case, it gets played up as just a Gypsy culture. It sheds negative light on our communities.

So kind of, what developments have you seen in terms of a different way of discussing culture and separating patriarchy from the culture as a whole, and addressing education and addressing domestic violence, because the two sides of the coin for police brutality is that we are very weary of police, and a lot of times women won't call the cops to say, well, my husband is beating me, because they will come and beat up the whole family and it will be worse when the cops come. So we are kind of, on issues, especially

in Romania, because that is where my heart is right now, so what kind of initiatives have you seen?

And also to the Helsinki Commission members, are there any plans to have a conference or a hearing on Romani women's issues and multiple discrimination intersectionality issues within the Romani community? And also, any sort of initiatives to address the Romani living in the States, because we also experience a lot of problems. I don't know if any of you know, but Romani in the States, there were actually anti-Romani laws in the United States that prohibited Roma from going into different States and had them, you know, register with the police and get licenses. A lot of institutionalized discrimination within the States that has trickled down and a lot of the community here is illiterate and they have psychic shops and what not. And then we also have immigrants who have come in and are also illiterate and lack job opportunities and stuff like that. And we are not recognized as a minority in the United States, which is very detrimental in terms of minority business grants, scholarships, things of that nature.

So I guess it is a two-part question for the Commission, and then the gender question for the rest of the panelists, especially Magda and Nicolae. Thanks.

Ms. SCHLAGER. You have asked a very broad and challenging set of questions. What I would like to do is start at Tano's end of the table, but I think the question is really, since they are for the panelists, are more Romania-focused, and maybe have Magda and Nicolae. Timea, I don't know if you want to weigh in on some of the culture issues. If you choose to, just let me know. But otherwise, I will go with Magda and then Nicolae. Thank you.

Ms. MATACHE. I would say that actually very often, Roma activists are human rights activists, and when they speak about human rights, they speak about Roma rights. But when it comes to the gender rights, then they are a bit more [inaudible]. Here, I am referring both to Roma, especially to Roma men, but also Romani women who are not very much gender-sensitive.

So although there is a very big number of Romani women in the Roma movement in Romania, for example, and they are very well known and they are very good, sometimes not all of them have a gender-sensitive discourse. Sometimes the feeling is that, OK, we have other priorities, so we better speak about education or housing or police. Gender is not as much important, so we will somehow approach it later on. This is at least my feeling when it comes to the gender issues in Romania and the way that we deal with it.

When it comes to sensitive issues as early marriages or domestic violence, again there is not a very strong position of the NGOs in this regard. We have tried lately to have some discussion with traditional leaders. Nicolae was there at the meeting with Mr. Cioba trying to see what is their position in this regard, and how we can find solution for it, because it is very easy to say, OK, from the human rights point of view, there should not be forced marriages or early marriages, but how can we deal with that, and how can we solve it.

So I think that at this point we are at a very early stage of trying to address these issues.

Mr. GHEORGHE. I'm pleased to meet and to know Alexandra because I know your name and your writings and from meetings.

I just want to say yes, there is no progress. Moreover, even regress on that, if I may say that, just to bring the issue into the ring. Because you are correct, you know, on the message of the correlation between the national ideologies as a motivation of the Roma movement, and civic rights ideologies. I see that we have this choice before ourselves and we still have to make the choice and to enact it properly, taking account that the seeds of the national ideologies around may influence the Roma men in that direction.

I cannot report progress because, yes, this project financed by us was the Christian Center in Sibiu, who is the father of Anna Maria and is my friend, Nicolae. We wanted to generate a debate about that. I think that we did at the moment, but the debate is how to formalize the early marriage; how to find a legal space where the early marriage is illegal. This indicated the intensity of the debate and the contradictions in the traditional communities which are quite well in terms of wealth, but very isolated and somehow trying to defend the virginity and the early marriages, the symbol of the tradition as such.

I may return to that point, but going back to Romania, I have a big admiration for the work of Enisa in Macedonia, who challenged, brought [inaudible], who brought this issue into the debate. She did also with Maria from Hungary, the wife of Gyula Vamosi. They launched a project and they challenged us to think about that.

One of the worst moments that I had over the last months was on the 25 or 26 of March in Skopje. We had a meeting about Kosovo and about, you know, how to deal with the issue in Mitrovica. I was meeting with representatives of European Roma Forum, a newly formed body. At the beginning, I invited Enisa to join our meeting and to be, you know, a participant of the meeting. At the beginning of the meeting, two prestigious Roma leaders—men—came to say she has to get out of this meeting. If she is here, we are not participating.

It was in a very painful moment, because I was the one who invited here, and being the organizer, I was the one who sent to her the message: I apologize, you cannot be at the meeting. I was really ashamed. I pictured myself to be in that position, and I didn't know how to react in that moment because I wanted to have the Roma. It was a meeting dominated by men. There was no woman in that meeting. It didn't go well at all. I realize that it was something like dirtiness in ourselves which make us impossible to advance, because the [inaudible] are so advocating for the, I mean talking freely about sexual orientations of people and the right of people to choose their sexual partners. And she is like, you know, an outcast among ourselves.

So we have to work with that, to generate the change among ourselves. It is not easy, but this is so important to talk about that, and to indicate, as I try to do, the weaknesses among ourselves. I can do this because when I am next to Erika and here with the Helsinki Commission, and being a loyal partner in our journey since 1990 until now. So when I know that we have strong human rights allies, I can afford to talk about that because I know that this discussion will not be, you know, someone take advantage of that, to say, you see, you Gypsies how you are.

There is a second part of your statement, that bring this into discussion. We need loyal and educated people around who don't take this as another way to reiterate the prejudice. So many people are a little bit afraid of that, if we bring into discussion the weaknesses among ourselves from the point of view of human rights, that is like we give a hand to our enemies.

So sometimes we don't have these partners in our societies. The Roma movement is a little bit [inaudible] ourselves here, then the activists in other sectors of the society. So we do not manage to create alliances with those who might be on the same interest, because we are put on this let's say cart of cultivating national identity.

So that is one weakness, and we need alliances in order to bring the issue into discussion.

Domestic violence, I have here, a report in my statement of yesterday in Macedonia, a woman went to the police station to complain about that and the police said, oh, we know that you Gypsies fight all the time among yourselves. So there was no follow-up to her complaint and protection to come from the law enforcement officers.

In order to make [inaudible] OSCE until the end of this year, I promised to Magda and to my female colleagues support, financial support, to organize a debate about that and to agree to, I don't know, July or September, we may discuss about the details, but I really would like together with you, to bring together these two topics, what is the woman's rights, and what is the Roma rights or Roma movement. How can we try to have together a debate about that, so to make clear that Enisa and Maria and the others are as good Roma activists as, I don't know, the Roma men who epitomize the Roma movement in this moment.

So how to bring and to have a good debate, and I think that you are very well prepared to help us do that, to bring together these two topics, what is gender discrimination and gender balance, versus affirmative action of Roma. And then how can we learn from the civil rights movement in the United States by bringing this into debate, taking into account the maturation in the discourse of civil rights movement in the United States.

Thank you very much for the question.

Ms. SCHLAGER. Thank you, Magda and Nicolae.

I think we have just about exhausted our time available for this event. You did ask a question about future Commission activities. I can't predict when or what the next, what the scope of the next Commission event on Roma issues would be. I would say that I think our Commissioners have been extremely active and supportive on these issues. We have had three congressional hearings specifically on Romani issues already. We have had two briefings specifically on Romani issues, and many other events where Roma issues are incorporated, and in this sense I would say mainstreamed into the work of the Commission, and so I certainly hope this would not be the last event we would have or we would have an opportunity to look at these issues.

I would ask my Commissioners if they have any final thoughts they would like to share with us.

Mr. ADERHOLT. No, thanks. I just want to thank the witnesses for being here and for their discussion on this issue, as I think most Americans probably don't know the magnitude of this issue in Europe, and certainly even issues that we deal here in the United States with them. So this will be an issue that I am sure the Commission will continue to look at and we thank you for the input that has been brought forward today. Thank you.

Mr. MCINTYRE. I will just add, I thought those testifying did an excellent job, and the material is excellent to help a very misunderstood situation. Thank you for helping us put it in perspective.

Ms. SCHLAGER. Thank you. And my last words would be to once again thank the Open Society Institute for facilitating the availability of three of our panelists, and the Office for Democratic Institutions and Human Rights for getting Nicolae Gheorghe over here.

I thank all of you for being here today and the work that you have put into preparing for this briefing. Thank you.

[Whereupon the briefing ended at 12:00 p.m.]

APPENDICES

PREPARED STATEMENT OF TIMEA JUNGHAUS, ARTS AND CULTURE NETWORK PROGRAM, OPEN SOCIETY INSTITUTE (HUNGARY)

HUMAN RIGHTS SITUATION OF THE ROMANI MINORITY

The Romani population in Europe today is variously estimated at between eight and twelve million people.¹ Precise demographic data are not available, due in large part to “the reluctance of many Roma to identify themselves as such for official purposes, and the refusal of many governments to include Roma as a legitimate category for census purposes.”² The May 2004 enlargement of the European Union meant that approximately 1.5 million Roma became EU citizens. The forthcoming accession of Romania and Bulgaria in 2007 will mean an additional 3 million EU citizens of Romani origin.

According to the 2003 representative national study, the number of Roma living in Hungary is between 520,000 and 650,000.³ Approximately 41% of the Roma population lives in villages and disadvantaged areas of the country. In the past ten years isolated Roma settlements have rarely been established, but the number of villages and settlements with a Roma majority is increasing. Segregation according to place of living is characteristic of every third of the Roma-dwelt settlements.⁴

12–15% of the Hungarian population live on an income which is less than half of the average, and one third live under the minimum subsistence wage.⁵ 56% of Roma households belong to the lowest income tenth of the population, they are poor, in the worst sense of the word, and cannot even obtain food of the necessary quality.⁶ Only 28% Roma men aged 16–64, and 15% of the women, are employed. 70% of Roma work as unskilled laborers.

The Hungarian Roma community is strongly polarized. The process of emerging into the middle class has started among the Roma, too, and today one fifth of the Roma live at or above the social average level. This, however, is extremely difficult to track and measure, as educated and wealthy Roma tend to opt for assimilation and the relinquishment of their cultural heritage. As OSI Chairman George Soros put it, “it is a very natural inclination to try not to be Roma, to meld into the general population, to assimilate. And therefore what is left, what the rest of the population sees, are the disenfranchised, the underclass. And that is the stereotype that prevails in society.”⁷

¹ Roma Inclusion: Lessons Learned from OSI’s Roma Programming. Edited by Bernard Rorke, Andre Wilkens, OSI, June 2006.

² European Commission, The Situation of Roma in an Enlarged European Union, 2004, http://europa.eu.int/comm/employment_social/fundamental_rights/pdf/pubst/roma04_en.pdf

³ Kemény Istvan, Janky Béla: National Roma Research 2003

⁴ Endre Sík at al.: Report for the TARKI Data bank of self-governments, Budapest, January 2004. The data was collected in the autumn of 2003.

⁵ Bass, Ferge, Márton: *Gyorsjelentés a szegényedésről, 2000–2003*. [Report on Poverty]. Budapest: Szocialis Szakmai Szövetség, 2003.

⁶ István Kemény, Béla Jánky: “A cigányok foglalkoztatottságáról és jövedelmi viszonyairól” [Employment and Income of the Roma]. *Esély*, 2003:6.

⁷ At the conference Decade of Roma Inclusion, June 30, 2003. www.romadecade.org

There is meanwhile a growing underclass, which is not constituted exclusively by Roma, but in which they are strongly overrepresented.⁸ Because of this, researchers and many acknowledged sociologists have concluded that “Roma” does not simply mean an ethnic category, but refers to a particular class, which is excluded due to its lifestyle and appearance. According to this argument, everybody is a Roma who is like a Roma.^{9]}

This conclusion recognizes the Roma on the basis of a superficial stereotype, and fails to acknowledge the Roma cultural identity. As Roma intellectuals have joined the social and cultural debates, this conclusion was declared offensive and unacceptable. It basically means that the Roma who have repressed their identity during communism, will now suffer cultural oppression.

Cultural identity and the cultural rights of the Roma minority have appeared on the agenda of NGO’s, civic organizations, and even the government.

In October 2004, Prime Minister Ferenc Gyurcsany opened the exposition of the government program by saying: “Zhanav kejkh Ungkriko them si: le romengo thaj gazengho them”—“There is only one Hungary: The common country of both Roma and Hungarians.”¹⁰ It was a historical moment: Gyurcsany was the first politician to address the Hungarian Parliament in Romani. The government program strengthened the new Ministry of Equal Opportunities, and fostered the formation of a Roma political elite, which participates in public administration. As a result of the empowerment process, Roma strategic advisers assist the ministers at the Ministries of Education, Cultural Heritage, Agriculture, and Foreign Affairs. (Some of these results were initiated back in 2002, during the Medgyesy administration, whose strategic advisor was Aladar Horvath, the internationally acknowledged Roma rights advocate.)

In the light of all these developments, one might think that Hungary is a role model in the Central and Eastern European region for recognizing the Roma minority that this is a place where Roma empowerment is in progress, where the number of educated Roma is growing, desegregation in education, health and housing has begun. Hungary may in fact have advanced furthest in its “experiment” on the Roma minority, trying to keep up with the external expectations of the EU authorities while doing a juggling act of containing the pressure from its minority communities.

The most stirring case of the past years was that of segregated education in Jaszladany,¹¹ where “the predominantly non-Romani Gypsy Minority Self-Government [. . .] did not protest the establishment of a local private school created to segregate the local Romani children from the non-Romani children, and the school started operating in the autumn of 2003. By comparison, the previous Gypsy MSG—composed of Roma—fought against the establishment of the private school with all the legal powers available to it, and had effectively blocked (or delayed) the establishment of the school.”¹²

⁸Underclass is understood as a group of the population which is economically in a more disadvantaged situation than any other groups of the of the society, while it is excluded from the body of society.

⁹János Ladényi, István Szelényi: *A kirekesztettség változó formái*. [The Changing Forms of Exclusion]. Budapest: Napvilág Kiadó, 2004.

¹⁰László Néz?: “Egy földön, egy hazában” [One land, one home]. *Amaro Drom Roma Magazine*, October 2004.

¹¹Viktoria Mohacsi, Strategic Consultant on Roma Education for the Minister of Education, and Aladar Horvath, President of the Roma Civic Rights Foundation, played a central role in settling the dispute and solving the problems in Jaszladany.

¹²Savelina Russinova: “Political Rights of the Roma.” European Roma Rights Center, www.errc.org

According to the Year 2000 Report of the Hungarian Institute of Public Education, “strong segregation tendencies were experienced in the education of Roma children, both among schools and within schools. The report found that 29% of Roma children attended schools with a Roma majority. The data also showed that the Roma children only learn in schools whose prestige is the lowest in the given settlement, and which accommodate the poorest children of the neighborhood.”¹³ In 2003, increasing segregation in primary schools was confirmed. Although desegregation programs were initiated in 2003 by the Ministry of Education, the rapidly increasing social segregation and the schooling regulations based on place of residence hindered the desegregation process. The most comprehensive legal framework for education policies is provided by Act CXXV of 2003 on the Promotion of Anti-Discrimination, and the amended Act LXI of 2003 on Public Education. Neither of them empowers the Ministry of Education to sanction discriminative educational practice.¹⁴ Since 2005, there is an affirmative action program for the enrollment of disadvantaged candidates at universities, who must be accepted if they score at least 80% of the points necessary for admission. The tuition fee is covered by the state.¹⁵ In the past decades, the most remarkable index of the Roma’s failure in education was the number of dropouts in the early phase, in primary school. Today this figure is negligible; the most significant inequality now emerges at the point of starting secondary education. One important reason why Roma children are at a disadvantage when trying to enter secondary education is that many of them study in special needs primary schools (ones for “the handicapped”), or second rate classes, which offer no chance of going on to secondary education.¹⁶ “The separated education of Roma children is treated by the experts concerned, as if a child coming from a Roma family of multiply disadvantaged situation and showing by the age of 6–7 symptoms characteristic of mentally slightly disabled children needed the same special education as mentally disabled children with organic damages. This is the case because this way of education cannot be supported by any professional or legal argument, what is more, the phenomenon contradicts both the declared integrative aims of the educational system and basic human rights,” concludes Roma education expert Anna Kende.¹⁷

Sophisticated, new questions are posed to the authorities by the young Roma intellectuals, scholars, academics, the new Roma elite of pop stars, actors, artists, media experts and the Roma participants of public administration.

Roma intellectuals point out that the majority societies in Central and Eastern Europe consider the culture of the Roma folk or “low” culture. This is the case because of a prejudiced preconception on the part of the majority society, the lack of an infrastructure necessary for the production, representation and promotion of cultural products, and the general social exclusion and poverty. The majority effectively represented Romani

¹³ Havas, Kemény, Liskó: *Szegregáció a cigánygyermekoktatásában* [Segregation in the Education of Roma Children]. Budapest, 2001.

¹⁴ János Zolnay: *Szakítópróbák. A roma tanulók közoktatási integrációjának esélyei* [Strength Tests. The Likelihood of Integrated Education for the Roma]. Manuscript published by the Roma Education Fund, Country Reports, Hungary.

¹⁵ Roma Education Fund, Needs Assessment Study for the Roma Education Fund Background Paper, December, 2004.

¹⁶ Gábor Halász, Judit Lannert: *Jelentés a magyar közoktatásról*. [Report On Hungarian Public Education.] Országos Közoktatási Intézet, 2003.

¹⁷ Anna Kende: “Együtt vagy külön? A szegregált iskolarendszer és a speciális oktatási szükségletek megállapításának problémái” [Together or Separately? The segregated schooling system and the problems of defining the needs for special education.] *Iskolakultúra*, 2004:1.

productions as being not the works of individual authors, but rather as collective facts of nature which only become concrete representations when presented in some way by the art collector or folklorist. Changing this practice, effecting a society-wide inclusion of Roma culture, is the common responsibility of society—and the chief goal among those aiming for the democratisation of culture. The social inclusion of the Roma people is not possible without cultural recognition and inclusion.

The structure of the majority cultures excludes the literature, music, visual and performing art of the Roma communities. The Roma do not have the opportunity for self-representation, cannot fight stereotypes and discrimination. Having the space, equipment and support for cultural practice is not a luxury. It is a basic human right.

“(. . .) individuals belonging to minorities should not be denied the right, in community with members of their group, to enjoy their own culture, to practise their religion and speak their language (. . .) Although the rights protected under article 27 are individual rights, they depend in turn on the ability of the minority group to maintain its culture, language or religion.

Accordingly, positive measures by States may also be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practise their religion, in community with the other members of the group(. . .)

The protection of these rights is directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole.” (United Nations High Commissioner for Human Rights, The Rights of Minorities, Article 27.)

Culture has never been on the agenda of Roma politics and Roma social reform, while changing negative attitudes towards the Roma and stopping the spread of negative stereotypes are the key priorities of many recent initiatives. As a consequence of exclusion, the majority societies form their views of Roma (culture) in accordance with their own preconceptions. Almost all representations are laden with stigmatisation about the Roma—their “men are simple and beastly,” “the women are lecherous and promiscuous,” “children don’t like to study and wash,” “the only way for a Roma to success is music and dance”; and we could go on ad infinitum with these ridiculous but seriously held opinions.

Roma artists, cultural agents and institutions are best enabled to stop the spread of prejudiced stereotypes with their own practice, and to act as models before the majority society, as well as the Roma, by confuting these statements, and representing the Roma as a group of civilized, successful individuals, whose dignity is complete and worthy of acknowledgement.

Culture receives a much wider publicity than reforms of the social services, and could consequently have a greater impact on the self-confidence of Roma people, could actually lead to a new Roma consciousness,¹⁸ a state when successful, wealthy and well-educated Roma proudly acknowledge their origin, rather than opt for assimilation and the relinquishment of their cultural heritage.

¹⁸I introduce the term in the wake of Gloria Anzaldúa, one of the greatest theoreticians of Chicano studies. In her writing, “LA conciencia de la Mestica: Towards a new consciousness,” she describes the state when instead of revolt, resistance and anger, the Chicanos’ consciousness is characterized by pride and peace, which are stimulated by the esteem and respect of the majority society.

Vision has a crucial role in cultural and political debate at any level, and images are at least as influential and informative as written or spoken language. In today's world of electronic media, images reach out to more recipients than any written discourse.

In 2002, two young Roma artists, Norbert Szirmai and Istvan Révész made a 15-minute documentary film entitled "Fradi is Better."¹⁹ The film shows the fans (a crowd of more than 500 persons) of the football team in their Budapest stadium, singing and cheering with racist rhymes and songs. It is a shocking and frightful document of extreme racism and anti-Roma sentiment. The film is well known in Hungary, Romania, Austria and the Czech Republic. It has been an important tool in generating solidarity, evoking empathy and making Roma hatred visible in the region.

Another example of the effect of images disseminated in the cultural scene:

"' Oláh Action,' an Internet game with the objective of killing all Roma in Hungary could be accessed on the Internet despite previous police action to remove the game. The game, in which Hungary is declared "clean" and turns white after all Roma are killed, first appeared in February 2005. The game received over four thousand visitors.

The Roma Press Center reported that the police dropped the investigation. Lieutenant Colonel Ferenc Toth was quoted as having stated that the game does not fall within the legal concept of incitement, while admitting that the language and content of the game demonstrate contempt for the Romani community and that the pop-up text is abusive. Police ordered the game to be removed from the host server, but RomNet reports that it is still available on many websites."

For a healthy, proud and educated future for the Roma, it is essential that they consciously play with their identity,²⁰ and create their own representations. The youngest generation of Roma intellectuals are the last generation to be able to interact with the survivors of the Roma holocaust. This is the last chance to collect oral history, and to create representations of the Roma holocaust which involve the survivors. Artists play an integral role in the processing of these traumas of societies and in preserving these memories and lessons, in handing them down to the future generations. It was in 2004, on the occasion of the 60th anniversary of the Holocaust, that Roma contemporary artists could enter M?csarnok, the temple of Hungarian contemporary art, and create, together with established European artists, works that reflected on the Roma holocaust.

These artistic expressions encourage broad debates. The Roma claim the recognition of their culture. This recognition will create pride and empowerment. At present, Roma culture is a victim of ghettoization, and is damned to stay within the walls of marginal cultural centres, self-governments, and Roma NGO's. There is a need for a Roma Museum in Central and Eastern Europe, which can take up the mission of collecting the fragments, and represent the pluralism and diversity of European Roma Culture.

¹⁹ Fekete Doboz Alapítvány [Black Box Foundation], 2002

²⁰ Nicolae Gheorghe suggests that the representation of Romani identity is a process of ethno-genesis, which involves the Roma self-consciously playing with their identities.

PREPARED STATEMENT OF NICOLAE GHEORGHE, SENIOR ADVISOR, OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS, ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

THE ROLE OF INTERNATIONAL INSTITUTIONS IN ADDRESSING THE HUMAN RIGHTS PROBLEMS CONFRONTED BY ROMA

Mr. Chairman,
Distinguished Commissioners,
Ladies and gentlemen,

Allow me to thank you for inviting me to discuss the role of international institutions in addressing the human rights problems confronted by Roma in Europe. In my capacity as Adviser on Roma and Sinti Issues with the OSCE Contact Point for Roma and Sinti Issues, I have observed the rapid transformations taking place to those countries in Central and South Eastern Europe.

Recent efforts have also been underway within international institutions and inter-governmental structures to conceptualize an integrated approach to Roma focused policies. This includes both targeted and mainstream strategies that seek to incorporate Roma populations into majority societies throughout the Central and South East European States. While targeted approaches focus on specific capacity building assistance for Roma social groups, mainstream efforts emphasize general inclusion of Roma into wider international and national anti-discrimination and social affairs policies.

One of the features impeding the effectiveness of Roma-oriented policies is a lack of input from Roma communities. This situation is succinctly summarized in a report by the OSCE's High Commissioner on National Minorities: "Unfortunately, countless programs for Roma have been destined to fail because they were developed without Roma participation, and, correspondingly, with scant awareness of the specific culture and needs of the intended beneficiaries. Equally important, programs for Roma designed without Roma are scarcely likely to earn the confidence and commitment of Roma". The High Commissioner then goes on to question the long-term sustainability of projects if the recipients are not part of the design and implementation process: "the active engagement of Roma in developing and implementing projects helps ensure that they do not inadvertently create or perpetuate a classic syndrome of dependency and passivity on the part of the intended beneficiaries" (OSCE, 2000: 8).

The OSCE has consistently sought to assist national minorities, first through the establishment of the High Commissioner on National Minorities (HCNM) and more recently through its 55 participating State's commitment to specific measures to empower Roma communities. These measures are reflected in the 2003 Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area (the Action Plan), whose scope and objectives are: "intended to reinforce the efforts of the participating States and relevant OSCE institutions and structures aimed at ensuring that Roma and Sinti people are able to play a full and equal part in our societies, and at eradicating discrimination against them." (OSCE 2003)

As the primary OSCE body responsible for reporting on the implementation of the Action Plan and keeping in line with the ODIHR's overall mandate, the key objectives of

the Contact Point are to promote a broad range of fundamental human rights, including civil and political rights, in relation to the Roma and Sinti communities in the OSCE region. Enduring security and stability throughout the region is fostered through the development of truly inclusive societies in which all citizens enjoy equal rights and opportunities. In particular, the ODIHR's activities on Roma and Sinti issues intend to strengthen national and international efforts to promote tolerance and non-discrimination.

The guidelines detailed in the Action Plan call on participating States to take steps to ensure that Roma and Sinti social groups are able to participate fully in public and political life, effectively eliminating obstacles caused by discrimination. The ODIHR is the primary OSCE body responsible for reporting on the implementation of the Action Plan, as well as for providing advice to participating States on specific issues related to the documents key thematic areas, including:

COMBATING RACISM AND DISCRIMINATION

Racism and discrimination against Roma and Sinti has been on the rise in the last decade. The tensions that can exist during any period of profound political transition, such as those that have taken place throughout Eastern and South Eastern Europe, have often exposed divisions in society, including racism targeted at Roma and Sinti communities. Examples of hostility, rejection and hate speech continue to be expressed and enacted in the OSCE region. Such racism and discrimination can result in the inability of Roma and Sinti to access such areas as employment, education, housing and healthcare. In several countries, Roma have become the victims of racially motivated crimes and suffered abuses of police authority.

ADDRESSING SOCIO-ECONOMIC ISSUES

Widespread discrimination has resulted in the exclusion of many Roma and Sinti groups in all spheres of public life. It has left many Roma and Sinti communities, with a high average of young persons, unable to access basic needs, including adequate living conditions, healthcare and education. For many Roma, the issue of secure living conditions and residence is at the forefront of any effective strategies for recognition and fulfilment of rights. Without an address, it is often impossible to register for public services and engage in lawful income generating activities. Problem areas that have resulted from insecure residence include: forced evictions, lack of secure land tenure, inadequate alternative housing, lack of civil registration and inability of Roma children to attend school. You will notice in the hand-out on civil registration, the many challenges Roma face and some practical initiatives to address these.

In addition, trafficking in human beings has shown an increase among Roma populations, in particular of children. This has been due to four distinct but interrelated factors: endemic poverty, social marginalization, the collapse of institutional support structures, and ultimately widespread discrimination.

ENHANCING PARTICIPATION IN PUBLIC AND POLITICAL LIFE

Intolerance and discrimination have characterized Roma and Sinti populations' ability to participate in the public and political life of the countries in which they live.

Strong ethnic and cultural identity, and entrenched attitudes can lead, in particular countries, to a sense of marginalisation and alienation. This is often compounded by a lack of awareness among Roma of their ability to influence their own circumstances through political participation. Particularly affected are the most vulnerable groups within the Roma and Sinti communities, including internally displaced people, refugees, young people and women.

To carry out its work, the Contact Point acts as a clearing house for the exchange of information on Roma and Sinti issues, including information on the implementation of Roma related commitments by participating States. Examples of best practices across participating States are collected and shared, as well as lessons learned from challenges that arise when implementing national Roma related strategies at the local level.

The ODIHR Contact Point seeks to enhance interaction between OSCE structures, governments, international organizations and Roma or Roma focused non-governmental organizations to develop a common approach that avoids duplications of programmes and projects. This is done by collecting information from OSCE countries on legislative and other measures related to improving the situation of Roma and Sinti and making this available to relevant actors.

As a mechanism for early warning, the ODIHR Contact Point has been effective in signaling instances of increased tensions between Roma and majority populations, and calling for crisis management in cases where the potential for conflict exists. In implementing its programmes and projects, the Contact Point pays special attention to the advancement of fundamental human rights for Roma and Sinti, including those agreed upon by OSCE participating States and elaborated in the Action Plan, through an integrated strategy. The end objective is to eliminate the disparities that affect the Roma population's ability to participate fully in political and public life, access social services on equal terms, and to enjoy the same economic opportunities as others.

The overall goal of the Action Plan is to mainstream Roma into wider institutional structures at both the national and international level. Activities to achieve this goal focus on encouraging and promoting the sharing of best practices among participating States', international organizations, non-governmental organizations, Roma representatives, and local authorities within States. It also calls for assisting in more effective implementation of Roma policies by raising awareness of how to create better inter-linkages among Roma-related initiatives of other inter-governmental organizations (facilitating better use of the resources allocated by the limited number of donor States and organisations, and avoiding parallel, and sometimes redundant, programmes and projects). There is also a focus on targeting specific areas of concern for Roma communities (such as combating discrimination in law enforcement institutions). Ultimately, the Action Plan envisages assisting participating States in increasing the level and quality of reporting regarding the implementation of the Action Plan, and creating networks among Roma and non-Roma NGOs that may contribute to the further effectiveness and sustainability of implementing national strategies for Roma on particular issues.

The process of accession to the European Union has also brought both positive and negative consequences for the human rights situation of Roma. With the recent expansion of the European Union (EU) to 25 members in May 2004, a majority of the newly admitted member States from Central and Eastern Europe have brought with them a large proportion of Roma communities living at or below national poverty lines. With the accession of Romania and Bulgaria in 2007, the number of Roma who will become Euro-

pean Union citizens may reach several million. The marginalization and social exclusion faced by this minority group are profoundly distinct from issues faced by other minorities. Low levels of education, lack of official documentation and centuries old forms of 'anti-gypsyism' have condemned Roma to a state of second class citizenship.

You will note in the Table of Incidents made available to participants at this hearing that a number of recent human rights violations have been targeted towards Roma communities. These infringements are in direct violation to the OSCE commitments signed by those counties in which these incidents have taken place. The incidents point to a dramatic increase in levels of racially-motivated crimes which are exacerbated by impunity for the perpetrators of such crimes.

One of the most crucial challenges to overcome is translating political and legal commitments on national minority protection policies into local action. While institutions like the OSCE and the EU has been instrumental in persuading governments to adopt minority protection rights, there is a vacuum when it comes to monitoring and evaluating the effects these rights have had. A key feature of this includes finding solutions to disseminating information at the local level regarding the various legal mechanisms that Roma may access.

Another challenge is to address the underlying issue of discrimination, such as unemployment, health, housing and education, and move away from adopting 'cultural' approaches in the policies of many CEE national governments. The costs of ignoring the root causes will manifest themselves in misconceived and misdirected action.

It is important to note that ethnic tensions result from the inability of states to address the multiplicity of groups inherent in its society. Focus on past injustices or conquest is still invoked to mobilize national sentiment among majority populations. The war in Bosnia is still a fresh reminder of the consequences that the politicization of ethnicity, leading to extreme nationalism, can impart. Most of the countries of the Central and South Eastern European region have initiated major reforms that include minority rights protection, through enacting legislation. Yet the transformation of institutions, in terms of lasting systemic change, will only be accomplished once the embedded frame of mind inherited from the past is also altered. The many decades of socialism cannot be abolished through new laws if the socio-political will is non-existent to enforce these legislative acts.



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