

Danish Immigration Service

Report on the fact-finding mission to the Czech Republic and Slovakia

1 March – 11 March 1999

Copenhagen, November 1999

Contents

1. INTRODUCTION	4
2. CZECH REPUBLIC	4
2.1 HISTORICAL BACKGROUND AND DEMOGRAPHY.....	5
2.1.1 <i>Historical background</i>	5
2.1.2 <i>Demography</i>	7
2.2 ROMA ORGANISATIONS AND PARTIES.....	8
2.2.1 <i>Roma parties</i>	8
2.2.2 <i>Other Roma organisations</i>	9
2.2.3 <i>Roma representation in government administration and public bodies</i>	10
2.2.4 <i>Roma media</i>	10
2.2.5 <i>Roma culture</i>	10
2.3 SOCIAL AND ECONOMIC SITUATION.....	11
2.3.1 <i>Education</i>	11
2.3.2 <i>Unemployment</i>	13
2.3.3 <i>Housing</i>	14
2.3.4 <i>Welfare</i>	14
2.3.5 <i>Health</i>	15
2.3.6 <i>Other social conditions</i>	15
2.3.7 <i>Local strategies</i>	15
2.4 RELATIONS WITH THE MAJORITY OF THE POPULATION.....	16
2.4.1 <i>In general</i>	16
2.4.2 <i>Particular groups</i>	17
2.5 LEGAL CONDITIONS.....	18
2.5.1 <i>Legislation on citizenship</i>	18
2.5.2 <i>ID papers and issue of passports</i>	20
2.5.3 <i>Political rights</i>	20
2.5.4 <i>Freedom of movement</i>	20
2.6 LEGAL SYSTEM/LAW ENFORCEMENT.....	20
2.6.1 <i>National level</i>	20
2.6.2 <i>Local level</i>	24
2.7 ENTERING AND LEAVING THE COUNTRY.....	24
3. SLOVAKIA	25
3.1 HISTORICAL BACKGROUND AND DEMOGRAPHY.....	25
3.1.1 <i>Historical background</i>	25
3.1.2 <i>Demography</i>	26
3.2 ROMA ORGANISATIONS AND PARTIES.....	26
3.2.1 <i>Roma parties</i>	26
3.2.2 <i>Other Roma organisations</i>	28
3.2.3 <i>Roma representation in government administration and public bodies</i>	28
3.2.4 <i>Roma media</i>	28
3.2.5 <i>Roma culture</i>	29
3.3 SOCIAL AND ECONOMIC SITUATION.....	29
3.3.1 <i>Education</i>	30
3.3.2 <i>Unemployment</i>	31
3.3.3 <i>Housing</i>	31
3.3.4 <i>Welfare</i>	32

3.3.5	<i>Health</i>	32
3.3.6	<i>Other social conditions</i>	32
3.3.7	<i>Local strategies</i>	32
3.4	RELATIONS WITH THE MAJORITY OF THE POPULATION	33
3.4.1	<i>In general</i>	33
3.4.2	<i>Particular groups</i>	35
3.5	LEGAL POSITION	36
3.5.1	<i>Legislation on citizenship</i>	36
3.5.2	<i>ID papers and issue of passports</i>	37
3.5.3	<i>Political rights</i>	37
3.5.4	<i>Freedom of movement</i>	37
3.6	LEGAL SYSTEM/LAW ENFORCEMENT	37
3.6.1	<i>National level</i>	37
3.6.2	<i>Local level</i>	40
3.7	ENTERING AND LEAVING THE COUNTRY	40
4.	INDIVIDUALS, ORGANISATIONS AND AUTHORITIES CONSULTED	41
4.1	CZECH REPUBLIC	41
4.2	SLOVAKIA	42
5.	BIBLIOGRAPHY	43
6.	ABBREVIATIONS	44
7.	LIST OF ANNEXES	45
	ANNEX 3	46
	ANNEX 5	47

1. Introduction

From 1 to 11 March 1999 the Danish Immigration Service and the Danish Refugee Council made a fact-finding visit to the Czech Republic and Slovakia to investigate the situation of the Roma minorities in those countries. This is the delegation's joint report.

The delegation had meetings with authorities, embassies and international and national NGOs (non-governmental organisations) in Prague, Brno, Prostějov and Valašské Meziříčí in the Czech Republic and Košice and Bratislava in Slovakia (see Annex 1 for a map of the Czech Republic and Slovakia and section 4 of the report for a list of the individuals consulted).

The delegation was well received everywhere. At some meetings interpreters were used. None of the sources the delegation spoke to wished to remain anonymous.

The aim of the mission was to glean information and investigate the situation on the basis of the following terms of reference:

Information is sought on the situation of the Roma minorities in the Czech Republic and Slovakia. The information should cover:

Historical background and demography.

Roma organisations and parties

- Roma organisations and their general situation; Roma representation in other parties, state and local organisations and the administration.

Legal conditions:

- The two States' legislation on citizenship and the consequences for the Roma minority
- The consequences of statelessness and illegal residence, the issue of ID cards and national passports, and political rights and freedom of movement.

Social and economic situation, including relations with the relevant authorities:

- General living conditions; unemployment; education and training; housing; medical care; crime; sickness etc.

Relations with the majority of the population:

- In general
- Particular groups

Legal system/law enforcement:

- National level
- Local level

Entering and leaving the country.

2. Czech Republic

The "velvet revolution" of November and December 1989 brought 41 years of communist rule in Czechoslovakia to an end and laid the foundations for a pluralist democracy. At the same time the writer and former dissident Vaclav Havel was elected as President. Havel was subsequently re-elected several times, most recently in January 1998 for a new five-year term. In March 1990 the name of the Republic was changed to the Czech and Slovak Federal Republic. Petr Pithart was appointed as Prime Minister for the Czech part and Vladimir Meciar as Prime Minister for the Slovak part.

In June 1990 the first federal Czechoslovakian parliamentary elections since the change of regime took place. They resulted in the formation of a coalition government headed by Vaclav Klaus, chairman of the Civic Democratic party.

As a result of Slovakia's desire for greater autonomy, and diverging views between the two parts of the country on a great number of matters, including the economy, it was agreed to dissolve the federal state. Despite some doubts on both the Slovak and Czech sides, and without a referendum, the agreement was implemented in January 1993 and Czechoslovakia was split into two independent states. Vaclav Klaus continued to head the government in what became the Czech Republic, and Vladimir Meciar continued as head of government in Slovakia.

In June 1996 the Czech Republic held its first elections as an independent state. Elections were held for the chamber of deputies (200 seats) and the senate (81 seats). Vaclav Klaus was re-elected as Prime Minister. However, in November 1997 he and the government resigned and new elections were held two years early. The Czech Social Democratic Party won the most seats. The party chairman, Milos Zeman, became leader of a social democrat minority government and an "opposition agreement" was entered into with Vaclav Klaus's Civic Democratic Party. The agreement was to ensure that the government awarded important parliamentary posts to the opposition. Vaclav Klaus thus became chairman of the senate.

In December 1992 Czechoslovakia, along with Poland and Hungary, became an associate member of the European Union, and in March 1998 the Czech Republic embarked on negotiations for full membership. In November 1995 the Czech Republic was the first former communist country to become a member of the OECD. On 12 March 1999 the Czech Republic, along with Poland and Hungary, became a full member of NATO.

Economically speaking, after several years of rapid growth, the country has run into difficulties with a balance of payments deficit and a government deficit. This has led to rising unemployment, which currently stands at around 10%. Unemployment has hit the Roma particularly hard.

2.1 Historical background and demography

2.1.1 Historical background

The first official document referring to the existence of nomadic Roma in the Czech area dates from 17 April 1423. This is a document issued by the Czech King Zigmund to Ladislav, prince of the Roma. The document contains guarantees of the Roma's safety.

In the following centuries, however, the history of the Roma in central Europe was marked by absence of legal rights, persecution and arbitrary treatment. In 1617 a Czech law was passed outlawing the Roma, so that from then on killing a Rom was not regarded as a crime. In the 1800s under Maria Theresa, Empress of the Austro-Hungarian Empire, of which the Czech area was part,

certain basic rights were created for the Roma, so that a large number settled in Bohemia and Moravia. The Roma made their living by various types of craft work, including metalwork, and as musicians. Under Maria Theresa's son, Joseph II, the Roma in Bohemia and Moravia were christianised and educated. As a result, the Czech Roma were largely assimilated into the ethnic majority.

The picture changed towards the end of the 1800s when the Roma were unable to adapt to an industrialised society, and new clashes with the ethnic majority developed. Laws were passed in 1927 to integrate the Roma, but they deprived them of a large number of civil rights. Among other things, the Roma were forbidden to lead a nomadic life.

During the second world war the Czech Roma were virtually wiped out. A decree issued by the Interior Ministry in 1939 compelled all Roma to take up a fixed abode, otherwise they would be sent to labour camps. Subsequent restrictive laws led to 6 500 Roma being interned in the Lety and Hodonin labour camps in 1942. Both camps were run on Nazi lines. They were closed in 1943 after several epidemics of contagious disease. The Roma were then sent to special gypsy camps at Auschwitz-Birkenau and those capable of work were sent on to other labour camps, including Dachau. Only 583 Roma survived to return home after the war.

It is estimated that about half a million European Roma were exterminated in the Nazi concentration camps during the second world war. For several decades afterwards the Roma tried to obtain reparation and compensation for the survivors and for the descendants of the victims. According to Karel Holomek, chairman of the Helsinki Citizens Assembly – Roma Section, himself one of the few Roma survivors of Auschwitz, a German-Czech fund has paid out a total of DM 40 000 to survivors, and a Swiss fund has paid out between USD 400 and USD 1 000 to victims' descendants. Holomek regards this as satisfactory.

The question of erecting a memorial at the site of the Lety camp, which became a pig farm after the war, has triggered debate among both the Roma and the Czech public. By government decree No 686, issued in October 1997, the local authorities were required to take immediate steps to preserve the area and to erect a monument by 31 December 1997. The Czech government made a grant of 400 000 Czech koruna for the purpose¹. The monument has not yet been erected. Some Roma leaders feel in any case that the money could be put to better use, for example education. Karel Holomek nevertheless believes that it is important to have a monument to the victims since 90% of the population know nothing about the Roma holocaust during the second world war. Petr Uhl, the Czech government's Commissioner for Human Rights and Commissioner for Roma Issues, also supports the government's initiative.

After the war, many Roma from eastern Slovakia settled in the Czech northern and eastern border regions vacated by the Sudeten German minority. They later spread to the industrialised areas, where some found work in industry. A large number remained unemployed, however, and continued their nomadic way of life. In 1958, under communist rule, a law was issued on the permanent settlement of the Roma. That law enabled the police to saw the wheels off Roma caravans and confiscate their horses. The Roma were therefore forced to settle where they were, regardless of where the rest of their family might be. In 1965 a law was issued to prevent the formation of Roma ghettos. The Roma were moved to Bohemia, where instead of living in covered waggons they were given ordinary houses.

Under the communists the Roma were treated as a socially backward group in need of various

¹ One Danish krone is worth about 19 Czech koruna.

forms of social support. This lured many of the Roma into becoming dependent on State benefits. According to Petr Tulia, party chairman of the Democratic Alliance of Roma in Valašské Mežiríčí and member of the city council, there were special commissioners for the Roma under the communist regime and the aim of the communist authorities was to assimilate the Roma.

2.1.2 Demography

A 1999 report from the Czech Interior Ministry entitled *Na Okraji, Romové jako objekt státní politiky*, puts the number of Roma living in the Czech area in 1970 at 60 279, in 1980 at 88 487 and in 1989 at 145 711. According to a census carried out in 1991 after the change of regime there were only 32 903 Roma living in the country. A number of the delegation's sources stated that this figure was not correct. When the census was carried out the Roma were free to choose whether or not to declare their ethnic origin, and many of them chose not to do so. A report by two anthropologists from the Minority Rights Group, Liegeois and Gheorge, puts the 1995 figure at between 250 000 and 300 000, and the latter figure has also been put forward by some Roma leaders. Jitka Gjuričová, Director of the Interior Ministry's Crime Prevention Department, estimates the number of Roma in 1999 to be 200 000. By way of comparison, statistics from 1996 put the figure for the total Czech population at 10 309 137.

The Czech Interior Ministry gives the following breakdown for Roma in the Czech Republic (1989 figures): approximately 43 000 in northern Bohemia, 30 700 in northern Moravia, 15 500 in western Bohemia, 14 300 in central Bohemia, 13 250 in eastern Bohemia, 12 000 in Prague and 12 000 in southern Moravia. According to the Czech Helsinki Committee, the Roma in Prague are centred in the old industrial districts, namely Prague 3, 4, 5 and 8. The Committee added that when the last demographic survey was carried out it was no longer permitted to record people according to ethnic origin.

The Interior Ministry's report states that most of the Roma in the Czech Republic belong to the Slovak Roma, the so-called "rumugre", and the minority are Vlachs. There is also a small group of Hungarian Roma. The original Czech and Moravian Roma, along with the German Sinti, were exterminated during the second world war. The report also states that the Roma language has three main dialects, the Slovak, the Hungarian and the Vlach dialects. Most of the Roma (80%) speak the Slovak dialect, with about 10% speaking the Hungarian and 10% the Vlach dialects. In addition, according to the representatives of the Social Affairs Department in Prostějov, there is a small group of Olah who will not accept the authorities. Finally, according to Christian Popescu, Director of SOZE, there is a small group of Ukrainian Roma who find it difficult to get on with the

other Roma. A number of sources, including the Czech Helsinki Committee, say that the original Czech Roma who were wiped out in the second world war were well-educated and well-integrated.

The Interior Ministry states that the Roma are very family-oriented and traditionally have many children. According to the Ministry's report, at the beginning of the 80s 51% of the Roma population were under 18 years of age, and 38% under 15. There are no more-recent data to hand.

2.2 Roma organisations and parties

2.2.1 Roma parties

In order to be represented in the Czech chamber of deputies a party must win at least 5% of the votes in an election. In a two-party coalition this figure is 7% and in a three-party coalition 9% etc. This electoral system places an ethnic minority at a disadvantage if the minority itself does not represent 5% of the enfranchised population. This is the case of the Roma, who have very little chance of being represented in the Czech chamber of deputies via their own party or parties. The Roma therefore have to try to enter into coalitions with other parties or to have Roma candidates placed on other parties' lists.

There are two purely Roma parties in the Czech Republic: Romany Civic Initiative (ROI) and the Democratic Alliance of Roma. Of the two, the ROI is the biggest, according to its Deputy Chairwoman Marta Tulejová.

Romany Civic Initiative

According to its Deputy Chairwoman, the ROI was founded in 1989. It is organised and structured in the same way as other political parties and has 160 local sections. As the only Czech Roma party it is a member of the International Romani Union. It was not possible to obtain information on the number of members.

The party fielded candidates in the Czech Republic's first elections in June 1990 in coalition with the Civic Forum, which was an umbrella organisation for a number of parties and movements. In those elections the Civic Forum won 127 of the 200 seats, and of those 127, the ROI won 9. However, since the 1992 elections ROI has no longer been represented in the chamber of deputies but has been politically active as a party in other connections and regularly presents political programmes to the public. The Deputy Chairwoman attributes the lack of political representation to the government's lack of interest in doing anything about Roma problems. According to the Deputy Chairwoman, the major parties have been infected by this attitude so that they too take no interest in Roma affairs, let alone include them in their political programmes. For the ROI, this last point is an essential precondition for cooperation. At the last elections the party tried to cooperate with the Freedom Union (US), which obtained 19 seats in the chamber of deputies. However, when it came to the elections the party did not wish to use the ROI's programme and instead put forward its own proposal for solving the Roma problem, whereupon the ROI broke off cooperation. Human rights lawyer Klára Veselá-Samková said of this problem that it would be political suicide for any party to put Roma issues on its political agenda. She added that Valdimir Mlynar, a Rom, had been the Roma representative in the chamber of deputies from January 1998 to June 1998.

The party has similar problems at local level. The big parties have no immediate interest in cooperating with the Roma, and without such cooperation it is not possible to exert political influence at local level either. The Deputy Chairwoman feels that the initiative for cooperation has to come from the upper echelons of the parties, but that good will is lacking there. Where local cooperation does take place it is not coordinated so as to carry any weight at national level. However, negotiations are currently under way on the possibility of cooperating with the Civic Democratic Party, the Czech Republic's second largest party. For the time being the ROI has no elected representatives at local level. Those which it had in 1991 and 1992 were not re-elected when their mandate expired

The Deputy Chairwoman had no information on whether many or few Roma had voted and hence on what weight they carried in the elections. In view of their limited political representation she

feels it generally important that the Roma should be active members of other organised bodies and that Roma on the whole should make more active use of the opportunities available in political structures for exerting influence, not only on their own behalf but also as regards the development of society as a whole.

The Roma have been accused, for example by the UNHCR in Prague, of being too politically passive and of being unable to agree amongst themselves. The Deputy Chairwoman acknowledged this, but argued that internal and external disagreements and party splits were no different for the ROI than for other political organisations and were related to the general problems in society. The party's failure to achieve results, for which it had also been criticised, was due, in the Deputy Chairwoman's view, to the fact that reforms and other initiatives takes time to implement.

The Democratic Alliance of Roma

Unlike the ROI, the other Czech Roma party, the Democratic Alliance of Roma, has a local councillor, the party Chairman Petr Tulia. The party's head office is in Valašské Meziříčí. The Chairman stated that the party is in coalition with the Civic Democratic Party and has local branches throughout the country. It was not possible to obtain information on the number of members, and none of the delegation's other sources had any detailed knowledge of the party. Unlike the ROI, the Chairman had no hesitation about entering into alliances with other parties; by forging various alliances the party had had a total of seven members elected to various local councils. On the other hand, the Chairman was not willing to cooperate with the ROI, as he could not accept the ROI's party programme.

In the local elections in the autumn of 1998 the Chairman was number nine on an independent list. However, he obtained so many personal votes, not only from Roma (of which there were only 260 in the town) but also from Czechs, that despite being low down on the list he was unexpectedly elected. The Chairman says he enjoys good relations and cooperation with the other councillors. He is a building contractor with his own business and according to the Deputy Mayor is well-known and respected in the town. The Chairman says he has no intention of standing for election at national level, since he is mainly interested in local politics and in solving local Roma problems. Through his building firm and by taking on local Roma he has carried out a renovation project on a dilapidated block of flats which is now occupied chiefly by Roma.

2.2.2 Other Roma organisations

According to the Deputy Chairwoman of the ROI there are about 35 Roma NGOs in the Czech Republic, working in many different areas. That the Czech Roma are organisationally very active is borne out by the information on Roma organisations to be found on Radio Prague's Internet home page. Of these organisations, 24 NGOs alone are involved in human rights, culture and education. Some of them work with international or east European Roma organisations and with international humanitarian aid organisations. This is the case, for example, of the Open Society Fund, which is active in various ways in promoting the establishment of Roma NGOs and strengthening existing ones. Some of the NGOs are working for coexistence with the ethnic majority, e.g. the Bridges Foundation, which has six different local branches; the delegation also met a similar organisation: the Civil Rights and Tolerance Movement.

2.2.3 *Roma representation in government administration and public bodies*

In 1998 the Czech government set up a Commission to handle Roma issues, including human rights. The former dissident Petr Uhl was appointed chairman, with the title of the Czech Government's Commissioner for Human Rights.

According to Petr Uhl, the Commission has no powers but acts as an advisory body to the government. The Commission is divided up into sections, each dealing with a particular area such as politics, human rights, education, equal opportunities etc. It has 24 members, 12 of which are Roma. The Roma are appointed by the leadership of the Commission according to their areas of expertise and as representatives of various areas, such as culture. They are not, therefore, appointed by Roma organisations.

The Deputy Chairwoman of the ROI stated that before the Commission was set up a meeting was called at which Roma organisations were asked to propose candidates, but their proposals were not accepted. The Deputy Chairwoman questioned the competence of the people appointed by the Commission, on the grounds that they were too young and inexperienced. She felt that only eight really competent people could be found among the Roma to fulfil such advisory functions, and mentioned the ROI Chairman, Emil Scuka. She also criticised the Commission for failing to have a Rom Chairman and for employing only one Rom, in the secretariat. She did not however rule out the possibility of the Commission doing good work, as it had only been in existence for a very short time, but she complained that it had no powers.

On the question of the appointment of Roma in the government administration, the Deputy Chairwoman stated that in 1997 the ROI forced the appointment of one Rom per Ministry. Roma are currently employed in the Ministries of Education, Youth and Sport, Labour and Social Affairs, Culture, and Foreign Affairs.

2.2.4 *Roma media*

The Roma's scope for publishing material directed specifically at the Roma population is limited only by general economic circumstances. This in itself is fairly serious, since the Roma lack means of publication.

The Democratic Alliance party in Valašské Meziříčí publishes a monthly paper for young people called *Kereka*. It covers the whole country and sells for 5 Czech koruna. Sales income however comes nowhere near covering production costs and the paper has therefore received a one-off government grant of 500 000 Czech koruna. When this money runs out publication will probably cease.

A similar paper, *Amaro Gendalos*, aimed at adult Roma is published with support from the Ministry of Culture. It costs 10 Czech koruna. ROI Chairman Emil Scuka, is on the editorial board.

Finally, a weekly paper called *Romano Kurko* is published in Brno with a cover price of 3 Czech koruna.

All three of these papers are in Czech.

Radio Prague has regular broadcasts for and about the Roma. A TV station has recently taken on a Rom newsreader. At the end of February 1999 a first group of Roma completed a special journalist's course focussing on the reporting of Roma issues.

2.2.5 *Roma culture*

The delegation visited the Roma museum in Brno which, according to its Director, Illona Lasniclová, is the only one of its kind in Europe.

The Roma museum was founded in 1991 on the initiative of a number of private individuals. It is now covered by the national budget and is waiting to move to new premises where it will be able to mount exhibitions. In addition the museum receives support from the Ministry of Culture for its day to day running, but also needs to call on private funds. The museum has so far concentrated on research into the history and culture of the Roma and has co-operated inter alia with Canada. It has thus established a collection of research papers and a specialist library; the Director states that increasing numbers of Czech students, including those studying ethnology, are taking an interest in Roma affairs. The museum employs seven people, including two historians. The aim of the Roma museum is to raise the profile of the Roma and their culture and to strengthen Roma identity. The museum would welcome more contact with museums and ethnological institutes elsewhere in Europe, including Denmark.

2.3 Social and economic situation

All sources said that the Roma in general have huge social problems. These include: little or no education, a high rate of unemployment and poor housing. The problems are often combined, so that they influence and aggravate one another, and increase in proportion to the density of the Roma population. The Czech Helsinki Committee refers to this as a vicious circle. A number of sources, including the UNHCR in Prague, stress that the government is alert to the Roma's social problems but that solving them takes both time and money. The Czech Helsinki Committee, however, is uncertain as to what extent serious efforts are being made to solve the problems, given the change of government and the country's economic problems. Jitka Gjuričová, Director of the Interior Ministry's Crime Prevention Department, says that the Czech government takes the Roma's social problems seriously.

Other criticisms are made by Marta Tulejová, Deputy Chairwoman of the ROI, who thinks that the state's projects remain confined to the drawing board stage, that the problems are being submerged by reports and that the money is being swallowed up by competing working groups etc. She knew of a communications project that had received EU support but did not exist in practice. She believes that the Roma themselves are the best people to manage the funds provided, as they know what their own problems are.

2.3.1 Education

The Czech Helsinki Committee states that 10% of Roma children do not go or have never been to school, 80% left school at fifteen and only 1% have received any technical or higher education, including university education. The human rights lawyer Klara Vesela-Samková puts the latter figure at 3% and the UNHCR in Prague gives an estimate of less than 5%. Most Roma children go to special schools, i.e. schools for the mentally handicapped. This is confirmed by Petr Uhl, the government's adviser on Roma affairs and head of the government's Human Rights Commission, which also has a subsection dealing with children's rights.

Petr Uhl explains that the reason the children are placed in special schools and not ordinary schools is that many of them do not speak Czech, but only Romany or Slovak, and are generally ill-adapted. There is nothing wrong with the children psychologically, but Uhl describes them as "intellectually retarded". He adds that Roma parents have to give their written consent for children to be sent to a special school and that the parents are generally satisfied with this arrangement, since the children

are not then exposed to the racism of the ethnic majority. Petr Uhl regards the schools as a scandal, since they stigmatise and marginalise the children, and he believes they should be abolished. He cites cases of Roma children being refused entry to ordinary schools and complains that there is no legislation to prevent this kind of discrimination and that none is planned either. The UNHCR in Prague says that the special schools are not a question of money as they cost more to run than ordinary schools. The UNHCR considers that it is within the school system that the Roma suffer the worst form of discrimination.

There are however plans to introduce special pre-school classes, called "0 classes", where there will also be Roma teachers. The aim is to socialise Roma children so that they can adapt to the conditions in ordinary schools. The "0 classes" are also intended to make up for the fact that Roma parents do not generally send their children to nursery school, where they would get pre-school education.

Petr Uhl says that schools teach lessons in Romany. According to the Czech Helsinki Committee many, but not all, schools employ Roma teachers. Petr Uhl says that there are a number of Romany textbooks. The Commission had just prepared a new textbook in both Czech and two different Romany languages for the youngest classes².

The Deputy Chairwoman of the ROI had tried to carry out a project to set up a school where Roma children would leave school with a matriculation certificate. The state initially promised support, but after the school was set up and children taken on this had not materialised. As the project had no operating funds of its own and the school was threatened with closure, the government provided 200 000 Czech koruna to cover operating costs. This was only enough for one month. The school subsequently received money from the SORO fund³.

As a result of a government directive, the welfare authorities in the small provincial town of Prostějov have set up a special office for Roma affairs and taken on a Roma assistant. The town has a population of 102 000, including about 1 000 Roma. In an effort to integrate Roma children, the authorities set up a mixed nursery school with 16 Roma children and 8 Czech children. To the welfare authorities' great disappointment, however, the Czechs took their children out of the school as they feared that the Roma children would be a bad influence. According to the authorities, there is a general belief among Czechs that Roma parents teach their children to steal and lie.

The welfare authorities acknowledge that, with a few exceptions, Roma parents do not send their children to nursery school, where they would receive pre-school education. They have therefore begun to introduce the so-called "0 classes". The aim is to give Roma children a social and cultural pattern, including daily routines and language, and to create trust between children and teacher (see Annex 3, which specifies the pedagogical aims). Attendance is optional, but children from large Roma families are particularly welcome.

² The Commission has also published a cookbook in Romany and Czech containing typical Roma recipes. The book is also popular with Czechs, who are interested in Roma food.

³ The SORO fund's programme covers education and legal and social reforms in central and eastern Europe, central Asia and Russia. The SORO fund comes under the Open Society Institute (OSI), which was founded by George Soro in 1993.

The local authority can also confirm that the educational level of the Roma is low. Of the 1 000 or so Roma in the local authority area, only one has passed a university matriculation exam. It has also been very difficult to find Roma who are sufficiently educated to work in the special offices for Roma affairs. Martin Gina, a Rom, was therefore taken on as Roma assistant under a special dispensation.

2.3.2 Unemployment

The delegation's sources, including the Interior Ministry, Petr Uhl and the ROI, put the average unemployment rate among the Roma at between 70 and 80%, and in some areas at up to 100%. Unemployment is also rising, partly because of the country's economic recession and partly because of the government's new economic policy.

A number of the sources, including the Interior Ministry and the local authorities in Prostějov, stated that the Roma suffer from unemployment because they lack education or are poorly educated, are unadaptable and unable to fit in with conditions on the labour market and have a poor work ethic.

An additional factor is the influx of 70-90 000 Ukrainian immigrants working illegally who often take jobs that were previously done by the Roma. The Roma councillor in Valašské Meziříčí, Petr Tulia, felt that illegal workers from Ukraine were very damaging, not only for the country, since they did not pay tax, but also for the Roma's job opportunities.

On the other hand, according to Petr Uhl, another cause of unemployment is general discrimination against the Roma on the job market. The Roma are often turned away by employers merely on the grounds of their ethnic origin. The government has drawn up a new bill to counteract this, but as there are no sanctions it has not had any effect. In the meantime a bill has been prepared on sanctions for discrimination in general, but has not yet been passed by Parliament. For the time being, all the Commission can do is appeal to employers. One local authority has managed to get employers to take on Roma by threatening them with punishment. The employers did not know that there was not yet any legislation against discrimination and hence no possibility of punishment.

Discrimination on the job market is particularly hard for educated Roma, both socially and psychologically. It is a sort of symbol of the uselessness of education. A number of sources, including the ROI and Klara Veselá-Samková, stress that it is the well-educated Roma who have left the country, since they see no future for themselves in the Czech Republic.

The welfare authorities in Prostějov state that unemployment among the Roma stands at nearly 100%, while the figure for the rest of the population is 9,8%. Only one Roma owns his own business.

The Mayor of Valašské Meziříčí explained that under the communist regime everyone was entitled and obliged to work. Many of the older generation of Roma thus had work, while the younger generation which has grown up in the post-communist era has had no experience of work. Today's job market is such that Roma who wish to work cannot find jobs. The Director of the town's Social Affairs department stated that the unemployment rate was 10%, but 80% for Roma. There are 260 Roma living in the town. He attributed the high unemployment rate among Roma to their failure to grasp the importance of education. He added that those Roma who were employed in the town (which was purported to have the lowest unemployment rate in the country) had jobs as skilled and unskilled workers in industry.

Petr Tulia, a Roma town councillor and building contractor, confirmed that Roma who wished to work could not find jobs. With reference to education, he had, in cooperation with the local job centre, taken on unskilled Roma in his own firm and taught them the various building trades, after which they had found jobs with other employers. He received a grant to do this. He felt that other employers could use this model, but putting it into practice depended on the local authorities' willingness to cooperate and solve the problems. In general he felt that large companies should be legally obliged to take on a certain number of Roma. He did not think that reviving the Roma's traditional craft activities would bring results, since it would be cheaper to produce the goods in a factory. He also believed that money was a good incentive for the Roma to work. It was therefore not sensible to pay them low wages.

The Police Director in Prostějov also thought that money would encourage the Roma to work and that they should receive a daily wage for daily work. He maintained that many Roma could not cope with the concept of the period of time until a monthly wage was paid out. He added that experience had shown that tasks for unskilled Roma needed to be simple and easily understood. Where this was the case, there had been no complaints about work done by them.

Klara Veselá-Samková had also employed Roma in her law firm. They were trained and then sent on to other employers. She believes that the most important factor is to integrate the Roma socially into the job market and the working environment. However she also believes that education does not produce results for the Roma because of discrimination on the job market.

2.3.3 Housing

There is generally a big housing problem in the Czech Republic, affecting not only the Roma but also others on low incomes. This has contributed to the formation of Roma ghettos and to the fact that it is often the Roma who inhabit the poorest properties. This is the case in Brno where, according to the Society of Citizens Assisting Emigrants (SOZE), most of the Roma live in the town's old working-class industrial district, the so called Brno Bronx. They also often live illegally in condemned buildings.

The Social Affairs Department in Prostějov stated that most of the town's 1 000 or so Roma were concentrated in three areas of the town and that 107 Roma families lived in one place alone.

In Valašské Meziříčí, on the other hand, the Mayor stated that the Roma were spread all over the town and that there were not therefore any Roma ghettos. He himself lived in a building where there was also a Roma family.

The Czech Helsinki Committee says that many of the Roma's housing problems are caused by the fact that the Roma neglect to pay rent.

2.3.4 Welfare

According to the Citizenship Counselling Centre, the minimum monthly wage is 2 600 Czech koruna.

According to the Social Affairs Department in Prostějov, everyone receives the same fixed amount by way of social assistance regardless of ethnic origin. Child benefit varies from about 1 500 to 2 050 Czech koruna a month, according to the number of children. In addition there is a monthly household allowance of between 1 300 and 2 130 Czech koruna per person, according to age.

Extra assistance can be provided in special cases. Social assistance is criticised by Czechs who think that it favours large families, which are particularly common among the Roma.

2.3.5 Health

According to the Czech Helsinki Committee all citizens are covered by a free public sickness insurance scheme. Roma have no trouble accessing the public health scheme, either legally or in practice, and do not encounter any discrimination. The Committee adds that the Roma in general have a number of health problems, related mainly to their lifestyle.

2.3.6 Other social conditions

Petr Uhl believes that Roma families have traditionally been good at looking after one another. There are no Roma in mental hospitals or homes nor any Roma children in nursery schools for children with problems. It is also very unusual for Roma children to be taken into care. This only happens in exceptional situations where the parents have clearly shown that they are unable to meet

the needs of the child or children. The UNHCR confirms that there are very few cases of children being taken into care. According to Petr Uhl, there is however a problem with Roma women working as prostitutes who put their children into children's homes.

2.3.7 Local strategies

The welfare authorities in Prostějov say that their experience with their Roma assistant, Martin Gina, has been positive. This has enabled the administration to maintain good relations and good contacts with the Roma and, according to the person responsible, has "moved mountains". Other local authorities who have taken on Roma assistants have had similar positive experiences.

Martin Gina explained that his job involves visiting Roma families with problems and helping them in their relations with the social security service and other authorities. He is generally accepted by the Roma, both as one of them and as the local authority social worker. He believes that everything goes more smoothly if a Roma is employed and that job centres should also take on Roma employees.

He also believes that the Roma have become more aware of their culture and identity, and that they have begun to look on schooling as something positive.

The local authorities in Valašské Meziříčí do not feel they have any problems with the Roma. On the contrary, the Mayor thinks that the town is a model local authority, both in identifying and in solving problems. There is no special Roma department, Roma assistant or special projects for the Roma. The Mayor believes that the Roma should not be treated any differently from other citizens, and this has brought good results. He also believes that the Roma can take responsibility for themselves and that it is vitally important for the Roma to have good examples, like Petr Tulia. In his view it is also important to support Roma activities, exploit opportunities and provide inspiration.

2.4 Relations with the majority of the population

2.4.1 *In general*

As a minority, the Roma's relationship with the majority of the population in the Czech Republic can be described in three words: assimilation (at one with the majority); integration (part of society but with their own identity and culture) and segregation (living on the margins of society, outside the social mainstream).

There is no sharp dividing line between assimilation, integration and segregation. They can exist side by side in the same society, so that parts of an ethnic group can be assimilated while others live apart from the majority of the population. This can vary from place to place or according to social status.

The Czech Helsinki Committee (CHC) says that it is typical for the Roma community to live a separate life from the majority of the population, with few contacts between the two groups. Christian Popescu from the Society of Citizens Assisting Emigrants (SOZE) says that neither side is interested in interacting. The plan to put up a wall to separate Roma and Czechs in the town of Usti nad Labem in the northwest part of the country is one of the more blatant manifestations of the views which colour the relationship between the Roma and the majority of the population.

Jitka Gjuričová, Director of the Interior Ministry's Crime Prevention Department, says that ethnic conflicts arise where there are social problems, so that the problems are greater in the areas where the Roma live.

Petr Uhl, the Czech Government's Commissioner for Human Rights, thinks that the Roma do not feel welcome in Czech society, but feel marginalised and discriminated against. The Czech people are deeply xenophobic, and these feelings have become more marked in the last ten years. The majority of Czechs want the Roma to adapt to Czech society and be assimilated. Petr Uhl's personal opinion is that Roma equality should be achieved by means of consciousness-raising.

The Czech Ministry of Justice believes that problems can arise not because of racism but because of the two groups' different lifestyles and different ways of looking at particular situations. It is only with a measure of tolerance that the two communities will be able to live together.

Karel Holomek of the Helsinki Citizens Assembly (HCA) says that the general public has a negative view of the Roma. The Czech majority has a simplistic view of Roma society, and this is most marked among the lowest strata of Czech society. He adds that there is also racism among the Roma.

Petr Tulia, Roma councillor in Valašské Meziříčí, thinks that 70% of the Czech population is prejudiced against the Roma but that the Roma are also unwilling to interact with the majority. The prejudices are deeply rooted, and Roma society will have to work hard to live them down. He himself has not had any problems because of his political activities.

Klara Veselá-Samková says that social exclusion means that in 90% of mixed marriages between women from the Czech majority and Roma men, the man takes the woman's Czech surname.

Marta Tulejová, Deputy Chairwoman of the ROI, says that discrimination, racism and widespread anti-Roma feeling are the Roma's biggest problems. Not until the Roma feel safe and secure in Czech society will they put their energies into solving their social and economic problems.

Klara Veselá-Samková says that her experience as a politician and lawyer has shown that defending

the Roma is not popular in Czech society. Lawyers in small communities are also reluctant to represent Roma in cases against the authorities or the local council as they fear loss of income and social isolation.

A number of sources, including the Czech Helsinki Committee, report that Roma are often denied access to public places such as swimming pools, restaurants and discotheques. Karel Holomek of the Helsinki Citizens Assembly said that in October 1998 the Roma MP Moniká Horaková was denied entry to a discotheque in Brno. During the ensuing enquiry the police maintained that she was drunk, but according to Holomek this was not the case. Martin Gina, the Prostějov local authority's Roma assistant, says that during the working week he normally has access to discotheques, pubs and restaurants, but has several times been turned away on Fridays and Saturdays.

It is a consistent feature that the Roma live separate lives from the majority of the population, in local authority housing or on the outskirts of towns.

According to the authorities in Prostějov, problems can arise where the Roma live among Czechs because the Roma are noisy and temperamental. This can make them difficult neighbours. Their high rate of unemployment is also a problem as their daily rhythms as a result of being unoccupied often differ from those of their neighbours. Frantisek Jurtik, County Police Director, says that neighbours complain about the Roma's noise and domestic disputes. The Roma's neglect of their housing and hygiene can also lead to problems. He gave an example of Roma throwing their rubbish out of the window, where it was left lying and gave off smells. The Czech neighbours saw this as provocative and, when drunk, taunted the Roma and painted Nazi symbols on their doors.

Media

The Czech Helsinki Committee reports that newspaper coverage of crime often refers to the skin colour or nationality of the criminal.

2.4.2 Particular groups

The skinhead movement in the Czech Republic stands out as a group with particularly bad relations with the Roma community, and Roma have often reported racist attacks by skinheads. Various human rights reports also record skinhead attacks on Roma, including murder.

According to the Czech Helsinki Committee's Report on the State of Human Rights in the Czech Republic 1997 there are various neo-Nazi and racist organisations in the Czech Republic. At least four of them are officially registered. The report states that such groups arrange festivals and concerts attended by foreign skinhead groups. In addition the Czech skinhead groups issue publications inciting racial conflict, praising Nazism and containing anti-semitic and racist articles. The editors are anonymous and post-office box numbers are given as addresses.

Michel Hovák, chairman of the Civil Rights and Tolerance Movement (HOST), puts the number of skinheads in the Czech Republic at about 5 000, most of which are middle-class youths aged between 15 and 18. He also says that there are four national skinhead organisations and a hard core of 200 to 300 individuals responsible for organising meetings, concerts, festivals, demonstrations etc. The leaders of the skinhead movement are linked by personal friendships. The UNHCR believes that the Czech skinheads are aged between 18 and 20 and come from middle-class families.

The Helsinki Citizens Assembly (HCA) in Brno estimates that there are about 6 000 skinheads in the Czech Republic and confirms that there is a hard core of 200 to 300 individuals. The HCA believes that they are rather isolated in Czech society but have international contacts. Most individuals leave the skinhead movement after the age of twenty.

Klara Veselá-Samková says that the Czech skinhead movement has contacts with skinheads in Germany. She also thinks that the reason for the recent action by the Czech police against the skinhead movement is that it may have links with the former Meciar government in Slovakia. Meciar may therefore be supporting Czech skinheads in order to damage the image of the Czech Republic in western Europe. The Czech Ministry of Justice believes that it can conclude, on the basis of investigations, that the skinhead groups are receiving support from western Europe.

According to Petr Uhl, up until 1995 no measures were taken against skinhead marches, but the situation has now changed.

Klara Veselá-Samková says there are links between the police and skinheads and that skinhead sympathies are particularly widespread in the local police. According to Michel Horak, skinheads in small towns may have links with the police by virtue of local networks or family ties, but that such links are much less common in Prague.

The Helsinki Citizens Assembly does not think that there are any significant links between skinheads and the extreme right-wing Republican Party. It is alleged that skinheads have tried to make contact with the party, but since party members are mainly in their 40s and skinheads are between 15 and 18, the age gap has hindered any real cooperation.

The Czech Helsinki Committee and the UNHCR say that racially motivated attacks are not only made on the Roma, but also on Vietnamese, coloured foreign students and the 70 000 to 90 000 Ukrainians living in the Czech Republic. The Embassy believes that the present economic situation has increased the scale of the problem.

According to the Czech Helsinki Committee, 80% of those behind racially motivated attacks on Roma are youths under the age of 18.

The Police Director in Prostějov knew of only one complaint about skinheads. When the police investigated the case it turned out to involve two army conscripts who, because of their short hair, were taken for skinheads.

2.5 Legal conditions

2.5.1 Legislation on citizenship

With the dissolution of the Czechoslovakian federation on 1 January 1993, new citizenship laws came into force in both the Czech Republic and Slovakia. The Czech legislation gave automatic citizenship to those registered as Czechs in the federation on 1 January 1993. Registration was based on rules dating back to 1968, when the Czechoslovakian federation was established. Until 1993, whether one was registered as a Czech or as a Slovak was of no practical significance and was not, for example, mentioned on individuals' identity documents.

The Citizenship Counselling Centre (CCC) estimates that the new citizenship rules affect approximately 350 000 Slovaks permanently resident in the Czech Republic, about 90% of which are Roma.

Under Section 18 of the Citizenship Act, applicants for citizenship must:

- have been permanently resident in the Czech Republic for at least two years;
- have received no sentence for premeditated crime within the last five years;
- renounce Slovak citizenship.

These rules have been widely criticised, among others by the Council of Europe and the UNHCR. They are regarded as excessively restrictive and as taking insufficient account of the fact that the dissolution of a federation calls for a particular kind of citizenship legislation. The Czech rules do not make an adequate distinction between foreign nationals seeking naturalisation and former citizens of Czechoslovakia.

A number of sources agree that the Czech citizenship legislation has created problems, particularly for the Roma minority. The Czech Helsinki Committee (CHC) believes that the legislation was deliberately framed to make it difficult for Roma to acquire citizenship.

One important factor which makes it difficult for Roma to acquire citizenship is all the red tape to be coped with. The many formalities are liable to confuse the Roma, who often have little education. In addition many Roma were unaware that they needed to apply for citizenship, since information from the authorities was lacking.

The Citizenship Counselling Centre (CCC) said that it provides assistance for people wishing to apply for citizenship. The CCC carries out investigations in prisons and children's homes to ensure that everyone can apply for citizenship or have the matter clarified. The organisation is currently helping about 6 000 people. The application procedure takes about six months. There is a special administrative fee for each step of the procedure. For one person the cost is not very great, but for a large family it can be prohibitive.

According to the CCC the procedure is that the applicant must first obtain his judicial record from both the Czech Republic and Slovakia and then renounce Slovak citizenship. The application must then be submitted to one of the countrywide district offices which handle applications. The final decision is taken by the Ministry of the Interior.

With regard to the requirement of two years' permanent residence, it is sufficient, for those who have not been registered with the authorities or for children in children's homes, to provide some other evidence of residence in the Czech part of the former federation.

In order to renounce Slovak citizenship the applicant must not have any public debts and must not have any outstanding penalties to discharge.

Roma have had difficulty in fulfilling the requirement of no sentences for premeditated crime in the last five years since a rather large number of them have been involved in some sort of criminal activity. According to the CCC, the Citizenship Act has been amended several times, but the most

important amendment for the Roma came in 1996 when it became possible to waive the requirement of no criminal convictions. This provision covers Slovak citizens who have lived in the Czech Republic since 31 December 1992. The Czech authorities have subsequently waived the requirement in nearly 100% of cases.

A further proposed amendment of the Citizenship Act has been approved by the Government and laid before Parliament. The proposal would allow the possibility of dual citizenship, which has hitherto been allowed only in exceptional cases. If the amendment is passed, it will mean that the only condition for obtaining Czech citizenship will be two years' permanent residence in the Czech Republic. Several sources, including the UNHCR in the Czech Republic, expect the proposal to be passed.

According to the UNHCR, among others, the Czech rules on eligibility for social security benefits, work and education all hinge on possession of a residence permit and not on citizenship, so that there is no pressing need for Roma to apply for citizenship. Without it, however, they will not be able to vote, do military service or work for public authorities. In addition, a number of property rights depend on being a citizen.

2.5.2 ID papers and issue of passports

According to the Police Director in Prostějov, Frantisek Jurtik, there are no problems with the issue of ID papers and passports.

2.5.3 Political rights

Political rights come with citizenship. See also section 2.2 on Roma organisations and parties.

2.5.4 Freedom of movement

According to a number of sources, including the Society of Citizens Assisting Emigrants (SOZE), people can take up residence anywhere in the Republic. The Helsinki Citizens Assembly (HCA) also points out that Slovak citizens can take up residence in the Czech Republic if they have family there or can support themselves. These conditions are not however applied very strictly, so that in practice Slovaks are by and large free to settle in the Czech Republic.

2.6 Legal system/law enforcement

2.6.1 National level

Police

The Ministry of the Interior has taken a number of crime prevention measures. These are designed to increase the general public's feeling of safety, reduce the scale and seriousness of crime, incorporate crime prevention in the local community's general development plans, ensure cooperation between the various authorities, NGOs and the general public, create advisory and information services in the police force, and increase public awareness of the existing legal possibilities for protection against criminal behaviour. For implementation purposes, the various areas of responsibility have been divided up between: the Ministry of the Interior; the Ministry of Education, Youth and Sport; the Ministry of Labour and Social Affairs; the Ministry of Health; the Ministry of Justice; and the Ministry of Defence.

There are two types of police in the Czech Republic: national police and local police. The national police force comes under the Ministry of the Interior and the local police are controlled by the local authorities.

According to the Helsinki Citizens Assembly (HCA), the local police were set up following Czech independence in 1993. Local authorities may decide whether or not to establish their own police force, but the majority have made use of the opportunity. Local police do not have the same powers and authority as the national police. Individual local authorities are responsible for the local police, and there is no coordination at national level.

The HCA believes that the local police have taken on powers greatly exceeding those to which they are entitled. Also, the training of local police officers is particularly inadequate. In some places, police are sent onto the streets after only a few days' training. Furthermore, the HCA points out that the local police have a bad reputation with regard to their treatment of the Roma, and are prejudiced. An opinion poll of police confirmed this. The HCA considers that the leadership has good intentions, but problems are caused by police officers at local level and on the streets.

The Czech Helsinki Committee (CHC) considers that recruitment to the local police is too haphazard, and that there is not enough scope for imposing disciplinary penalties. The Committee says that in one case officers from the local police were earning extra income by working as bouncers at a nightclub. There is also limited confidence in the police, who are seen as ineffective and corrupt. This is not because the police are undermanned, but because their training is so poor. However the CHC emphasises that it is not only the Roma but also other minorities who have problems with the police, for instance the police refusing to accept reports of crimes from them.

According to the UNHCR in the Czech Republic, there is more confidence in the national police than in the local police.

Klara Veselá-Samková believes that the national police are "dreadful", but nonetheless better than the local police.

According to the HCA, the Roma's relationship with the police is characterised by general distrust. Communication between the Roma and the police is often poor, as many Roma's experience of the police is negative because of their own crimes. Moreover, it is common for the police to arrest groups of young Roma in connection with a crime. They are then detained for about five hours before they are released. The HCA believes that the situation is better for the Roma in Brno than in Prague, as the Roma in Brno have good links with the authorities.

Petr Uhl points out that one problem is that more Roma have not been trained as police officers. That might alter the attitude of the Roma to the police. The Crime Prevention Department of the Ministry of the Interior says that there are special classes at police training colleges for those without a school-leaving certificate, but there are no special classes for Roma.

Petr Uhl finds it "a scandal" that the police are so bad that the Roma do not really get any help when they need it. If a Rom reports an assault, it can result in his being charged, as it can always be claimed that the Rom said "you white pig". Furthermore Petr Uhl believes that the Roma may exaggerate when giving information. However, he also considers that in cases where a Rom has committed a criminal offence or is a suspect, the police behave correctly. In this respect the situation has changed, as even a police officer with racist tendencies will not resort to violence. The Society of Citizens Assisting Emigrants (SOZE) also believes that the police have improved

their reputation and are diligent in their work.

Frantisek Jurtik, the police director in Prostějov, states that it is difficult for the police to offer effective protection, but that no one should live in fear or feel forced to leave the Czech Republic. There have been cases where the Roma have asked for police protection for an event, and a police patrol has then monitored the situation. He also says that he has a good relationship with the Roma and is often invited to their events.

Frantisek Jurtik says that there are clear rules on the possibility of complaining about the police. Every police station has a complaints section headed by an experienced officer. As well as receiving complaints he also investigates them. When a complaint, which may be either written or oral, is received, the complaints section prepares a report finding either for or against the complainant. If the complaint is upheld, it can lead to a reprimand, a fine or in serious cases to the dismissal of the police officer in question. If the complaint is dismissed, an appeal can be made to the regional police authorities. As a final resort, their decision can be taken to the Ministry of the Interior, and finally an appeal can be made to the President.

The Ministry of Justice informed us that if a Rom complains about the police, the complaint will always be processed, and that the police are obliged to treat everyone equally. The Ministry is aware of 3 or 4 cases where Roma have complained about bad or racist treatment by the police. After the cases had been investigated, it was found that the complaints could not be upheld on the evidence available.

The CHC believes that the police complaints system does not have any preventive effect.

The HCA felt that it would be desirable for a civilian to participate in investigations against the police, so that cases were not "turned on their heads" resulting in the complainant being convicted.

Racism

The Ministry of Justice emphasised that Czech legislation is based on the principle that all are equal, and that the Czech Republic has bound itself to fight racism by adherence to national and international regulations. According to the Ministry, Czech legislation on this point is particularly comprehensive. In all there are 11 articles in the penal code covering offences with a racist element. These provisions mean that racism can be punished, and that a crime committed on racist grounds can be punished more severely. There are rules obliging the public prosecutor to keep himself informed about crimes with a racist element. It is the aim that such cases should come to court quickly, whether the victim is Roma or Czech.

The Crime Prevention Department of the Interior Ministry stated that the Czech government and authorities are doing all they can to enable the Roma to live in peace, but that conflicts are often the result of social problems. The government has drawn up several strategies for punishing offences which are motivated by racism or xenophobia. The strategies include various activities for all those who are involved with the problem in different ways (see Annex 2). The police have set up special units at local level to investigate offences with a racist element. Moreover, police training colleges teach multicultural subjects.

According to the Crime Prevention Department the police will always refer a case where there is a suspicion of ethnic conflict to the public prosecutor. The police are also monitoring the skinhead movement.

The Ministry of Justice believes that racism often takes the form of verbal attacks arising in connection with a quarrel. The Ministry stated that few racism cases reach court, as there are often problems with evidence. There is strong pressure from the media on the public prosecutor and the courts to bring charges using the articles on racism in the penal code. In one case a public prosecutor could not resist media pressure and brought charges on the basis of one of the racism articles, but lack of evidence meant that the case did not lead to any conviction. There have been several cases where Roma were witnesses but where they later made different statements, which could then not be used as evidence. No charges were brought in these cases. In cases where the public prosecutor found these to be conflicting claims, charges were always brought.

With regard to the number of persons accused, prosecuted and convicted for racism, see Annex 4 from the UNHCR. The statistics are based on information from the Ministry of Justice. The information includes all cases of racism, i.e. not just racism directed against the Roma but also against Czechs and other minorities or foreigners. According to the Ministry of Justice both "black and white" racism occur, as the Roma also attack people with a different skin colour. The Ministry of Justice estimates that in about 40% of cases the victim is a Czech. However most victims are Roma. The HCA considers that racism is only directed against Czechs in a maximum of 5% of cases, and therefore does not understand the Ministry of Justice's figure of 40%.

According to the Crime Prevention Department, a total of 130 skinhead attacks have been reported, but the number of reports is falling.

It is the UNHCR's opinion that racism is not taken seriously by the police.

The HCA considers that neither the police, the public prosecutors nor the courts are capable of recognising offences as being racist, and says that there has not been a single correct judgement. The HCA recognises that the government has taken many positive steps but points out that it will take a long time to change the practice of the courts.

Klara Veselá-Samková believes that sentences against skinheads are too mild, and thinks that if Roma had committed the same deeds they would have received life sentences. She also thinks that the Roma often fail to report racist attacks to the police.

The courts

According to the "Czech Republic Country Report on Human Rights Practices for 1998" published by the US State Department, the Czech Republic has an independent two-tier court system, consisting of district courts and regional courts, and a Supreme Court. There is also a separate Constitutional Court.

The Government Commissioner for Human Rights, Petr Uhl believes that the public prosecutor's department and the courts function badly, but that they offer a fair trial. The CHC also considers that the Roma get a fair trial in the courts, inter alia because the justice system contains a clear and easily accessible appeals system.

According to Klara Veselá-Samková there are various problems. The Roma get more severe punishments than Czechs, and innocent Roma are sometimes convicted. It is particularly at district level in the countryside that problems occur. There, the judges are afraid to reach decisions which are unpopular with the population at large. A major problem is the lack of good lawyers. Many lawyers do not want to represent the Roma, as they are afraid that it will damage their reputations if

they are seen as "gypsy lawyers".

The HCA adds that the courts consist of human beings, and that a just decision which contradicts public opinion requires a brave judge, and that there are not many brave judges.

2.6.2 Local level

The HCA states that it is police officers at local level who cause the greatest problems for the Roma.

2.7 Entering and leaving the country

The Czech Helsinki Committee stated that there were no problems in connection with Roma entering and leaving the country. The Canadian Embassy has seen cases where Roma who have made applications for asylum in Canada have returned to the Czech Republic to await the result of their applications. When they have to report in connection with the processing of the case, they apply for a visa at the Embassy. The Canadian Embassy does not issue visas on this basis.

Christian Popescu of the Society of Citizens Assisting Emigrants (SOZE) says that an office has been set up in the Ministry of the Interior to reintegrate Czechs returning home after they have lived abroad. It is his impression that the Czech authorities do not in any way harass returning Roma who have been refused asylum elsewhere.

3. Slovakia

Slovakia's historical background is the same as the Czech Republic's up to the division of Czechoslovakia in 1993. See section 2.

For Slovakia, which in population terms is the smaller of the two countries, the historical background to the division was that in 1960, under Communist rule, the area had had its autonomous status in relation to the federation curtailed. The Slovaks wanted to regain this autonomy and independence from the Czech part.

In September and October 1994, Slovakia held its first parliamentary elections following division. This resulted in a coalition government with Vladimir Meciar as Prime Minister.

However, unlike the situation in the Czech Republic, the new political system in Slovakia proved unstable, with major disagreements and differences between the Prime Minister, the government and the country's President, as well as between and within the political parties. In the period up to 1998 there followed several changes in governing parties and coalitions. The disagreements were partly a consequence of Meciar's political leanings towards the East, Russia and Ukraine, rather than the West. Meciar and the government were accused of anti-constitutional behaviour and abuse of power in relation to the police and security forces. The government attracted international criticism for enacting laws with an anti-democratic and illiberal content, for attempting to control the media, and for influencing the judicial system. In 1996 there were demonstrations in Bratislava, in which the government was accused of wanting to control areas which lay outside the political system, such as culture and the media.

The parliamentary elections in September 1998 led to a change of government. Meciar was replaced by the chairman of the Slovak Democratic Coalition, Mikulas Dzurinda, who became leader of a coalition government consisting of four parties. These include the Party of the Hungarian Coalition, which is a union of three Hungarian parties. Thus the large Hungarian minority in Slovakia was represented in Parliament for the first time, with 15 seats.

The new government has announced a marked political shift in both domestic and foreign policy compared with the previous Meciar government. For instance, the government has taken the first preliminary steps towards negotiations on accession to the EU and NATO.

Economically, after several years of a high growth rate, the country has developed problems with a balance of payments deficit and with government budgets. This has led to rising unemployment, which currently stands at about 13%. Unemployment is particularly affecting ethnic minorities with little or no education, such as the Roma.

3.1 Historical background and demography

3.1.1 Historical background

The historical background for the Roma in Slovakia is to a large extent the same as in the Czech Republic before and after the Second World War (see section 2.1.1).

However, conditions for the Roma in Slovakia during the Second World War were easier than for the Roma in the Czech part. There was no extermination, much less systematic extermination.

However work camps were set up there too, with strict discipline and the consequent exploitation of cheap labour. This affected not only the Roma but also other groups which were deemed antisocial.

On the question of compensation for the surviving Roma and for the descendants of those who were killed, Gejza Adam, chairman of the Romany Civic Initiative party (ROI) in Košice, says that negotiations are underway in the USA. However he believes that compensation should go to Roma organisations dealing with human rights, and the money be used for the education of the Roma. He complains that no one has offered an apology, although both Europe and the USA have recognised the Roma holocaust as entitling them to compensation.

3.1.2 Demography

After the Hungarians, the Roma are the next largest minority in Slovakia. At the 1991 census, in which the Roma themselves had the right to choose whether or not they wanted to state their ethnic origin, 80 627 declared themselves officially to be Roma. However according to population figures from 1989 there were 253 943 Roma, equivalent to 4.8% of the population. Klara Orgovánová, director of the Open Society Foundation and Inforama, explains that this figure does not include those Roma who had a standard of living comparable to the majority of the population. The correct figure for the Roma is therefore 350 000 to 400 000. According to a report prepared in 1997 by the Romany Intelligentsia for Coexistence party (RIS), the number of Roma is however estimated to be between 480 000 and 520 000. The RIS also explains that the difference is due to the fact that the Roma did not want to state their ethnic origin officially at the census. By way of comparison, according to official statistics from 1996, the total Slovak population is 5 373 810.

Regionally, the Roma population is concentrated mainly in eastern and central Slovakia. There are also some Roma in Bratislava and neighbouring districts. However, villages with a high concentration of Roma and Roma ghettos are especially to be found in the districts of Spišská Nova Ves, Roznava and Košice in eastern Slovakia.

3.2 Roma organisations and parties

As in the Czech Republic, parties in Slovakia have to achieve 5% of the vote to be represented in Parliament. Except for the Hungarian minority, which has 15 seats, this prevents the smaller minorities from being represented in Parliament. The Roma parties can thus only be represented in Parliament if they form coalitions with one another as the Hungarians have done, or if they form coalitions with other non-Roma parties.

3.2.1 Roma parties

According to Alexander Patkolo, chairman of the Romany Intelligentsia for Coexistence party (RIS), there are 17 Roma political parties, although only two are active. These two parties are the RIS which is based in Bratislava, and the Romany Civic Initiative party (ROI), which is based in Košice.

Romany Intelligentsia for Coexistence (RIS)

According to its chairman, the RIS was founded in 1995 in opposition to the Meciar government. It is organised along the lines of a traditional political party and is registered with the Ministry of the Interior. It has 11 000 members and a number of local branches around the country. The party, which has to finance itself, is poor, and the leadership have to use their own private means. Many members are unemployed, and therefore the party does not demand a membership fee.

The RIS has never had any members of Parliament. Before the last elections in September 1998 the party entered into an agreement with the Slovak Democratic Coalition (SDK), and the agreement was signed by the present Prime Minister. But despite its support for the SDK, the RIS has not had any contacts or meetings with the party since the election. Other than this, the RIS has no agreements with any other party on cooperation at national level.

The party has had more success in entering coalitions with other parties at local elections. By this means it has managed to have some RIS representatives elected to a number of town councils (it was not possible to discover how many people were concerned). It is sometimes difficult for Roma to be politically active at local level, as may be seen from the following account from the RIS chairman. A Rom, Marian Bily, who is not an RIS member, was elected in December 1998 as mayor of the town of Petrova in the Bardejov district. On assuming office in January 1999 he was however confronted with a no confidence motion by the town council. The outgoing mayor would not step down, and held on to the documents and keys. Marian Bily, who was previously unemployed, no longer received welfare payments since he was officially the mayor, but neither did he receive any salary, as he had not taken up his office. The matter has still not been settled. The chairman of the RIS believes that this is a case of racially motivated unconstitutional behaviour.

The RIS says that 3.5% of Roma voted for the Slovak Democratic Coalition at the last election, 2.5% for the Party of the Hungarian Coalition, and 1.5% for the Party of the Democratic Left. The RIS sees this as a particularly positive development with regard to the political awareness of the Roma. However it believes that it would be best to create a common Roma front. The week before its meeting with our delegation (7 March 1999) the RIS had held a congress. Five other Roma parties participated, and the parties entered an agreement if not to unite at least to work together. This was seen as a positive development.

Romany Civic Initiative (ROI)

The party was founded in 1989 in connection with the velvet revolution, but split on the division of Czechoslovakia. The party's chairman Gejza Adam says that the party had 11 seats in Parliament in 1990. At the beginning of the 1990s the party's influence in the Czech, Slovak and federal Parliaments was large, and thus it was possible to improve the position of the Roma in several areas. For example the Roma were recognised as a minority, a declaration on human rights was included in the Constitution, and all minorities had their rights established. The party now has no representatives in the Slovak Parliament.

The UNHCR in Bratislava criticises the Roma for generally lacking interest in participating in social development and deplors the fact that the Roma are poorly represented in political structures, which is partly a consequence of their internal disagreements. The Roma NGO Inforama also says that internal disagreements amongst the Roma are a reason why the Roma are not represented in political structures.

The chairman of the Legal Defence Bureau for Ethnic Minorities in Slovakia states that the Roma may be divided into a politically immature group and a political elite, and that both groups are difficult to communicate with. As a consequence, the Roma also have problems in designating a common representative body with sufficient authority and power.

This internal disagreement was also mentioned by the Slovak Supreme Court, which however added

that the Roma are becoming increasingly active and more conscious of their situation and opportunities.

3.2.2 Other Roma organisations

According to the chairman of the ROI there are currently about 30 different Roma organisations in Slovakia, some of which are supported with EU funds. He stated that the Ministry of the Interior has a complete list. Amongst the organisations, besides political parties, there are also cultural and youth organisations. Radio Prague's list of Roma organisations shows that there also some concerned with human rights and legal matters. The mission had a meeting with one of these, namely Inforama. Inforama said that there are 17 Roma political parties and 58 other Roma organisations.

3.2.3 Roma representation in government administration and public bodies

According to Inforama there are no Roma employed in government administration. According to the ROI this also applies to the Ministry of Social Affairs, despite the social problems of the Roma. This information was confirmed by the chairman of the RIS. However, according to the Citizen and Democracy Foundation, Minority Rights Group, there is one legally qualified Roma employed in government administration.

Shortly after the elections the new government set up a special Commission to deal with, inter alia, Roma questions. The government has named Deputy Prime Minister Pal Csáky as head of the Commission. The Commission has started its work and its task is to solve a wide range of problems in relation to the Roma, including social problems, to bring about tolerance of the Roma on the part of the majority of the population, to educate the police and train them in human rights etc. The Commission is planning to hold two round table meetings, the first on 16 March with the participation of Max van der Stohl, the OSCE's High Commissioner on National Minorities, university researchers and NGOs. At this meeting problem areas will be defined, and then a priority list will be worked out of problems to be dealt with. At the second round table meeting the only participants will be Roma leaders. Csáky explained that the long-term aim is to introduce self-rule arrangements and to distribute funds, so that the minorities themselves participate in solving their problems. Such self-rule agreements were made with the Hungarian minority with good results, and Csáky believes that the Roma's problems may be solved in a similar way. The aim is also to appoint an ombudsman, but because of the powers connected with the post this must await a change in the Constitution. The chairman of the RIS stated that the party leadership had been invited to participate in the work of the Commission, and that the RIS would now designate a representative.

Moreover the government has set up a Commission for Roma Affairs headed by the Roma lawyer Vincent Danihel. He says that one of his main tasks will be to examine and find solutions for the problem of racism.

3.2.4 Roma media

According to the ROI, a number of publications are issued in Slovak for the Roma, and once a month a newspaper called *Romano Nevo Lil* is published in the Romany language. the RIS criticises the newspaper because, politically, it supports the previous government. A single 20 minute television programme for the Roma is broadcast once a month. The ROI criticises the programme as well as the newspaper, as neither is produced by Roma despite the fact that amongst

the Roma there are competent and well-educated people who would be able to undertake this work. The ROI also believes that of the East European countries, Slovakia has the highest proportion of well-educated Roma. The ROI believes that the fact that Roma do not work as journalists on these productions helps to give the Roma a bad reputation. The ROI demands that the Roma in general should have better access to the media. The chairman of the other Roma party, the RIS, added that before the election in September 1998 the Roma parties did not have the same access to the media as the other parties. He tried several times to contact editors and television journalists but was referred to a secretary every time.

According to Deputy Prime Minister Pal Csáky, plans are being made shortly to begin broadcasting a television programme in the Romany language for the Roma in Košice.

3.2.5 Roma culture

In Košice there is a Roma theatre and an art school for Roma children. The art school is an independent institution, and the building is owned by the school.

The theatre was founded in 1992. According to theatre director, Karel Adam, it is supported by funds from the Ministry of Culture, and is part of the group of Slovak theatres. Their premises are rented, and some of the running costs are met by Košice commune. However its income is not sufficient to cover its outgoings. The Roma want to own the building but cannot raise sufficient funds themselves. However the theatre director expressed his gratitude to the government for its support, as the theatre contributes to making Roma culture visible and to strengthening Roma identity. He expressed understanding for the limited support it receives, given the poor state of the country's economy. The theatre has no permanent stage, but is a travelling theatre, staging productions around Slovakia and abroad. The theatre's audience consists of both Roma and Slovak.

The theatre director said that at the university in Nitra there is an institute for Roma culture. In 1998 a centre for the development of Roma culture and identity was also established.

3.3 Social and economic situation

As in the Czech Republic, the Roma in Slovakia have social problems, such as little or no education, high unemployment and bad housing conditions. The social problems are largely identical for the Roma populations of both countries. Just as in the Czech Republic, there is often a vicious circle.

The director of Inforama says that the Slovakian Roma may be divided into three groups. The worst off constitute about a third, and are characterised by high unemployment, many children, and ghettoisation. As an example of ghettoisation he mentions the little town of Jaronica, where 3000 of the 4000 inhabitants are Roma. The middle group consists of educated Roma. However, because of discrimination in the labour market they find it difficult to find jobs and make a decent

living. According to the director it is this group who emigrate, and it is therefore particularly important that they should get help. Finally there is the Roma "aristocracy", which consists of musicians, who come from old families of musicians and who are prosperous, and Roma with their own businesses.

The chairman of the Romany Intelligentsia for Coexistence party (RIS) said that conditions for the Roma have become worse since the velvet revolution, and that the Roma live on the margins of society. The chairman of the Legal Defence Bureau for Ethnic Minorities in Slovakia stated that under Communism the Roma were forced to assimilate, and that now they are being segregated, i.e.

marginalised. This is especially the case in eastern Slovakia. She added that the Roma have not been able to adapt to the new times, and have become victims of the market economy. The director of Inforama also believed that the Roma are marginalised. The UNHCR stated that the situation of the Roma has improved since the new government came to power.

The government's newly formed Commission for Human Rights, Minorities and Regional Development, which is headed by Deputy Prime Minister Pal Csáky, and which has only existed for four months, has already set up comprehensive programmes to solve a long list of problems (see section 2.2.3). Thus, in cooperation with PHARE, the EU's development programme for eastern Europe, it has already set up an education programme. PHARE has also granted ECU 450 000 for development projects in various regions of eastern Slovakia. According to Vincent Danihel, the Government's Commissioner for Roma Affairs, a resocialisation and training programme for Roma has been set up in Kosice, in cooperation with the employment office. There are also plans for housing and environmental projects which the Roma would manage themselves. A project will also be set up to redevelop the Roma's traditional handicrafts and there will be a special educational project for Roma youth. Finally, the Commission has asked the Spanish government for advice and assistance in solving a range of social problems [as Spain has a large number of Roma]. Pal Csáky stresses that the new government will do everything in its power to create better conditions for the Roma, so that they may feel safe and secure and not need to emigrate in order to find better conditions.

According to the UNHCR's assessment, the new government has shown good intentions and has been particularly active in solving the Roma's problems. But the government also has other problems on its agenda, such as restoring the economy. The director of Inforama is of the same opinion but adds that the government lacks money. The chairman of the Legal Defence Bureau for Ethnic Minorities in Slovakia also thinks that the government has recognised the problems, and has the potential to solve them. However she does not think that it has proved particularly persistent, as the Roma's problems come at the end of a long list of other problems, and that for the government it is a question of priorities. The RIS party states that it is willing to cooperate with the current government, but it does not consider that it has had a response from the government to its proposals or that it has had the backing of the government in carrying out its own proposals and projects. Moreover the RIS thinks that, at local level, the authorities are using state grants for other purposes than those for which they were intended, such as the development of the infrastructure for the benefit of the Roma.

3.3.1 Education

According to the chairman of the Legal Defence Bureau for Ethnic Minorities in Slovakia, the Roma in Slovakia do not send their children to nursery either despite the nurseries being free. The children are thus already worse off when they start school, so that Roma children in Slovakia are also sent to special schools/classes. The authorities in Slovakia are therefore also working on the setting up of "0 classes" as preparation for school. Such a class has already been established in Kosice, where specially trained teachers are employed. The government has also set up a programme of summer schools for Roma children. Inforama states that in the villages the nurseries are divided into those for Roma children and those for children from the majority of the population.

According to the chairman of the Legal Defence Bureau for Ethnic Minorities in Slovakia there are no bilingual schools, and there is only one textbook in the Romany language which is rarely used. Moreover she describes the school system as old-fashioned and authoritarian, and says that it has not been altered since the change of political system. She adds that the teachers are bad, underpaid, and do not want change, and that children "generally hate" school.

The chairman added that those Roma children who do pass the leaving examination from the lower school often have problems later in their schooling.

3.3.2 Unemployment

Vincent Danihel, the Government Commissioner for Roma Affairs, says that unemployment amongst the Roma amounts to between 80 and 100%. The UNHCR in Bratislava gives average unemployment as 16%, whereas for the Roma it reaches 100%.

According to the Slovak Helsinki Committee, the Roma also lack education compared with other population groups.

According to Inforama, the Roma in Slovakia are discriminated against in the labour market, just as are the Roma in the Czech Republic. This is a particular strain on educated Roma, who therefore feel like foreigners in their own country. The chairman of the Roma RIS party confirmed that the Roma are discriminated against in the labour market and adds that this discrimination makes the Roma disinclined to become educated, just as unemployment is a reason why the Roma emigrate.

The police director in Košice thinks that high unemployment amongst the Roma has historical causes, as the Roma have always had little education, poor hygiene and few positive personal qualities.

The welfare authorities in Košice state that unemployment also affects non-Roma. They also state that in 1989 the Roma gave up their jobs in order to live off welfare payments instead. According to the authorities, welfare payments can be greater than the minimum wage, and they add that the Roma have difficulties managing their money.

The UNHCR suggests that to combat unemployment amongst the Roma, a tax reduction should be introduced for businesses which will employ them.

3.3.3 Housing

The chairman of the Roma ROI party believes that the poor economic conditions of the Roma force them into the ghettos. There is a Roma ghetto in Košice known as Lunik IX in some blocks of flats on the edge of town. The blocks of flats were built 15 years ago but are badly maintained, and particularly the blocks lived in by the Roma are now completely run down. The area is full of refuge and old wrecked cars. The chairman of the Legal Defence Bureau for Ethnic Minorities in Slovakia considered that Lunik IX is a typical socialist solution, and that the flats were originally built with the intention of moving the Roma there to "get them out of the way". She added that anyone "socially maladjusted", not just Roma, is still sent to live there. She believes that the building of ghettos is against national and international law, and has therefore asked experts to examine the legal implications.

The welfare authorities in Košice stated that the town does not have housing problems, as small publicly owned flats have been built for the Roma. They also stated that it is the "socially maladjusted" who are sent to Lunik IX, and that that does not only mean the Roma. In total 485 Roma families live in Lunik IX. There is a health centre for the area. According to the authorities, the blocks of flats were originally good buildings, but have been destroyed by the Roma.

Inforama adds that people who live in ghettos do not have any chance to alter their social situation.

3.3.4 Welfare

The chairman of the Legal Defence Bureau for Ethnic Minorities in Slovakia stated that there is often a vicious circle, as families with many children cannot earn the same amount through normal work as they can get in child benefit and other welfare payments. The result is that to improve their financial situation they have more children.

The chairman of the ROI stated that monthly welfare payments amount to between 1 700 and 3 600 Slovakian koruna⁴. For example, an unemployed family gets 7 000 koruna, of which 3 000 goes on rent. He added that the Roma feel badly treated in the matter of welfare payments, as they only ever receive the lowest rate. He also believed that it is unfair that welfare payments are withdrawn from Roma who do not fulfil the requirements of the social affairs department regarding compulsory attendance.

3.3.5 Health

Inforama told us that maternity wards in hospitals are divided into sections for Roma women and sections for Slovak women. Other than that there is no question of discriminatory treatment, and all have the same right to medical assistance, which is free.

3.3.6 Other social conditions

The chairman of the Legal Defence Bureau for Ethnic Minorities in Slovakia explained that there are many Roma children in orphanages. Children are not systematically taken into care, and if a child is taken into care it is on good grounds.

3.3.7 Local strategies

The welfare authorities in Košice stated that in the last 30 to 40 years Slovakia has tried many different ways of improving the social conditions of the Roma. They have tried dispersing them, they have tried moving them together, they have tried various forms of teaching and courses, but nothing has worked. The authorities believe that it is difficult to get into Roma circles and that they are difficult to communicate with.

The authorities stated that their present welfare work is being undertaken under government decree no. 796 (see annex 5, excerpts concerning public welfare assistance). They maintained that they are making a major effort as they realise that the Roma's enormous social problems constitute a "time-bomb". The resolution of the problems involved however requires cooperation with other official bodies.

They also explained that they have employed several Roma as social workers, deploying them as *streetworkers*. These help the welfare department solve the Roma's problems. The authorities believe that the Roma should participate in solving their own problems. They are also willing to

⁴ One Danish krone is worth about 17 Slovakian koruna.

employ well-educated Roma. The chairman of the Legal Defence Bureau for Ethnic Minorities in Slovakia said that the authorities' claim that they had engaged Roma as *streetworkers* was not correct. They have plans to do so but have not yet put them into effect.

The authorities emphasised that the Roma are not discriminated against by the welfare department. Within the department a strict watch is kept on this. If any of the minorities are discriminated against, this may lead to the dismissal of the employee concerned. All are treated alike, and the Roma have the same rights as everyone else to legal advice, welfare assistance, etc.

3.4 Relations with the majority of the population

3.4.1 In general

The Slovak Supreme Court informed us that according to the Slovak Constitution, people from national minorities and ethnic groups are guaranteed the right to use their own language, to form their own organisations and to receive education in their mother tongue. The Roma are recognised as an ethnic minority, but as they do not fulfil the international requirements they cannot be recognised as a nation. Vincent Danihel, who is Vice-President of the Slovak Helsinki Committee (SHC) and adviser to the Deputy Prime Minister, explained, with SHC president Štefan Markuš, that the Roma are recognised as a minority under the Constitution, and that by a law of 1991 they were also recognised as a national minority, but that the definition is not altogether clear.

Štefan Markuš and Vincent Danihel believe that the Roma are not treated in the same way as other minorities, and that they have to fight to become integrated into society. If an individual Rom is to succeed in fighting his way out of the economic and social conditions which characterise the group, he/she must at the same time deny his/her ethnic background. This situation is confirmed by the UNHCR in Bratislava. Vincent Danihel explained that the attitude of the majority population to the Roma is generally negative. At the same time he said that there are areas where the Roma are well integrated.

The UNHCR in Slovakia states that locally Roma are accepted by the population. It is the UNHCR's impression that xenophobia is greater in the Czech Republic than in Slovakia, but that a change of attitude is still necessary with regard to the Roma. Thus the Roma, except for those who are well educated, find it difficult to integrate into the rest of the population. Slovak society has

suffered four years of poor political leadership, and the new government has many matters to attend to. Relations between the Roma and the rest of the population are just one of the problems. Patience and hard work are required to establish communications between the Roma and the rest of the Slovak population. Given that the current government has only been in power for four months, it is too early to judge its contribution in this area. It certainly has good intentions, but the establishment of mutual confidence between the Roma and the rest of the population requires an effort from both sides. It is the UNHCR's impression that on the Roma's side there is a lack of interest in taking part in the process. Roma parties and organisations are often critical and impatient.

According to the lawyer Anna Koptova, who is chairman of the Legal Defence Bureau for Ethnic Minorities in Slovakia (LDB), it is unusual for Roma and Slovaks to have anything to do with one another. By and large there is no contact between the two groups. It is her opinion that the Roma live on the margins of society and outside social structures.

The Romany Intelligentsia for Coexistence party (RIS) referred to an opinion poll in 1991, which showed that 67% of the majority population had a negative attitude to the Roma. The RIS believed that even within public bodies which work with the Roma there are people with prejudices, and says that there are local authorities which refuse to admit the Roma. Moreover, the Supreme Court stated that the authorities in Spisska Nova have introduced a curfew for Roma at certain times of the day.

According to the RIS, at the time of the floods in 1997, the Roma were given ration coupons which could only be used in one shop, whereas the Slovaks were given cash.

RIS representatives said that personally, as Roma in Bratislava, they feel almost assimilated, and that because of their position they feel that they are a minority in Roma society. They considered that relations between the majority of the population and the Roma are better in central and south-western Slovakia than in eastern Slovakia. They have not had problems because of their political involvement. The chairman, Alexander Patkolo, has however heard people refer to him on the street as a “filthy gypsy”, the incident occurring after a TV broadcast in which he had appeared.

It is Klara Orgovánová’s impression that the majority of the population generally have prejudices against the Roma. As a well-educated Rom she has however often met with good will from Slovaks.

Sarlota Pufflerová from the Citizen and Democracy Foundation, Minority Rights Group, described the Roma as a visible minority. Despite the fact that they have lived in Slovakia for centuries, the Roma are still not part of society. She also thought that since the 1989 revolution there has been a change of attitude for the worse.

Karel Adam, director of the Roma theatre in Košice, and Gejza Adam and Karel Horvarth, chairman and vice-chairman respectively of the Romany Civic Initiative party (ROI), have had both good and bad experiences. They have been refused admittance to restaurants and nightclubs and have suffered verbal harassment and waiters ignoring them in restaurants. However they have not personally suffered physical assault and do not have any problems with their close neighbours. They explain that in being politically active they are more exposed but are also in a better position to defend themselves.

The Citizen and Democracy Foundation, Minority Rights Group, arranged a workshop for Roma. When the Roma turned up at the hotel where the workshop was to be held they were denied entry because they were “black”.

The Vice-President of the Slovak Supreme Court stated that establishments which refuse admittance to Roma do so on financial and not racist grounds, as the owners have suffered financial losses when they have allowed the Roma in. The situation might be compared with English football fans who are denied entry to football stadiums not because they are English but because they are hooligans. The President of the Supreme Court believed that there is no one in the Slovak Supreme Court who would accept Roma being denied access to restaurants and the like. Eva Babiaková from the Slovak Supreme Court added that Slovakia is a society with many minorities, and that such a society will not survive if there is racial hatred.

The Legal Defence Bureau for Ethnic Minorities in Slovakia referred to an incident in which the residents of a communally-owned block of flats demanded that a Rom in the block should be evicted as they thought he was a nuisance. Without investigating matters the town council took steps to have the Rom evicted. The organisation looked into the case, and it ended up in court. The court found no proof that the Rom was a nuisance to his neighbours and the organisation won the

case.

Media

According to the RIS, the Minister of the Interior, Ladislav Pittner, has asked the media to stop referring to suspects as Roma or dark Slovaks, and the media has observed this appeal. The ROI informed us that the Roma's social problems are neglected in the media, and that public opinion is against the Roma.

3.4.2 Particular groups

The Slovak skinhead movement stands out as a group with particularly bad relations with the Roma, and according to various human rights reports there have been many instances of skinheads attacking Roma with a racial motive. Some of the attacks have led to murder.

The Slovak Helsinki Committee (SHC) informed us that there are more than 20 racially motivated attacks on Roma every year. The skinhead movement appears to be organised, and the SHC has set up four groups in eastern, central, southern and western Slovakia respectively to monitor the situation. The groups are to register incidents which might have a racial element, and monitor the response of the police.

The Legal Defence Bureau for Ethnic Minorities (LDB) explained that there are different sorts of skinheads, including organised militant skinheads. According to the organisation's report, the White Book 1999, the skinhead movement in Prievidza and Handlová is well organised, and according to LDB the skinheads have carried out many attacks in Prievidza in particular. The White Book also states that the skinhead movement contains some policemen's children.

Vincent Danihel, himself a Roma, believes that it is important to recognise that Slovakia has a racism problem. Slovak society takes pains not to talk about it out of concern for Slovakia's image abroad. It is Danihel's belief that there are anonymous powers trying to implement their ideas through the skinhead movement. However Danihel has not been able to prove this.

Klara Orgovánová believes that the skinhead problem is not as severe in Slovakia as it is in the Czech Republic.

According to the Roma ROI party it is primarily skinheads who display openly racist behaviour towards the Roma. According to the ROI, Slovak skinheads are young people aged from 14 to 25 from the upper middle class, and number approximately 100 000. Skinheads are found especially in the larger towns, and their number is increasing. The party believes that the skinhead movement is organised to some extent, and that it gets financial support, but the party does not know where from. Furthermore it is thought to have links with policemen in the lower ranks. Skinheads are aggressive and tend to attack young people, children and the elderly. According to the ROI skinheads killed a young man on 3 March 1999. The Roma are afraid to use public transport because they are afraid of being attacked. After its performances the Roma theatre therefore arranges group transport for the Roma. The ROI representatives have themselves received malicious calls, and one has had his car vandalised. They also said that family and friends had been subject to physical attacks. Police investigation of these cases had been limited to asking the victims if they knew the names of the

people who had attacked them. As they did not, the police had taken no further action. The ROI believes that skinhead activities are not seen as criminal, that skinheads are not punished, and that new laws are needed.

The Roma RIS party said that skinheads are behind most violent attacks on Roma. The RIS added that Slovak skinheads are supported by political groups, but would not say which groups.

The national police in Kosice say that the police are not aware of the existence of organised, formal skinhead groups, and that there is no racist movement. The last known case of racially motivated violence was an incident in 1997. The police believe that when Roma are attacked, they see it as a skinhead attack, and stories about skinheads are therefore a result of rumours amongst the Roma. According to the national police, they were obliged by decree to appoint a policeman to monitor skinheads. The police have investigated some incidents, and have ascertained that the fights and conflicts which have arisen between Roma and “whites” have either been arguments about money or girls, or the result of generally aggressive behaviour. Furthermore, the police have found that the young “whites” were only imitating skinheads, and were not organised.

Vincent Danihel said that it is his duty to ensure that intelligence concerning racism and skinheads is passed on to the government, and to see that steps are taken so that the courts make use of the opportunities available for sentencing skinheads. There have not yet been any convictions for the distribution of fascist propaganda, but it is Danihel’s opinion that this will occur in future.

In November 1998 the RIS had a meeting with Minister of the Interior Ladislav Pittner, who then issued an order that the police should be more active in combating skinheads.

Deputy Prime Minister Pal Csáky stated that the skinhead movement was a problem, but that the number of incidents was falling. He believes that the solution to the problem is to bring about a public debate.

The ROI says that of the political parties it is particularly the Slovak National Party which has openly displayed racism. Pal Csáky added that Jan Slota of the SNS made such strongly racist remarks on Friday 5 March 1999 that he will try to have him prosecuted. According to the SHC the remarks he made were such that even his party colleagues have distanced themselves from him.

3.5 Legal position

3.5.1 Legislation on citizenship

The question of Slovak citizenship has not been subject to the same debate concerning the regulations as in the Czech Republic.

Slovak citizenship legislation, like the Czech, was based on rules from 1968, when the Czechoslovak federation was established. This meant that the citizenship law automatically gave citizenship to anyone who was registered as a Slovak in the federation on 1 January 1993. In addition, citizens who had not been registered could obtain citizenship without fulfilling any further conditions by applying before 31 December 1993. Thus everyone did or could obtain Slovak citizenship without problems. An application had to be made either to special district offices, or to Slovak embassies or consulates abroad. A decision on citizenship was then taken by the Ministry of

the Interior. According to the Presidium of the Police Corps, Department of Border and Immigration Police, there are many Roma who did not have their citizenship clarified before the deadline. They therefore had to wait for a relatively long time to learn whether they were citizens on the basis of the 1968 registration, or if they had to make an application for citizenship. According to the police, although the 31 December 1993 deadline has passed, citizenship may still be applied for and obtained under the above rules.

3.5.2 ID papers and issue of passports

The Legal Defence Bureau stated that obtaining ID cards is generally straightforward, but that it is a problem for the homeless. If they have lost their ID card they cannot get a new one and thus lose the right to welfare payments. Nor may they work without an ID card. This system causes problems for many Roma. They cannot just move in with a member of their family or a friend, as the inhabitant of a flat is subject to a number of obligations and inter alia may be held responsible for finding new accommodation for a person who is homeless. Also, more rent has to be paid if the number of residents in the household increases.

According to the Presidium of the Police Corps, a person has to make a formal application in order to obtain a passport. He must have Slovak citizenship and pay 400 Slovakian koruna. If an investigation of a crime is pending, or if there is a suspicion that a crime has been committed, then the applicant may be refused a passport. A decision is made by the police investigators. There is no legal standard for these decisions, but there are internal instructions. An asylum application abroad does not constitute grounds for confiscating or refusing to issue a passport.

3.5.3 Political rights

Political rights come with citizenship. See also section 3.2 on Roma organisations and political parties.

3.5.4 Freedom of movement

Several sources including Inforama stated that there is freedom of movement within Slovakia and that it is middle class Roma who emigrate. The poorest Roma do not have the necessary resources.

3.6 Legal system/law enforcement

3.6.1 National level

Police

Deputy Prime Minister Pal Csáky stated that the current government is aware of the various problems relating to the operation of the police. The previous government followed a reasonable policy on minorities, but the new government has taken a number of steps for improvements. The government wants to ensure the well-being and safety of all. Inter alia it has taken initiatives to bring about greater understanding of the Roma by the police. Training seminars have been held for police and law officers to this end, in subjects such as human rights and tolerance. Furthermore, there are plans to undertake nation-wide education of mayors and local authorities. Csáky believes that it is important to involve the Roma themselves, but that this is a problem, as the Roma are a very fragmented group. He states that the government is aware of problems with the police but does not believe that they are extensive.

The national police in Košice asserted that the Roma have the same rights as everyone else, and perhaps even privileges. It is the opinion of the police that the Roma misuse their rights and opportunities via the complaints system. Half of all the Roma are said to have come into contact with the police in connection with some criminal act. The Roma know that they can complain, and that the police are obliged to receive the complaints and process them.

The Romany Civic Initiative party (ROI) says that low-ranking police officers are often violent and cooperate with skinheads. If there are fights, the ROI claims that the police arrest the Roma and let the skinheads go. If a Rom tries to report a crime, the police will not even write down his name. The ROI also knows that many Roma are afraid to walk on the streets because they are frightened of being attacked.

The national police in Košice do not understand the Roma's fear of walking on the streets. On the contrary, they claim that the police often get complaints from people who are frightened of the Roma.

According to the national police in Košice, a complaint concerning the police is handled firstly by a local department for internal monitoring. Thereafter an appeal may be made to the Ministry of the Interior. However there need not necessarily be a complaint, as the department may take cases up of its own accord. It is the established procedure that if a policeman has acted incorrectly the case comes before the courts. At the moment the police have one complaint under investigation. The police have received no complaints regarding police violence. On the other hand the police claim that there have been incidents where police officers have had to run away from the Roma.

The Supreme Court stated that the Ministry of the Interior or the public prosecutor are responsible for investigating complaints against the police. On the basis of their investigation, a decision is taken as to whether there is sufficient evidence to bring charges. There are provisions in the penal code which make it possible to punish civil servants for abuse of their position or for inappropriate conduct. There are no statistics on the extent to which this provision has been used. The public prosecutor is however attentive to this sort of case, and sees that thorough investigations are carried out.

The Legal Defence Bureau for Ethnic Minorities in Slovakia (LDB) expressed dissatisfaction with the Slovak police, and claims that none of the cases which have been referred to the police have been decided in favour of the Roma. Police officers misuse their powers and rights, and violence occurs in connection with investigations and in other circumstances. Often, there is violence against very young Roma who do not have a lawyer. Criticism is also directed at the public prosecutor, whom the organisation sees as "an extension" of the police.

Inforama stated that the Roma avoid coming into contact with the police as police officers are often uncivil and are not interested in helping or protecting the Roma. Inforama does not believe that it would be possible for a Roma to complain without help from an NGO, as experience shows that at best a complaint ends with a reprimand. Often, the police do not believe Roma witnesses, and the case is dismissed by the police.

The Citizenship and Democracy Foundation, Minority Rights Group (MRG) believed that police violence occurs, but that it is difficult to document its extent, as there is a major lack of systems to monitor the situation and draw up reports and statistics. Also, the Roma are not always reliable when describing their experiences with the police. The MRG stated that the problems between the police and the Roma derive from the police's negative attitude to the Roma, whom they all consider

to be criminals. In order to change the attitudes of the police, the MRG has held seminars involving anti-racist training, with the participation of local authorities, the police and the Roma. However the MRG felt that it is difficult to change the situation as the police believe that there are no problems. Thus, the police do not see attacks on the Roma as racist, and racism is taboo.

Racism

The Slovak Supreme Court stated that the Slovak Constitution contains provisions on the protection of national minorities. National or ethnic minorities have the right to use and cultivate their culture and language, form their own organisations, and be taught in their mother tongue. The Supreme Court added that the Slovak penal code contains various articles which may be used to combat racism. Inter alia, if a crime is committed by a group this is an aggravating circumstance. This article might be used when dealing with skinheads. On the basis of its analysis of the penal code, the Supreme Court found that there are sufficient provisions to punish and combat racism. However the Supreme Court does not have any information concerning which sanctions have actually been used in practice for offences with a racist element, as such cases are seldom brought before the Supreme Court.

The Supreme Court believes that it is difficult to define exactly which types of crime are racist, and that this depends on the facts of the case. It is the public prosecutor who has to determine to what extent a crime has a racist element, and thus it is he who defines the crime.

The Supreme Court stated that a committee established by the Ministry of Justice has been working during the last year on a thorough revision of the penal code. The revision is expected to be completed in the year 2002. The general structure of the revised code is in place, and there are plans for 13 articles for use in relation to crimes with a racist element.

Pal Csáky stated that the government has forbidden the media to specify anyone's ethnic origin. Moreover, in order to engender understanding amongst the majority of the population of the Roma's situation, it has taken many initiatives, such as a special programme for minorities on the television. With regard to laws to combat racism, the government intends to go through them and fill any gaps.

The Slovak Helsinki Committee (SHC) explained that the authorities are rarely willing to admit that racism occurs, as they do not want to damage Slovakia's image. The SHC confirms that the Roma are afraid to report a crime, as they cannot be sure that the police are not themselves involved. Moreover, the police are hostile to the Roma and will always come to the conclusion that it is the Rom who is guilty. No one has ever been punished for racism, as that would require a change in the law.

Juraj Hrabko from Pal Csáky's office stated that in investigations of complaints the Roma often do not carry through the complaint as they are afraid of being accused of causing the conflict. It is therefore difficult to bring cases before the courts.

The Romany Civic Initiative party (ROI) agrees that there are not enough laws against racism. The ROI believes that it will only be possible to combat skinheads once the law has been changed. It adds that it is essential that human rights should be respected.

The Romany Intelligentsia for Coexistence (RIS) is also of the opinion that if a Rom wants to report

a racially motivated offence, the police may record the complaint but will not define the crime as racist. According to the RIS, the Ministry of the Interior has shown understanding of the problem and is going to prepare an order to the police to be active in the fight against skinheads.

The UNHCR in Slovakia believes that there are more attacks and incidents than are reported. It also believes that information on the situation can generally only be obtained from the media. It has therefore asked the Slovak authorities to report any incidents directly to the UNHCR so that it will be easier to form a view of the extent of the problem.

The courts

According to the Slovak Republic Country Report on Human Rights Practices for 1998, published by the US State Department, the Slovak court system consists of local and regional courts, and a Supreme Court. The courts are independent and separate from the administration. There is also a Constitutional Court, which is separate from the rest of the judicial system. Finally there is a separate Military Court. The report states that persons accused of a crime have the right to a fair and public trial. They also have the right to be informed of the charges against them and of their legal rights, and they have access to assistance from a lawyer in order to prepare a defence and question witnesses.

The Supreme Court confirmed that the courts are independent and are only bound by the laws.

The Legal Defence Bureau for Ethnic Minorities in Slovakia (LDB) stated that the Roma have a high crime rate, but that there are also many cases where an innocent Rom has been convicted just because he is a Rom. The situation is often that a Rom is accused and that three police officers are witnesses, which is why such cases always end with the Rom being convicted. A major problem in legal cases is access to good legal assistance. Most Roma do not have enough money to engage a good private lawyer and have to use a publicly appointed lawyer. According to the LDB, the latter are not sufficiently competent. The same problem applies right through the court system, and according to the LDB a "miracle" is needed for a Rom to win a case.

On the other hand, Inforama believes that the Roma get a fair trial in the courts.

3.6.2 Local level

The ROI party believes that the danger of attack is greatest in the big cities. Therefore, some Roma families move out to small villages, which are seen as safer. Several sources including RIS agree that the problems are greatest in the eastern part of Slovakia. The RIS said that the situation in Bratislava is not as bad as in other areas. Inforama believes that there is a link between the worse economic situation in the eastern part of Slovakia and the worse treatment of the Roma there.

3.7 Entering and leaving the country

The Legal Defence Bureau for Ethnic Minorities in Slovakia stated that there are no problems connected with Roma entering and leaving the country. On their return from a long stay abroad the Roma may get support from the welfare authorities.

The Presidium of the Police Corps, Department of Border and Immigration Police, stated that all Slovak citizens have the right to have a passport, and to travel freely in and out of Slovakia. However there are two exceptions, namely those who do not match the identity in the passport and those who are suspected of a crime and whom the police wish to prevent from leaving the country. In the latter case the head of the investigation decides if travel should be prevented. This may be

implemented by withdrawal of the passport, or by a new one not being issued. If the passport is withdrawn, a receipt is issued.

The Presidium of the Police Corps informed us that neither the Czech Republic nor any other country can send a person to Slovakia if it cannot be proved to the Slovak authorities that the person is a Slovak.

4. Individuals, organisations and authorities consulted

4.1 Czech Republic

1. Danish Embassy: Ulrik Helweg-Larsen, Ambassador, Ole Cordsen, First Secretary
2. Czech Helsinki Committee: Jana Chržová, Executive Director, Martina Štumpfová, Project Coordinator, Petra Tomášková
3. Canadian Embassy: Carol A. Turner-Trusca, First Secretary, Alain Latulippe, First Secretary
4. Ministry of the Interior, Crime Prevention Department; Jitka Gjuričová, Director, Radim Bureš, Deputy Director
5. Office of the Government: Petr Uhl, Commissioner for Human Rights of the Government of the Czech Republic, Iva Pellarová, Deputy Director
6. Citizenship Counselling Centre: Pavla Boucková, Director of the Centre
7. UNHCR: Radwan Nouicer, Head of Liaison Office, Lawrence Bottinick, Legal Officer
8. JUDr. Klára Veselá-Samková, Human Rights Lawyer
9. HOST - The Civil Rights and Tolerance Movement: Michel Hovák, Director
10. ROI-Romany Civic Initiative: Marta Tulejová, Deputy Chairwoman
11. Ministry of Justice: JUDr. Pavel Rotyka, Vice-Minister Secretary, JUDr. Karel Brückner, Head of the Prosecutors Office, JUDr. Irena Zadrazilová, State Prosecutor
12. Prostějov County Office: Mgr. Dagmar Nováková, Head of Social Affairs Department, Martin Gina, Roma Assistant, Ing. Jindřich Kleiner, Deputy Head of County Office, Helena Ružičková, Secretary
13. County Police Prostějov: JUDr. Frantisek Jurtik, County Police Director
14. Town Hall of Valašské Meziříčí: Ing. Bohdan Mikušek, Mayor, Mgr. Zdeněk Petros, Deputy Mayor, Jiří Klos, Head of Social Affairs Department, Petr Tulia, Member of City Council
15. The Democratic Alliance of Roma: Petr Tulia, Chairman
16. HCA-Helsinki Citizens Assembly: Karel Holomek, Chairman of the Roma Section, Roman Kristof, Editor

17. Museum of Romany Culture in Brno: Ilona Lásničlová, Director

18. SOZE-The Society of Citizens Assisting Emigrants: Christian Popescu, Director, Martin Rozumek, Legal Counsellor

4.2 Slovakia

19. Romany Intelligence for Coexistence (RIS): Alexander Patkoló, Chairman, Ivan Suchý, Member of the Republic Council, Ladislav Richter, Chairman of the Bratislava Regional Club

20. Citizen and Democracy Foundation, Minority Rights Group: Sarlota Puflerová, Chairwoman

21. Presidium of the Police Corps, Department of Border and Immigration Police, Bratislava: Michal Borgula, Deputy Director, Miloš Chmelko

22. Inforoma: Klára Orgovánová, Director

23. Government Office of the Slovak Republic: Pal Csáky, Vice Premier Minister for Human Rights, Minorities and Regional Development, Juraj Hrabko, Deputy Director, Section for Intellectual Development and Human Dimension, Péter Miklósi, Spokesman and Personal Advisor to Pal Csáky, Vincent Danihel, Commissioner for Roma Affairs

24. Supreme Court of the Slovak Republic: JUDr. Štefan Harabin, President, JUDr. Jozef Štefanko, Vice-President, JUDr. Milan Lipovský, Presiding Judge of Criminal Law, JUDr. Eva Babiaková, Presiding Judge of Administrative Law Division

25. Slovak Helsinki Committee: Štefan Markuš, President, Vincent Danihel, Vice- President, Commissioner for Roma Affairs

26. UNHCR: Nikola Mihajlovic, Representative of Branch Office

27. Romany Civic Initiative (ROI)/Romany Art Secondary School/Theatre Romathan, Košice/Union of Roma Youth: Gejza Adam, Chairman of ROI and Director of Romany Art Secondary School, Karel Adam, Director of Theatre Romatan, Karel Horvath, Deputy Chairman of ROI and representative for Union of Roma Youth

28. Town Hall of Košice: Mr. Jozef Filas, Vice Mayor, Ms. Harvarová, Department of Social Affairs, Mr. Danko, Head of the Municipal Police, Ms. Petroková, Representative of Košice 1, Ms. Surová, Department of Social Affairs for Lunik 9, Ms. Vargová, Representative of Košice 2, Mr. Metro, Representative of Košice 3, Mr. Drabi, Representative of Košice 4, Mr. Nistor, Deputy Head of the Regional office of the Government, Mr.Zeleznik, Representative of the Regional office of the Government

29. Regional Police Headquarters in Košice: JUDr. Milan Dvorožňák, Deputy Regional Director of State Police, Mgr. Vladimír Kollár, Head of Department for Criminal Affairs, Mgr. Jana Demjanovičová, Spokeswoman

30. Legal Defence Bureau for Ethnic Minorities in Slovakia: Anna Koptová, Chairwoman

5. Bibliography

Council of Europe: Report of the experts of the Council of Europe on the citizenship laws in the Czech Republic and Slovakia and their implementation and replies of the government of the Czech Republic and Slovakia. 2 April 1996

Czech Helsinki Committee: Report on the state of Human Rights in the Czech Republic 1997

Czech Helsinki Sommittee: Program Plan of the Czech Halsinki Committee for the years 1999-2003. Prag, udateret.

Folkeryd, Fredrik og Ingvar Svanberg: Gypsies (roma) in the posttotalitarian states. The Olof Palme International Center. Stockholm 1995.

Gjuričová, Jitka: Na Okraji: Romové jako objekti státní politiky. Ministerstvo vnitra ČR. Prag 1999

Jimenez, Diego Luis Fernández (Rapporteur): Young Roma, Gypsies and Travellers in Europe. Council of Europe, april 1996.

Loran, Tibor, Marta Bjelová: Otázky: Výchovy a vzdelávania žiakov zo sociálne a zdravotne rizikových rómskych lokalít (Štúdia). Rómska Intelligencia za spolunažívanie. Bratislava 1997.

Ministry of Interior of the Czech Republic: Report on the State Strategy in Punishing Criminal Offences Motivated by Racism and Xenophobia or Committed by Supporters of Extremist Groups. Rag, marts 1998.

Orgovanova, Klara: Roma in Slovakia. Excerpted from East And Central Europe Program Bulletin Issue # 15.

Prevention of Violence and Discrimination against the Roma in Central and Eastern Europe. Project on Ethnic Relations, Bucharest, marts 1997.

The Media and the Roma in Contemporary Europe: Facts and Fictions. Project on Ethnic Relations, Prag, september 1996.

Tolerance Foundation: A report on the way in which the citizenship law of the Czech Republic is being implemented, with particular regard to the Romany population. Udateret

UNHCR: Guidelines relating to the eligibility of Czech Roma asylum seekers, 10 February 1998

UNHCR: Guidelines relating to the eligibility of Slovak Roma asylum seekers, 10 February 1998

U.S. Department of State: Slovak Republic Country Report on Human Rights Practices for 1998

U.S. Department of State: Czech Republic Country Report on Human Rights Practices for 1998

Uznesenie Vlády Slovenskej Republiku: K návrhu koncepčných zámerov vlády SR na riešenie problémov Rómov v súčasných spoločensko-ekonomických podmienkach. Uznesenie č 796/1997

The Good Romany Fairy Kesaj Foundation: White Book. Košice januar 1999.

Czech Helsinki Committee: Program Plan of the Czech Helsinki Committee for the years

1999-2003. Prague undated

6. Abbreviations

CCC Citizenship Counselling Centre

CHC Czech Helsinki Committee

HCA Helsinki Citizens' Assembly

LDB Legal Defence Bureau for Ethnic Minorities in Slovakia

MRG Citizen and Democracy Foundation, Minority Rights Group

NGO Non Governmental Organisation

OSCE Organisation for Security and Cooperation in Europe

PHARE EU aid for the new democracies of central and eastern Europe

RIS Romany Intelligentsia for Coexistence

ROI Romany Civic Initiative

SDK Slovak Democratic Coalition

SHC Slovak Helsinki Committee

SNS Slovak National Party

SOZE The Society of Citizens Assisting Emigrants

UNHCR United Nations High Commissioner for Refugees

US Freedom Union

7. List of Annexes

(Only Annexes 3 and 5 are available electronically)

Annex 1. Map of the Czech Republic and Slovakia showing the route taken by the mission.

Annex 2. Decree of the Government of the Czech Republic Nr. 192 of 19 March 1998 on the Report about the procedure of the state bodies in punishing crimes motivated by race and xenophobia or committed by the members of extremist groups. Decree of the Government of the Czech Republic Nr. 255 of 14 April 1998 on the Report about the fulfilment of tasks arising from the Strategy for the prevention of crime up to the year 2000 for 1997.

Annex 3 The primary aim of nursery education. Social Affairs Department in Prostějov, Czech Republic.

Annex 4 Statistics on the number of accused, prosecuted and convicted persons under specific articles of the Czech Criminal Code [articles concerning racism]. Prepared by the Ministry of Justice.

Annex 5 Public welfare assistance. Excerpts from a report on the position of the Roma, published by the Government of the Slovak Republic.

ANNEX 3

THE PRIMARY AIM OF NURSERY EDUCATION

The primary aim of nursery education is, in cooperation with their families, to prepare Roma children for primary school, so that they can cope both with the teaching and with the demands made on them there.

Problem areas to which attention must be given:

1. Social aspects – habits, communication

To teach the children to remedy shortcomings in their personal hygiene. To develop the children's personal independence. To make them keep hygiene rules. To work closely with the children's families.

2. Linguistic aspects – vocabulary, communication

To expand the children's vocabulary. To encourage the development of both the grammar and the content of their speech. To encourage the children to communicate with others.

3. Emotional aspects – communication

To instil confidence towards the teacher in the children, and gradually to dispel their uncertainty about their new surroundings.

4. Intellectual aspects – ability to concentrate, use of vision, memory, thought

Gradually to remedy the children's lack of logical thought. To teach the children to acquire all their knowledge in a systematic way. To develop coordination between the children's vision and hearing.

5. Physical abilities – to hold a pencil, to hold scissors

Systematically to develop all those activities with which the children have not yet come into contact.

The development and use of those areas in which Roma children are proficient is an important part of the educational plan. This includes music; using the children's natural sense of rhythm and their talent for singing and dancing is an excellent way to get through to them.

ANNEX 5

IV. PUBLIC WELFARE ASSISTANCE

A large section of the Roma population is unable to cope following the economic transformation of society, and are no longer able to support themselves from their own resources.

The basic starting point in solving the problems of the Roma will be to develop a model for welfare assistance which will no longer function as social care. The main criterion for granting welfare assistance must be that it should meet the social needs of the citizen in question, arising from economic or social hardship, with the active participation of the citizen. This means that it must create the conditions for positive encouragement of "help for self-help". To that end, a wide spectrum of different forms of welfare assistance must be established and their implementation must be methodical, continuous, appropriate, and reflect the essential purpose of welfare assistance (i.e. specific aid to the individual) with the aim of renewing and stimulating the client's own abilities.

Therefore it is necessary:

- to grant welfare assistance to all those suffering economic or social hardship;
- to decide the level of assistance according to the degree of social or economic hardship involved, taking into account the possibility of active participation by the citizen;
- to ensure high quality social work, which requires a high level of expertise, of personal qualities and of qualifications on the part of social workers;
- to create the appropriate material and technical conditions for social workers' activities, and to bring the number of clients per social worker down to a tolerable (reasonable) level;
- to direct welfare assistance towards working with the family and its members, directly in their normal home environment;
- to conduct social work through activities such as searching for jobs, correctional work, rehabilitation and resocialisation, and through the implementation of educational measures according to current legislation, thereby improving the family's situation and achieving the highest possible level of physical, mental and employment potential for the individual;
- to pay particular attention to families with young children, where the bringing up of the children is neglected, where the parents or the children are criminal, or where there is addiction to drugs, alcohol, etc.

This welfare assistance model should be implemented by the social affairs departments in the counties and communes in cooperation with employment offices, centres offering advice and counselling, local administrative bodies, Roma citizens' organisations and NGOs.

MEASURES TO BE TAKEN:

1. To create the necessary conditions within the occupational training system for a high level of professionalism amongst social workers, with a view to making their work amongst the Roma effective.

Responsible bodies: The Ministry of Social Affairs, counties and local authorities

Time-scale: 1998

2. To offer methodical help to local administrative bodies and to cooperate with NGOs developing alternative forms of family care, for instance activities aimed at the care of children who are dependent on help from the community.

Responsible bodies: The Ministry of Social Affairs

Time-scale: ongoing

3. To set up and expand: (a) a network of places where the social services can offer short term (provisional) accommodation to citizens who are suffering economic or social hardship;

(b) a network of crisis centres for threatened (difficult) young people, and a rehabilitation centre for drug addicts. This sort of centre is to be established in every commune, with sufficient capacity to meet the needs of the commune.

Responsible bodies: The Ministry of Social Affairs, counties and local authorities

Time-scale: 1999-2000

4. To make arrangements for the education of and provision of advice to adults, and to set up summer holiday and educational camps for Roma children from families which are suffering economic or social hardship.

Responsible bodies: The Ministry of Education, counties and local authorities

Time-scale: ongoing

5. To amend the current legal provisions in such a way that local authorities are obliged

to deal with recipients as special cases where the payment of benefits has not hitherto achieved the purpose which the benefit was meant to serve.

Responsible bodies: The Ministry of Social Affairs

Time-scale: 1998

The implementation of these measures will be financed from the national budget adopted for the relevant financial year in accordance with point B2 of the Government decision.