

# **STRUGGLING FOR ETHNIC IDENTITY**

## **Czechoslovakia's Endangered Gypsies**

**A Helsinki Watch Report**

**Human Rights Watch**

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***I have been told recently about a pub in an area where a large part of the Gypsy population live. On the door of that pub there is a sign which says something to the effect that Gypsies are not welcome in that establishment... In my mind, this kind of conduct, which bears a striking resemblance to the anti-Jewish instructions issued under the Nazi regime, is clearly intolerable. More than that, it is also a case in point reminding us of the breeding ground which produced the Holocaust, of the thousands of inconspicuous, non-murdering anti-Semites who helped send their fellow citizens to the gas chambers.***

**—Vaclav Havel  
Prague, May 21, 1992**

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This report was written by Rachel Tritt, consultant to the U.S. Helsinki Watch Committee, and edited by Jeri Laber and Lois Whitman, director and deputy director of Helsinki Watch.\* It is based on information collected during fact-finding missions conducted by Ms. Tritt in the months of October 1991 through March 1992. Several hundred Romanies (Gypsies) were interviewed, both rural and urban, whose mother tongues were Romany, Czech, Slovak or Hungarian. Helsinki Watch interviewed Romanies from both the long-settled groups of Slovak Romanies and from once nomadic "*Olach*" Romanies. Helsinki Watch also interviewed local, republic and Federal government officials, health workers, policemen and "Romany" experts in Czechoslovakia.

In the Slovak republic, the following cities and villages were visited: Banska Bystrice, Senice, Sasova, Molca, Brezno, Mazornik, Cierny Balog, Puste, U Medvedu, Telgart/Svermova, Sumiac, Rimavska Sobota, Rimavska Pila, Zvolen, Detva, Spisska Nova Ves, Smizany, Rudnany, Zehra, Krompachy, Markusovce, Bystrany, Presov, Jarovnice, Svinia, Fricovce, Kosice, Jasov, Medzev, Secovce, Sacurov, Bratislava and Trnava.

In the Czech republic, which has half the population of Romanies as the Slovak republic, Helsinki Watch visited Prague, Brno, Hradec Kralove, Teplice, Usti nad Labem, Most (Chanov), Ostrava (Vitkovice), Olomouc, and Vysoke Myto and spoke to Romanies from several other cities.

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## PREFACE

The Roma people, commonly known in English as Gypsies, have been misunderstood ever since their migration from Northern India sometime around the 10th century. Ignorance of their origin initially led to a widespread belief that they were spies, arsonists, and hooligans. Some nations mistakenly called them "Gypsies," assuming they were from Egypt. In Czechoslovakia, as in many other European lands, they are called *Cikani* (pronounced tsigani), a pejorative term that is thought to have originated from a mistaken belief that they were *Athinganoi* (in Greek, this means "untouchables"), a Persian sect of magicians and fortunetellers that came to Greece in the eighth century.<sup>1</sup>

The term *Cikan* in Czech and Slovak has worked its way into common Czech and Slovak idioms in a derogatory way, usually connoting filth, lying, stealing, and loudness. In the Slovak language, the verb *ciganit* means "to lie." Thus, it is common to hear someone saying, "You're Gypsying," or "You're lying." In both the Czech and Slovak languages, many phrases and idioms use the word *cikan* as an insult: "to be black as a Gypsy," "to be dirty like a Gypsy," "to be ragged like a Gypsy," "to smoke like a Gypsy," "to steal like a Gypsy," or "to lie like a Gypsy."<sup>2</sup>

In the Romany language, there is no word "Gypsy" or "Cikan." Romanies throughout the world commonly call themselves "Roma," "Romanies," or "Domfal."<sup>3</sup> Recently, most Czechoslovak government officials and newspapers

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<sup>1</sup>Kutlik-Garudo, "Rom, alebo Rom?" *Slovensky Rec*, 56, 1991, c. 4. This hypothesis was first proposed by F. Miklosich in 1876, and is commonly accepted by scholars in Czechoslovakia.

<sup>2</sup>*Dictionary of Czech Phraseology and Idioms, (Slovník České Frazeologie a Idiomatiky)*, (Academia Praha, 1983), pp. 61–62. In most Communist government documents referring to Romanies, the first letter of the term "Cikan" is usually not capitalized, due to the belief that Romanies did not constitute a nation. Thus, one can usually see *cikan* instead of *Cikan*. The nationhood of Romanies was also linguistically denied by the common usage of the term "person of Gypsy origin," which can still be found in some publications.

<sup>3</sup>Milena Hübschmannova, "What Can Sociology Suggest About the Origin of Roms?" *Archiv Orientální* 4 (Praha, 1972), pp. 51–64.

have ceased using the terms "cikan" and "persons of Gypsy origin;" they respect the wishes of Romanies to be referred to by their chosen name. In this report we refer to "Romanies" or "Roma" and use the term "Gypsies" only where the translation is appropriate.<sup>4</sup>

The real number of Romanies residing in Czechoslovakia is controversial. Romanies can now declare themselves as such on the census. In the latest census, however, most Romanies declared themselves as Slovaks, Hungarians, or Czechs. Thus, according to the latest census (1991), there are only 114,116 Romanies in Czechoslovakia. Scholars claim that judging from government statistics collected in 1989, almost 400,000 Romanies reside in Czechoslovakia. Romany leaders claim that there are about 800,000 Romanies residing in Czechoslovakia, the majority in Slovakia. Most agree that they are the second largest minority in Czechoslovakia, constituting an estimated three to five percent of the entire population.<sup>5</sup>

There is a common misconception that Romanies are a homogenous group. In Czechoslovakia, there are three main groups of Romanies: Slovak and Hungarian Romanies, who have been settled in Slovakia since the 16th or 18th century or who migrated to Bohemia after World War II (ninety to ninety-five percent); *Olach* or *Vlax* Romanies, who are traditionally nomadic and speak a different dialect (five to ten percent); and Czech and Moravian Romanies, most of whom were exterminated during World War II.<sup>6</sup> Within these groups, there are also several distinct groups, which are respected by some Romanies till this day. These groups include musicians, blacksmiths, tinsmiths, horse traders, and seasonal workers.<sup>7</sup>

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<sup>4</sup>The term Romanies in this report does not include those Gypsies who call themselves *Sinti* (there are few Sinti in Czechoslovakia). The Sinti choose not to be referred to as Roma or Romanies.

<sup>5</sup>Arne Mann, "The Roma—an Ethnic Minority in Slovakia," paper presented on April 30, 1992, at a conference entitled *The Romanies in Central and Eastern Europe: Illusions and Reality*, held in Stupava, Slovakia.

<sup>6</sup>*Ibid.*

<sup>7</sup>Hübschmannova, *op. cit.*, p. 62.

**This report begins with a brief overview of the history of the Romanies since their arrival in what is now Czechoslovakia. In the following chapters, past (when relevant) and current conditions of Romanies in the areas of education, housing, employment, relations with the police, cultural and linguistic rights, health care, access to services, and media portrayal are discussed. The chapter on International Law describes the obligations of the Czech and Slovak Federal Government under international law. The final chapter summarizes our recommendations to the government of the Czech and Slovak Federal Republic.**

## **INTRODUCTION**

**The transformation of Czechoslovakia into a democratic society has had both positive and negative effects on the Romanies. On the positive side, Romanies have been recognized as a national minority in both Federal and Republic documents outlining principles of government policy. They can now publish and use the Romany language, form political parties, and establish cultural organizations. As long as they are recognized as a national minority, their rights to all-around cultural and linguistic development as well as to participation in matters concerning minorities are guaranteed by the Charter of Fundamental Rights and Freedoms of the Czech and Slovak Federal Republic. It is unclear, however, if they will be enumerated along with other national minorities (Hungarians, Poles, Ukrainians, and others) in the still-to-be-ratified Federal Constitution.**

**In another positive development, discrimination is forbidden by the Charter of Fundamental Rights and Freedoms of the Czech and Slovak republics, as well as in legal principles in both the Czech and Slovak republics. And in the "Principles of Governmental Policy of the Slovak republic toward the Romanies," the duty of the state to prevent ethnic discrimination against Romanies is spelled out.**

**Despite these improvements in the legal status of the Romany minority in Czechoslovakia, Helsinki Watch has found that the consequences of past policies toward Romanies continue to affect the Romany community today. An extremely serious matter is the current government's failure to condemn publicly and thoroughly investigate and prosecute those responsible for medical procedures in which Romany women were sterilized without their consent and, in some cases, without their knowledge.**

**In addition, Helsinki Watch has found that Romanies suffer from many current human rights abuses. Although the present governments of the Czech and Slovak republics now respect in principle the status of Romanies as a national minority and have asserted that discrimination is forbidden, discrimination against Romanies still infiltrates all aspects of life. The attitudes of doctors and government officials who promoted the sterilization of Romany women are still present in some hospitals where Romany women are placed in segregated and overcrowded maternity wards. Teachers and government psychologists still**

**transfer capable Romany children to special schools for the mentally handicapped. In some schools, Romany children still sit in separate rows or in the back of the room; other schools contain only Romany children.**

**Discrimination against Romanies has reportedly increased in housing, employment, and access to public and private services since the democratic changes in 1989. The common perception that Romanies destroyed better housing that they received during the communist era has led to severe discrimination against Romanies now seeking housing in non-Romany neighborhoods. The high rate of unemployment of Romanies has been exacerbated by the emergence of discriminatory hiring practices in both republics which go unpunished by government employment offices responsible for enforcing an employment law forbidding discrimination. State- and privately-owned restaurants, pubs and discos throughout the country increasingly deny Romanies entry and service.**

**The most frightening post-communist development for most Romanies is an increase in nationalist tendencies that has led to the formation of several groups which have repeatedly attacked members of the Romany population both verbally and physically. A poll conducted by the Times Mirror Company found that ninety-one percent of Czechoslovaks questioned are contemptuous of Romanies.<sup>1</sup> Several unofficial neo-fascist groups have arisen, ranging from groups of skinheads<sup>2</sup> to a Ku Klux Klan and the "White League" (*Bila Liga*).<sup>3</sup> These groups engage in both overt and covert harassment of the Romany population, ranging from blatant attacks on Romany inhabitants to racist graffiti and anonymous letters. Graffiti on public walls proclaim "Death to the Gypsies!" "Gypsies to the gas chamber!" "Gypsies, get out!" "Gypsies, back to India!" "Gypsies to a common**

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<sup>1</sup>"European Bigotry Moving into the Open, Poll Finds," *Star Tribune*, September 16, 1991, pp. A2 - A9.

<sup>2</sup>Skinheads are generally young men between the ages of fifteen and twenty-five, many of whom in recent years have staged violent attacks against Romanies and foreigners, including Vietnamese workers, African and Arab students, and others.

<sup>3</sup> Non-Romanies sometimes refer to Romanies as "blacks" because most Romanies are dark-skinned. Similarly, Romanies sometimes refer to non-Romanies as "whites."

grave!" and "The best Gypsy is cut into pieces!" On November 24, 1991, several hundred skinheads marched down Wenceslaus Square shouting "Gypsies to the gas chambers!" "Blacks, raus!" "Czechs for Czechs!" "Oi, oi, liquidate ROI!" (the Romani Civic Initiative Party), "Scuka (the chairman of ROI) will hang!" Eventually they marched through Zizkov, a neighborhood where many Romanies live, shouting "White Zizkov!" As they walked, some non-Romany inhabitants clapped and waved out their windows.<sup>4</sup>

Although government officials claim that there have been few attacks on Romanies, many Romanies claim that police officers sometimes disregard or fail to record reports of harassment and violence against Romanies. They say that this diminishes their faith in police to provide adequate protection against such attacks and discourages them from going to the police after an attack.

Romanies are generally less educated and less qualified than non-Romanies due in part to discriminatory educational policies, which have relegated a disproportionate number of Romanies to special schools for the mentally handicapped. Culturally insensitive housing policies placed many Romanies in housing projects and apartment buildings ill-suited to their traditional way of life; Romanies are still living in such places. The use of most Romanies during communist times as unskilled laborers in the most undesirable industries has resulted in massive unemployment among the Romany minority. Not surprisingly, past prohibitions against the Romany language and denial of Romany culture has alienated many Romanies from both their own traditions and from society.

The Federal Assembly of the Czech and Slovak republics, as well as the Czech and Slovak Parliaments, have a special responsibility to right the wrongs against the Romany population that have affected their status in society today. However, preoccupied with other pressing issues during these times of transition, government officials have done little to remedy both past and present abuses against Romanies. Helsinki Watch believes that public declarations by President Havel and other government leaders against racism and discrimination must be backed up by concrete legislation and by the creation of administrative agencies

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<sup>4</sup>"Mame Hole Hlavý," *Lidove Noviny*, November 25, 1991, No. 275, Yr.IV.

**specifically empowered to investigate and remedy discrimination and to end all human rights abuses against the Romany population in both the Czech and Slovak Republics.**

## **RECOMMENDATIONS**

Helsinki Watch urges the Federal Government of Czechoslovakia, as well as the Czech and Slovak republic governments, to:

- Abide by the principles set forth in the Czechoslovak Charter of Fundamental Rights and Freedoms as well as their obligations under International law to respect and promote the human rights of minorities; specifically to:
- Include Romanies as a national minority along with other national minorities in the constitution.
- End school segregation of Romanies.
- Evaluate the validity of current psychological and pedagogical tests of Romany children to determine whether they are culturally biased.
- Provide opportunities for children currently attending special schools to obtain the qualifications necessary to return to normal elementary schools.
- Provide scholarships or loan opportunities for higher education for needy students.
- Provide requalification courses for adults.
- Include information about the history and culture of Romanies in the curricula of primary and secondary schools.
- Prevent housing discrimination and eliminate unwanted segregation of Romany inhabitants. Encourage local governments to respect the Charter of Fundamental Rights and Freedoms and prevent restrictive regulations and petitions from limiting the freedom of movement of Romany citizens. Create an agency or provide an administrative mechanism for all persons to seek remedies to discrimination in housing.
- Analyze water supplies and soil samples from Romany ghettos in

Slovakia to ascertain whether they comply with acceptable standards of hygiene; if they do not, take steps to remedy the situation.

- Conduct a full investigation into discriminatory hiring practices and enforce the principles set forth in the Czechoslovak Employment Law as well as in the Czechoslovak Charter of Fundamental Rights and Freedoms and international agreements signed by the Czechoslovak government forbidding discrimination.
- Ensure that the nationality of a person is not listed on state employment office computer printouts which are given to prospective employers.
- Ensure that local employment offices take action against any employer who requests only non-Romany employees and discriminates against Romanies.
- Encourage and create qualification and requalification programs; create the conditions necessary for the improvement of employment opportunities for Romanies.
- Amend the current employment law so that discriminatory hiring practices can be more effectively remedied.
- Create an agency which has the authority to receive and remedy discriminatory hiring practices.
- Abide by both Czechoslovak and International law when questioning Romany children.
- Ensure that local police officers do not enter the homes of Romany families without a warrant.
- Ensure that the police react to acts of violence against Romanies and protect them from attackers.
- Ensure that police officers write up reports whenever a citizen has a complaint.

- Cease the collection of statistics which designate Romany criminality as a special sort of criminality, and violate the individual's right to profess ethnic or national membership.
- Guarantee Romanies equal access to public services and accommodations, including public and private restaurants, discos and pubs.
- Provide effective administrative and judicial remedies for Romanies who have experienced discrimination in public services or accommodations.
- End hospital segregation of Romany women; provide them with equal treatment.
- Set up an independent commission to ascertain whether the Romany people were a target of sterilization policies. This should include an examination of the archives of government committees for the Gypsy question and statistics on the number of Romany women who underwent sterilization after the monetary grant was increased and an examination of the changes since late 1990, when the grant ceased. The medical records of women who claim to have been sterilized should be opened to such a commission, as well as to medical experts in cases where women think they may have been sterilized.
- If such an investigation reveals a "planned administrative policy" to reduce the Romany population, this information should be publicized and those responsible should be prosecuted under the then-existing Law 259 on Genocide; furthermore, these policies should be publicly condemned and all health and social workers should be informed of the results.
- In cases where individual doctors are suspected of sterilizing women without their knowledge, a full medical examination of the woman should be provided, and medical records should be reviewed. If misdeeds are found, doctors should be prosecuted.
- The Czech Prosecutor should examine the sterilization cases brought to his attention by the Committee for Human Rights in Prague and send them a response.

- Women who have been sterilized and are unhappy because they can no longer have children should be given information about the possibilities of reversing this operation, as well as the opportunity to undergo such a procedure when advisable.
- A procedure should be established to provide monetary compensation for women who are found to have been involuntarily sterilized.

## **PERSECUTION OF ROMANIES — A HISTORICAL OVERVIEW**

**Since their arrival in the fifteenth century in the Bohemian, Moravian, Silesian, Slovak, and Hungarian lands that now make up Czechoslovakia, the Roma have been the target of oppressive legislation and policies aimed at their physical eviction or extermination, the control of their migration, their total liquidation in German territories during World War II, and the destruction of their identity through forced integration. According to Dr. Ian Hancock, a representative of the International Romani Union to the United Nations,**

**Legislation in Europe against Gypsies forbade them to stop anywhere, to buy provisions, or even to draw water from the wells. Gypsies were forced to steal in order to survive, but were then blamed for it by the same people who created the situation in the first place. This kind of obligatory theft is called "subsistence stealing," and can be accounted for in a rational way. But it has nevertheless led to the widespread stereotype of the Gypsy as thief among non-Gypsies, who interpret the situation according to their own cultural standards.<sup>1</sup>**

**Anti-Romany legislation was first passed in 1541 following the outbreak of fires in Prague. During the reign of Leopold I (1657-1705), the expulsion of all Roma from Hapsburg lands was ordered and Romany bodies were hung along the Czech borders to dissuade others from crossing.<sup>2</sup> Emperor Charles VI (1711-1740) ordered the extermination of all Gypsies, and in 1740 all Roma entering Bohemia were to be hung by decree.<sup>3</sup>**

**Empress Maria Theresa (1740-1780) took a less violent approach to the Roma. In 1771, she initiated the first assimilation campaign, aimed at suppressing**

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<sup>1</sup>Ian Hancock, "The Romani Diaspora, Part One," *The World And I*, March 1989, p. 616.

<sup>2</sup>Josef Kalvoda, "The Gypsies of Czechoslovakia," *Nationalities Papers*, (Fall 1991, Volume XIX/Number 3), p. 270.

<sup>3</sup>Ian Hancock, "Gypsy History in Germany and Neighboring Lands: A Chronology to the Holocaust and Beyond," *Nationalities Papers*, p. 397.

the Romany language and destroying their way of life. This campaign included, among other things, renaming the Roma "New People," the prohibition of the Romany language, the placement of seven- through twelve-year-old children with non-Romany farmers' families to be "educated," the prohibition of the *vajda* or Romany leader, a ban on horse-trading, and an order that Romanies had to conform to non-Romany dress codes. This attempt to instantly assimilate the Roma was continued by Josef II (1780-1790), who ordered Roma to settle in ghettos in what is now Hungarian Slovakia.<sup>4</sup>

Following Joseph's death, the Roma began wandering again in the Czech lands, where they were compelled to register with local authorities and, unwanted, were often shuffled from district to district. Many Slovak and Hungarian Roma, however, remained in settlements located on the borders of villages, which increased in size throughout the nineteenth century as a result of high birth-rates.<sup>5</sup>

Although Romanies were recognized as a distinct nationality by the democratic Czechoslovak Republic in 1921, they continued to be the targets of oppressive legislation. In July 1927, a law was passed requiring all Romanies to carry a special "Gypsy Personal Identity Card" and all wandering Romanies to carry a "nomadic book" and register with the local authorities. This law reinforced the image of the Romanies as asocials whose actions needed to be closely followed.<sup>6</sup>

The relegation of Slovak Romanies to a position in which they had inferior rights was intensified in the Slovak satellite fascist state with a law on

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<sup>4</sup>Emilia Cijankova, "Život a kultura Roskovianskych Ciganov," ("The life and Culture of Roskoviany Gypsies") *Slovensky Narodopis*, 1954, p. 149–150. See also Kalvoda, "The Gypsies of Czechoslovakia," p. 271.

<sup>5</sup>Kalvoda, "The Gypsies of Czechoslovakia," p. 271.

<sup>6</sup>Ctibor Necas, "Pronasledovani Cikanu v Obdobi Slovenskeho Statu" ("The Persecution of the Gypsies in the Time of the Slovak State"), *Slovensky Narodopis*, (Rocnik 36 1/1988), pp. 126–132 and Ctibor Necas, "K Discriminaci Cikanu v Burzoaznim Ceskoslovensku" ("On the Discrimination of Gypsies in Bourgeois Czechoslovakia"), *Shornik Praci* (Pedagogicke Fakulty, University J.E. Purkyne v Brne, Svazek 76), pp. 41-63.

state citizenship passed on September 25, 1939. In accordance with that law, Romanies were divided into two categories. Those who had a permanent residence and could demonstrate that they had a definite profession belonged to the Slovak community. The remainder could not become citizens of the Slovak state.<sup>7</sup>

On January 8, 1940, Slovak Romanies and Jews were barred from military service. On May 29, 1940, this law was used as a pretext for instituting a provision about working duties. It became necessary to more clearly define what a "Gypsy" was, and on June 19, 1940, the Ministry of Internal Affairs issued a special directive which defined "Gypsies" as all persons whose parents were Gypsies and still wandered, as well as those who were settled but evaded work. Thus, both nomadic Olach Romanies and settled Romanies became targets of government directives. On April 20, 1941, nomadic lists/books were abolished and nomadic Romanies had to sell their caravans and horses and return to a place where they had official residences or had once lived. Settled Romanies had to abandon homes in the vicinity of public roads and build new shanties or homes in segregated areas. The institution of the *vajda*, or Romany leader, was reinstated so that he could keep order in the ghettos.

On April 2, 1941, work centers and formations (basically concentration-like work camps) were established for able-bodied Jews and asocials (mainly non-working Romanies). These camps were opened in several regions in Slovakia, where Romanies and their children worked and lived under horrific conditions. Romanies who were not sent to these work camps suffered from increasingly severe discrimination and in July 1943 were again forced to abandon any homes near frequently-travelled roads. This forced eviction of Romanies, according to one historian, interrupted the natural process of assimilation and adaptation and contributed to the loss of basic social and ethnic norms of Romanies. As a result of a typhus epidemic in Eastern Slovakia, Romanies were forbidden to travel by trains, buses and other public means without a doctor's note. Freedom of movement of Romanies became further restricted when they were forbidden entry into cities or villages during certain hours. If they violated these restrictions, the men would be sent to work camps and the women would

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<sup>7</sup>Necas, "The Persecution of Gypsies ...," *op.cit.* p. 127.

have their hair cut off.<sup>8</sup> One seventy-year-old Romany woman from Jarovnice described this to Helsinki Watch:

Before the communists, the Slovaks were killing Romanies. The *gaje*<sup>9</sup> cut off all my hair. I had sixty-five braids and they cut them all off. I had so much hair the people were crying. Then the Guardists [fascists] came. I wouldn't complain about today's government except for the high prices. I don't care. I live today and tomorrow I could die.

In the Czech republic, the mostly nomadic Czech and Moravian Romanies shared the same fate as Romanies in Germany. According to Arne Mann, a Slovak ethnographer, 6,000 Romanies (out of a registered 6,490 in 1940) died in concentration camps.<sup>10</sup> Furthermore, according to Ian Hancock, Romany children fell prey to Nazi lethal gas experimentation in 1940.<sup>11</sup>

In 1944 and 1945 Romanies, together with Slovaks, were executed by fascists in several regions, especially in Central Slovakia. The number of Slovak Romanies killed in these shootings and during the liquidation of Romany ghettos has not been ascertained. Despite racist laws and appalling discrimination against Slovak Romanies at this time, the majority of Slovak Romanies survived the war.

Responding to the need to revitalize factories and a shortage of labor in the Czech republic after Germans were expelled from post-war Czechoslovakia, the Czechoslovak government relocated some Slovak Romanies to Czech territories until the Ministry of Justice forced them to end this policy in 1947. In July 1947, Vaclav Nosek, the Minister of the Interior, ordered the registration of all

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<sup>8</sup> *Ibid.*, pp. 127–30.

<sup>9</sup> *Gaje* is a term used by Romanies which means non-Romanies. The singular forms of this word are *gajof* for a man and *gajji* for a woman.

<sup>10</sup> Arne Mann, "The Roma — an Ethnic Minority in Slovakia." *op. cit.*, p.3.

<sup>11</sup> Hancock, "Gypsy History in Germany ...," *op. cit.*, p. 403.

**Romanies, including those who were already settled.<sup>12</sup>**

**After the communist take-over in February 1948, the status of the Roma as a nationality was repealed. The government position that the Roma did not constitute a national minority but, at best, a socially backward ethnic group formed the basis of a social policy aimed at integrating and assimilating them into mainstream society, essentially the same goals as Maria Theresa's. Government restrictions were harsh: they included the outlawing of nomadic and semi-nomadic behavior, the liquidation and forced dispersal of Romany settlements and concentrations, the suppression of Romany language and traditions, attempts to lower the "high unhealthy population" of Romanies through sterilization, and the forcible removal of Romany children from their homes.**

**During the November 1989 revolution, Romanies joined non-Romanies in demonstrations to overthrow the forty years of totalitarianism. Almost immediately following the revolution, Romany leaders founded the Romani Civic Initiative Party (ROI), which was initially in a coalition with Civic Forum. Other Romanies ran for office as candidates for other parties. Romany deputies were elected to the Federal, Czech and Slovak Parliaments (as candidates for ROI, Civic Forum, and the Communist Party). In the Slovak Government, three Romanies are working as advisors to the government on Romany matters; in the Czech republic, one Romany is working as an advisor to the government.**

**In principles outlining both Federal and republic policies toward them, Romanies have been recognized as a national minority with the same rights as other national minorities in Czechoslovakia. Although Romanies are no longer the direct targets of government legislation and discriminatory policies, they continue to experience discrimination and segregation on a local level in the areas of housing, employment, criminal justice, and access to public and private services.**

**The most significant problem in the observance of human rights by local**

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<sup>12</sup>David J. Kostelancik, "The Gypsies of Czechoslovakia: Political and Ideological Considerations in the Development of Policy," *Studies in Comparative Communism*, (Vol. XXII, No. 4, Winter 1989), pp. 307-21.

**authorities today lies in the weakness of federal and republic authorities to force local governments to uphold the principles set forth in the Czechoslovak Charter of Fundamental Rights and Freedoms. Tomas Haisman, an ethnographer who works at the Department of Human Rights and Humanitarian Issues of the Federal Government, told Helsinki Watch:**

**The Federal government has no legal form by which it can force local governments to change their decisions, especially in the Czech republic. Sovereignty of the local government exists in most fields. The only solution in the case of conflict is the constitutional court, but these courts are overloaded with cases. We have great problems in Czechoslovakia now.**

**The failure of Federal and republic authorities to act has allowed local authorities to condone and sometimes contribute to the continuing discrimination against Romanies.**

## **CULTURAL AND LINGUISTIC RIGHTS**

### **IN THE COMMUNIST ERA**

**The communists did not recognize the Roma as a nationality and pursued a policy meant to destroy Romany identity through social integration. The attitudes of the ruling powers are embodied in "The Gypsy Question in the CSSR," in which Jaroslav Sus gives a Marxist justification for the communist policy of forced assimilation of the Romanies. He characterizes the Romany language as "discordant, stagnant, without written form and therefore without a future, invented by thieves and criminal elements," and says that Gypsies only speak their language "when they live in a deep social and cultural misery and when they live in a Gypsy milieu, within their community. . . . [But] when they find themselves in a more elevated social sphere, they spontaneously and willingly rid themselves of their language. The result is that they lack the capacity, ability and subjective will to feel the internal necessity to develop their maternal language."<sup>1</sup> He thus concludes that "Gypsies are not a nation, a nationality and in view of the objective conditions of their existence (heterogeneity, scatteredness, lower level of culture, and so on), cannot ever in the future obtain either the status of nationality or national minority."<sup>2</sup>**

**The contradiction between government rejection of Romanies as a national minority and government policies focusing on them as a particular group was described by the signatories of Charter 77<sup>3</sup>:**

**The policy of laying unwarranted emphasis on the distinction between ethnic and national minorities, and then stressing that the Romanies are an ethnic group, was dictated by the desire of the ruling powers to reduce the size of the minority problem,**

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<sup>1</sup>Jaroslav Sus, *Cikanska Otazka v CSSR*, (Praha, 1958), pp. 32-33.

<sup>2</sup>*Ibid.*, p. 11.

<sup>3</sup> Charter 77 is a movement of activists who signed the Charter 77 document in 1977 and issued reports on human rights violations in Czechoslovakia. They are referred to hereafter as Charterists.

**and subordinate its handling to the alleged interests of the whole of society. In reality the official approach to the "gypsy problem" stems from the old Stalinist ideas on the national question. This means that Romanies are faced with the choice of destroying their ethnic identity by becoming either Czechs or Slovaks. Legally the Romanies do not exist, while government, regional and district offices have been created which put them all on files and then categorize them according to absurd criteria. Special schools have been created which suppress rather than help to develop their culture; and orders are issued calling for the solution of the "gypsy problem" on the part of the regional offices. In official documents they are marked down only as "citizens of gypsy origin" or perhaps simply as "less well integrated inhabitants."<sup>4</sup>**

**Romanies reported to Helsinki Watch that during the communist era the Romany language was forbidden in schools and that government officials denied that Romany language, culture and traditions had any place in socialist society. The pressure upon Romanies to abandon their language and traditions has led to a dismal situation among the younger generation of Romanies in certain localities. In the Czech republic, a large part of the younger generation no longer speaks Romany. In the Slovak republic, the language has remained in use among most generations in isolated rural ghettos, but the younger urban population speaks it less frequently.**

**Bartholemew Daniel, a Romany historian from Brno, described this situation:**

**During communist times, the Romany language was forbidden because Romanies had a different point of view and way of thinking. . . . The Romany language was not recognized. The communists alleged that the Romany language didn't have any grammar or principles. Little by little the younger generation**

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<sup>4</sup>Mark Jackson, translation, "Charter Document on Situation of Romanies in Czechoslovakia," Charter 77 Document Number 23 of 1979, *Labour Focus* (March/ April 1979), pp. 6-8 and (May/ June 1979), pp. 21-23.

**lost the Romany language, as it was impossible to develop the culture and Romany schools were not allowed. Romany newspapers were not published. During communist times, programs were conceived to help the socially weak strata, but they didn't have time for the education, upbringing and culture of Romanies.**

**During the "Prague Spring" of 1968, the Romanies enjoyed a brief interlude of cultural freedom, when the Union of Gypsy-Romanies was established. Romany magazines were published and Romany festivals took place. Romany leaders asserted that Romanies had the right to the status of national minority. The Union was disbanded in 1973 and the denial of Romany cultural rights continued until the revolution in November, 1989.<sup>5</sup>**

#### **SINCE 1989**

**On July 27, 1990, Vaclav Havel recognized the crimes committed by the communists against Romanies when he addressed the First World Romany Festival in Brno:**

**The totalitarian system which reigned in our country during the past forty years also treated the Romanies in its characteristic way. A facade of grand talk covered indifference, lack of understanding and contempt. Insensitive administrative measures, oppression of the Romany culture, of the Romany language and of all the ethnic specifics of the Romanies attest to it. The communist administration kept establishing various commissions on the cabinet level, drawing up various conceptions. However, the Romanies were only an object of various social experiments, and were not able to shape their own destiny themselves. They, too, suffered from the same thing from which we all suffered: the intrinsic need of the communist system to equalize everything, and force upon all the citizens the same banal lifestyle.<sup>6</sup>**

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<sup>5</sup>Kalvoda, "The Gypsies of Czechoslovakia," *op.cit.*, pp. 278-9.

<sup>6</sup> Speech from *Lidove Noviny*, August 1, 1990, translation by Jiri Lipa, found in *Newsletter*,

**In theory, Romanies in Czechoslovakia have made great strides in the years following the 1989 revolution. On both the Federal and republic levels, the Romanies have been recognized as a national minority in documents outlining principles of government policy and are thus entitled to develop their language, culture and so on. The first and third "Principles of the government Policy of the Czech and Slovak Federal Government Toward the Romany Minority" state the following:**

**Alongside the basic hypothesis of eliminating societal inequality of Romanies in the CSFR is the all-sided respect of the rights and free declaration of Romany nationality. The Romany national minority is equivalent to other national minorities in the CSFR. The state must respect this reality and create the conditions for the all-sided development of the Romany national minority.**

**To eliminate the societal inequality of Romanies and to elaborate developmental programs responding to economic means, social and cultural conditions, the same as is practically necessary for all inhabitants in concrete regions, including Romanies.**

**The "Principles of the governmental policy of the Slovak republic toward the Romanies" adopted on April 9th, 1991, by resolution number 153 of the government of the Slovak republic, set forth the basic rights of the Romanies:**

**To acknowledge the ethnic independence of the Romanies on the level of other ethnic minorities living in the territory of the Slovak republic in the legislative-legal system starting with the constitution of the republic: i.e. to acknowledge the Romanies to be a nationality in the contemporary terminology and to guarantee their political and legal equality of rights.**

**The rights of the Romanies to all-around development are further protected by the Charter of Fundamental Rights and Freedoms, passed by the**

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**November 1990, Vol. 13, No. 4.**

**Federal Assembly of the Czech and Slovak Federal Republic on January 9, 1991. Articles 24 and 25 of this document outline the "Rights of National and Ethnic Minorities" as follows:**

**The national or ethnic identity of any individual shall not be used to his or her detriment.**

**(1) Citizens who constitute national or ethnic minorities are guaranteed all-round development, in particular, the right to develop with other members of the minority their own culture, the right to disseminate and receive information in their language, and the right to associate in ethnic associations. Detailed provisions in this respect shall be set by law.**

**(2) Citizens constituting national and ethnic minorities are also guaranteed under conditions set by law**

**(a) the right to education in their language,**

**(b) the right to use their language in official contact, and**

**(c) the right to participate in the settlement of matters concerning the national and ethnic minorities.**

**In the years following the 1989 revolution, Romanies have quickly begun to reaffirm and develop their culture and language, which have been oppressed and devalued for years. There has been a flowering of Romany literature and culture. The Romany language is in the process of transformation into a standardized written language. The Union of Romany Writers increasingly publishes poetry and stories in Romany. Several Romany newspapers and magazines are published regularly, with articles in both Romany and Czech or Slovak. Helsinki Watch attended several performances by Romany musicians and dancers throughout Czechoslovakia.**

**More than thirty Romany cultural organizations have registered with the Czech and Slovak Ministries of Culture. A Museum of Romany Culture has opened in Brno. A Romany theater will open in Presov, Slovakia. The conservatory in Kosice has opened a Department for Romany music. A culture club for young Romanies has been opened in Kadan by RAMAD (the Romany Association of Youth and Children). The Union of Romany Youth in Slovakia plans to open a center in**

**Kosice. Several of these organizations are not only involved in cultural matters, but also have organized demonstrations against racism and recent violence against Romanies.**

**Although no Romany national schools have yet been opened, "Romistics" (Romany Studies) programs have been established at Charles University in Prague and at the Pedagogical Faculty in Nitra. Romany leaders hope that qualified teachers will be ready to work in national schools within the next five years.**

**Romanies can now declare themselves on the census and on their identity card as "Romany nationality." Although many Romanies have chosen not to declare themselves as such, others have expressed intense pride at the prospect of finally being able to declare themselves. Jan Kompus, a Romany leader from Medzev, told Helsinki Watch:**

**In a year, my daughter will have written on her elementary school diploma that she is a Romany. I'm glad that my children can declare that they are Romanies, that they too are proud of this. Unfortunately, more Romanies don't declare themselves as Romanies, because we need to be included in the federal constitution. Our own people created this problem, because we need to declare ourselves as a nationality. If we don't do this, we'll never get anywhere, because as long as we have "Slovak" written on our I.D., we still won't be treated as Slovaks, but as Gypsies. It's a big mistake that the census distorted and misrepresented the number of Romanies living in the republic.**

**Although the governments of the Czech and Slovak republics have in principle recognized the Romanies as a national minority on a par with other national minorities living in Czechoslovakia in principle, it is unclear if they will be included in the still-to-be ratified federal constitution (or republic constitutions, depending on the results of the upcoming elections), enumerated along with other national minorities in a more permanent way. The academic debate over whether Romanies constitute a national minority or are merely an ethnic group is still alive among government officials and academics, and it is thus important to stress the necessity to enumerate them along with other national minorities in the constitutions. Without this inclusion, the role of future governments in**

**guaranteeing their cultural and linguistic development will be not be clear.**

## **STERILIZATION OF ROMANY WOMEN**

### **IN THE COMMUNIST ERA**

**During the communist era, a significant number of Romany women were sterilized. Many Romany women reported to Helsinki Watch that they were sterilized without their informed consent during a caesarean section or an abortion. Others claim that they were pressured into agreeing to the operation by government social workers and health workers. Most reported that they were enticed with monetary incentives offered to them in bad times by social workers. These incentives were available to all citizens, but were more persistently offered to Romany women, who were almost entirely dependent on government welfare. Others may still not know they have been sterilized.**

**A Public Decree on Sterilization, issued by the Ministries of Health of the Czech and Slovak Socialist Republics in 1972, outlined specific requirements and indications which a sterilization applicant had to fulfill in order to be granted permission to undergo sterilization. A sterilization commission which included the chief doctor of the gynecological or urological department of the hospital, the director of the Regional Institute of National Health, and the director of the Hospital with Polyclinics was authorized to examine each request. In theory, the Decree was designed to safeguard against arbitrary or ill-informed sterilization of all Czechoslovak citizens. In practice, however, the government reportedly took specific steps to encourage the sterilization of Romany women in order to reduce the "high unhealthy" Romany population and, as a result, a disproportionately high number of Romany women were sterilized, often in violation of the existing safeguards and of their rights to non-discrimination on the basis of ethnicity or sex.<sup>1</sup>**

**Although the decree on sterilization never specifically refers to Romanies, other government documents reveal that the government sought to**

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<sup>1</sup>See Appendix A for text of Decree on Sterilization. Ruben Pellar and Zbynek Andrs, two Czechoslovak citizens, have collected reports from hundreds of women whose sterilizations do not seem to follow the regulations enumerated in the Sterilization Decree. Many of these cases indicate that both members of the medical community and sterilization commissions may have blatantly violated this decree.

regulate and lower the birth rate of Romanies. The communist government's concern over the high birth rate of the Romanies was repeatedly couched in terms like the "high unhealthy population" of the Romanies. Charter 77 asserted in 1979 that sterilization of Romany women was a "planned administrative policy" and that "at internal meetings the success of the workers is assessed according to the number of Romany women whom they have persuaded to be sterilized."<sup>2</sup> This is reinforced by a July 1977 document obtained by Helsinki Watch prepared by the Secretariat of the Government Commission for Questions of Gypsy Inhabitants of the Slovak Socialist Republic. The authors state, "Health indications which will enable the possibility of sterilization are not being taken into account... In practice, the gypsy citizens have not been influenced enough until now to use the possibility of sterilization ... in cases when further pregnancy endangers the health of further descendants."<sup>3</sup> The authors report that previous efforts to control the "high unhealthy" Romany population through family planning and contraception had been unsuccessful and discuss the possibility of using sterilization to control the Romany population, exploring ways to obtain the "consent" of Romany women to undergo the sterilization:

Concerning the rarely used possibility of sterilization, health workers say that the reason is the low financial benefit for paying costs connected with hospitalization after sterilization. Even a backward Gypsy woman is able to calculate that, from an economic point of view, it is more advantageous for her to give birth every year because she gets significantly more financial resources from the state for the fifth and later descendants... for each child, she can get more than the benefit of sterilization... Therefore, health workers recommend to increase the grant for sterilization to 5,000 Crowns.<sup>4</sup>

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<sup>2</sup>"Charter Document ...," *Labour Focus*, (May/June 1979), *op. cit.* p. 22.

<sup>3</sup>"Material Designated for the Deliberation of the Governmental Commission of the Slovak Socialist Republic for Questions of Gypsy inhabitants" ("Material určený na rokovanie Komisie Vlády SSR pre otázky ciganských obyvateľov,") number SKC-6406/77.

<sup>4</sup>*Ibid.*

**This government document clearly links monetary incentives with obtaining the consent of Romany women to undergo sterilization. Further measures that influenced the fully informed and voluntary consent of Romany women to undergo sterilization were officially implemented in 1988. Apparently the need to up the sterilization ante was taken into consideration, and in September 1988 an official policy was initiated which allowed one-time financial grants for women who underwent an operation in "the interest of the health of the population."<sup>5</sup> Again, this provision for financial grants did not directly state that it was to be used for sterilization or for Romany women. In practice, however, these paragraphs were used in both the Czech and Slovak republics to entice Romany women into undergoing sterilization. These grants varied from region to region, women in the Czech republic generally receiving a grant of up to 10,000 Crowns and in the Slovak republic of up to 25,000 Crowns.<sup>6</sup> This grant came in the forms of money and coupons for such things as furniture.**

**Helsinki Watch interviewed several Romany women who underwent sterilization under circumstances which indicate that they did not give their full, informed, and voluntary consent. Many now regret having had the operation and want to have children again. From these interviews, it is possible to isolate three main variables which seem to have influenced the women's decisions: financial incentives that were broken up into cash payments and coupons for things like furniture; pressure from social workers, social curators,<sup>7</sup> and local commissions**

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<sup>5</sup>See Appendix B.

<sup>6</sup>Interview with Ruben Pellar at the Committee for Human Rights in Prague, who has conducted research on the sterilization of Romany women. Ruben Pellar's research indicates that women who were younger and had fewer children sometimes received a larger monetary grant than women who were older, had more children, and were in much greater need of financial assistance. The results of this research were published by the Lau Mazeril Foundation in Amsterdam in June, 1990, "Het Afkopen van Vruchtbaarheid: Een onderzoek naar sterilisatiepraktijec ten aanzien van Romavrouwen in Tsejchoslowakije, uitgevoerd door Paul Ofner en Bert de Rooij in opdracht van de Verenging Lau Mazeril en de Stichting Informatie over Charta 77," in a section by Ruben Pellar and Zbynek Andrs entitled "Statistical Evaluation of Romany women in East Slovakia- Appendix to the "Report on the Examination in the Problematic of Sexual Sterilization of Romanies in Czechoslovakia."

<sup>7</sup>Social curators were social workers who were assigned field work in specific Romany

**for the "Gypsy question," who repeatedly suggested and offered financial rewards to women to undergo sterilization; and the role of doctors, whose activities ranged from legally encouraging women to be sterilized to possibly violating the decree on sterilization by misinforming women in order to obtain consent before performing an operation or by not informing them at all.**

**Helsinki Watch heard several reports from Romany women who claim that they were sterilized after a caesarean section or an abortion without their consent. They claim that they were not fully informed about the operation and thus may have signed a request for the operation without realizing they were doing so. It was impossible to verify these reports, as we did not have access to their medical files.**

**A.D., a Romany woman from Krompachy, claims she was sterilized after going in for an abortion:**

**I have a husband and six children. I have one grown-up son. I got pregnant with another man while my husband was in jail. He had raped another woman and was in jail for eleven years. I was young, I behaved like a whore, and so I slept with another man. I got pregnant. So I went to get an abortion, and they told me, "Be so kind as to sign here before you go in for the abortion." So I signed and went in for the abortion. They just gave me the paper to sign, folded it, and put it into an envelope. I didn't know anything. After the procedure, they told me that something went wrong, that they had to repeat the procedure. I was afraid that part of the fetus would stay in me, so they gave me an injection and brought me upstairs to the operating room. After the operation, when I went downstairs, the women asked me what was wrong and I told them about the badly-done abortion. Then they told me that I had been sterilized. But at that time I didn't know what sterilization was. The doctor had explained to me that there would be a period of time when I**

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**communities during the communist era. In some localities, they still function. In some communities, Romanies were very antagonistic to these curators, but in others they were appreciative for valuable services performed by the curators, e.g. legal advice, writing complaints for them.**

wouldn't be able to have children and that maybe after a while I'd be able to have children again. But the other women told me that I wouldn't be able to have any more children. I was shocked. I said, this is impossible, no. I cried, wept and then Dr. Pavlini came in and slapped me across the face. He said "Shut up! Be happy you won't have any more children! You fucking Gypsy gang!" I began to make a scene there and told him that he had no right to use this tone with me. Then he said, "Be glad, you cunt, that you won't have any more children. How many Gypsies do you want to bring to this republic?" He said, "Hitler was a prick because he didn't kill all of you. What, do you want to overwhelm the entire republic?" And I remained silent. This happened four or five years ago. Now I have a new boyfriend and we want to get married, but I'm shocked because I can't give him any children.

Similarly, two Romany women who now live in Brno (in the Czech republic) told Helsinki Watch about their experiences in Gelnice, Eastern Slovakia. K.F. claims she was sterilized when she was eighteen years old with two children:

I had just given birth, and I was unconscious after a caesarean section. I had no idea I had been sterilized. A few weeks later I met my doctor on the street and he asked me, "Did I do a good job?" I said, "What do you mean?" He said, "So that you can't have children." That's how I found out. Nobody told me in the hospital. Ever since then, I've had terrible pain in my abdomen. This was eight years ago.

Pavel Horvath told Helsinki Watch about his daughter's sterilization in Slovakia:

Five years ago, my daughter was sterilized without her knowledge. She was seventeen, and it was after her first child. They said nothing afterwards. She didn't even know she had been sterilized until after she moved. It was in her medical records, but she couldn't see them. It wasn't until she moved to Moravia and asked her new doctor why she wasn't getting pregnant that another doctor told her that she had already been

**sterilized.**

**Other women told Helsinki Watch that they themselves applied for the sterilization through the defined procedure. Most of these women were clearly motivated by the money they would receive and now say that they regret having had the operation. They say that the monetary offer came from social workers, who often refused to give them their welfare payments and claimed that the sterilization was the only way they could get some money from the state. Alzbeta Conkova, a Romany woman from Kosice who was twenty-six years old with four children when she was sterilized, told Helsinki Watch:**

**About seven years ago I was sterilized. I was supposed to get 30,000 Crowns. I'll tell you the truth. I went because we were at that time in very bad social conditions. I wanted to do it for the money. I already had this apartment, but the kids' room was empty, and I needed furniture for their room. I got 5,000 in cash and 10,000 in coupons for the furniture. But the social worker promised me 30,000 Crowns. I wouldn't have gone if not for the money. I was basically forced because of the money. During communist times they would give support for the Romanies, and when I went to the social worker to collect welfare, she told me that she wouldn't give me the normal social support, but that there was one possibility—to get sterilized and get the money. I went there to get the normal welfare and she told me that if I got sterilized I'd get money.**

**In Vysoke Myto, (in the Czech republic) I.G., a twenty-five-year- old Romany woman, told Helsinki watch about her sterilization in 1988:**

**The nurses and social workers used to come to my house and tell me I should have the sterilization. They came to me and said "Eva, just do this, you have no money, you already have too many kids, you'll be able to have nice things." At that time, my husband was in prison. I was twenty-two, pregnant with my fifth child, and they said that I had to get an abortion, and they gave me 6,000 Crowns for this. One day, I got the abortion; the next, the sterilization. I was so silly at that time. I'm so sorry. They just kept on asking me, so I did it. After the operation, I feel terrible**

**in all ways—I get pain in my lower abdomen; I'm very nervous; I've changed. I'm getting slimmer and have acne now.**

**Furthermore, some women did not have much time to think over the operation or to discuss it with their husbands. M.K., from Medzev, Eastern Slovakia, reported:**

**I was twenty-one and had three children when I was sterilized ten years ago. There was no commission.<sup>8</sup> I got no money. Right after I gave birth the doctor asked me if I wanted the sterilization. I said OK. Now I have many physical problems, pains. My husband was shocked and angry when he found out.**

**Gynecologists and social workers interviewed by Helsinki Watch admitted that many Romany women would not have requested the sterilization without the financial incentive. Dr. Okosova, presently working at the employment office in Rimavska Sobota, who worked at the local department for the care of families and children during communist times, reported:**

**Most of the Roma women here got about 26,000 Crowns to be sterilized. The majority of women who were sterilized were Romanies, mostly because they wanted the money. I can't say how many of them were sterilized here because nobody wanted to talk about it. The sterilization was done to lower the Roma population because there were too many of them. The parents didn't look after them; they didn't go to school. It made no sense to have so many more Gypsy children born under these conditions.**

**Dr. Pavlini, the head gynecologist at the hospital in Krompachy, told Helsinki Watch:**

**You've probably heard about sterilization, for which Romany women received a nice sum of money—up to 20,000 Crowns. At**

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<sup>8</sup>She is referring to the sterilization commission described above and required by the 1972 Decree on Sterilization.

**this time, during the totalitarian regime, a commission that approved this matter existed, and there were people in this commission who weren't familiar with Gypsy settlements. The interest of a Romany patient was enough for them to approve the sterilization. This commission worked at the regional National Committees and they essentially pursued a noble aim of regulating the birth rate, because we see, and again I'll repeat what I said before, that the highest disease rate is among these children, and also the highest premature birth rate is among these children. . . . In my opinion, the women were motivated by money. And now some of them are coming here because they would like to have children now. It's not possible to reverse it. I don't think that the sterilization was in the public interest, nor was it meant to decrease the Romany population.**

**That money was intentionally used to convince women to agree to be sterilized is further substantiated by a 1989 article by two Slovak gynecologists that approvingly describes an increase in the number of Romany women sterilized in the year 1987 due to monetary grants.<sup>9</sup> The article states that monetary grants had begun to have an effect on the number of Romany women sterilized in 1987. The Public Notice that officially allowed a one-time monetary grant for an operation "in the interest of the health of the population," however, was not effective until 1988. Thus, we can conclude that the practice of offering monetary grants in connection with a sterilization operation was conducted by government employees before they were officially authorized to do so. This reinforces the claims of Charter 77 that a "planned administrative policy" to sterilize Romany women existed.**

**In addition, the government's apparent belief that certain communities of Romanies were inbreeding to an unhealthy degree was expressed in a Helsinki Watch interview with Elena Jonasova, a social worker in Banska Bystrice:**

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<sup>9</sup>Dr. Posluch and Dr. Posluchova, "Problémy plánovaného rodičovstva u ciganských spoluobčanov vo Východoslovenskom kraji," ("The Problems of Planned Parenthood Among Romany Fellow-Citizens in the Eastern Slovak Region"), *Zdravotnícka Pracovníce*, (zP, Volume 39, Issue Number 4, 1989), pp. 220-223.

**We started the [sterilization] because the population of undesirable families was starting to rise. It was based on our findings that they have unhealthy children, an undesirable population. It was shown that these families didn't care about health. One such region is Horehroni, where there are about 500 families. It was evident that they were "marrying" among themselves, that these families were genetically endangered ... and were having genetically-impaired children. This group of people is on such a low social level that they don't have any idea how an unhealthy population comes to the world. Then ... we went among them with health workers and convinced them to do it... Someone gave this information to the press and called it genocide... There was no genocide, no intention to get rid of the Romany nation. It was for the health of the population ... The one motive for this Romany woman was financial. We explained to her that she could do more for herself, that she could go to work and so on. The price was from five to twenty-five thousand Crowns. It depended on the financial and social level of the family. When it was a family that needed to furnish their apartment, then we bought furniture for the apartment... It was never done without the woman's consent and ... the woman had to decide for herself to come to the hospital. At first we visited the women, and with other social workers we convinced them.**

**The supposed genetic inferiority of certain groups of Romanies was debated by the medical community. One Prague gynecologist and professor, who chose not to be named in this report, gave Helsinki Watch the following information about sterilization in Slovakia:**

**There was a conference of gynecologists in Bratislava in the late 1970s. One of my colleagues from Slovakia gave a report on the birthweight of children. She said that the birthweight of Gypsy children was around 100 grams less than that of other children. She explained this phenomenon in the following way—firstly, that they are a different ethnic group, and secondly, that they have a lower intelligence quotient and therefore take care of their children less because they are stupid. So then I**

asked her, "Mrs. Colleague, can you explain the method you used to ascertain the intelligence quotient of Gypsy women? And which control group did you use among Slovak women?" She answered, "It's not necessary to do it in such a difficult way. It's enough just to talk to them." So I said, "You should have said, 'By talking to Gypsy women, I have concluded that they're less intelligent.' If you use the term intelligence quotient, you must use it in the proper way, since this term is used by people with an intelligence quotient of higher than 100." Then another colleague said to me, "You don't have to make it so complicated. Just look at how many Gypsies have completed middle and higher education." Then I got angry and said that conferences of gynecologists don't have the purpose of breaking the Czechoslovak law about racism. I said, "I don't want to be unpleasant, but tell me how many Slovaks had a middle or higher education at the time of the First Republic? Does that mean that Slovaks at this time were less intelligent than Czechs?" Then there was complete silence. A little later, one very nervous, excited gynecologist from Eastern Slovakia came up to me and said, "You people in the Czech republic don't know what Gypsies are like. Your Gypsies are more civilized. Here, they multiply like rabbits." Then he told me that when he performed caesarean sections on Gypsy women, he automatically tied their tubes. I don't remember his name. He knew I was against this and he still told me. Perhaps he wanted to justify himself by trying to distinguish between their Gypsies and ours.

**In Most, a city in Northern Bohemia heavily populated by Romanies, Jiri Bielek, a pediatrician, told Helsinki Watch:**

**No official politics for sterilization existed. I'm convinced that sometimes there was sterilization after a Caesarean section, when a very socially weak Romany woman, after having had six children, was sterilized without her knowledge. In my opinion, the gynecologist could find reasons for sterilizing a woman without her consent—for health reasons, after a caesarean section when the uterus is found to be weak. I think that the**

**gynecologist had the right to do this without her consent. On the one hand, there are human rights. But on the other hand, when you see how these Gypsies multiply and you see that it is a population of an inferior quality, and when you look at the huge sums that had to be paid for the care of these children, it's understandable. These doctors are confronted daily with these situations.**

**Helsinki Watch obtained some statistics regarding how many Romany women were sterilized in relation to how many women were sterilized overall. According to "The Problems of Planned Parenthood among Gypsy fellow-citizens in the Eastern Slovakian Region," by Dr. Posluch and Dr. Posluchova, 25.8 percent of the women who underwent sterilization in 1983 were Romanies; by 1987, this figure had risen to 36.6 percent.<sup>10</sup> In a response to a letter written to Ruben Pellar and Z. Andrs from Prague inquiring about the material grants received by Romany women for sterilization, the Ministry of Health and Social Affairs of the Czech Socialist Republic wrote that twenty-five percent of the grants in the Czech republic for sterilization were given to Romany women, although Romanies constitute two or three percent of the population in the Czech republic.<sup>11</sup>**

**Similarly, a social worker in Brno, Mrs. Skorupova, told Helsinki Watch:**

**Look at these statistics. In 1989, only nineteen Romanies were sterilized, as opposed to thirty-one non-Romanies. More non-Romany women wanted the sterilization. But in Brno, the criminality among Romanies is very high. Look at statistics from 1990—the total number of crimes was 334, whereas eighty-four of these were committed by Romanies.**

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<sup>10</sup> *Ibid.*

<sup>11</sup>This information was published in "Survey on the Sterilization of Roma-women in Czechoslovakia: Summary," written by Paul Ofner and Bert de Rooij from the Lau Mazeril Foundation (Vereniging Lau Mazeril), published in June 1990. See also: Paul Ofner, "Sterilisation Practice in Czechoslovakia," *O Drom* (Dutch magazine about Romanies, published by Lau Mazeril), April 1990, pp. 33-39.

**Nearly fifty percent of the women sterilized in Brno in 1989 were Romanies, yet the social worker interpreted this as a low number; Romanies allegedly committed about twenty-five percent of all crimes in Brno, whereas the social worker considered this high.**

**The communist government of Czechoslovakia was accused several times of attempting to commit genocide on the Romany population by sterilizing Romany women and forcefully removing their children from their homes. The first such protest came from Charter 77 in 1979, in which the communist government was warned that it was in danger of breaking Law Number 259 of the penal code on genocide. This protest stated:**

**The policy of attempting to destroy this ethnic group must inevitably lead to further increases in repression: if its continued failure is not subjected to thorough review, Czechoslovak institutions will very soon find themselves guilty of breaking Article 259 of the penal code relating to genocide, among whose provisions are the following:**

**"1. Whoever seeks to destroy fully or partially any national, ethnic, racial or religious group;**

**. . .**

**b. takes measures in order to prevent reproduction among this group;**

**c. or forcibly transfers children from one of these groups to another will be subject to punishment of between twelve and fifteen years in prison or the death sentence.**

**2. Anyone who takes part in the act outlined in Paragraph 1 will be similarly punished."**

**If the practice of forcibly taking Romany children from their parents and sterilizing Romany women continues as hitherto, then no attempt at concealment or judicial illegality will prevent the bringing of charges on the basis of firm evidence.<sup>12</sup>**

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<sup>12</sup>"Charter Document ...," *Labour Focus*, (May/ June 1979), *op.cit* p. 23.

**Protests came from several local and international human rights organizations.<sup>13</sup> Although there has been no official condemnation of these practices, the protests against and investigations of the violations of human rights have had some positive results, as we shall describe below.**

### **SINCE 1989**

**From the fall of the communist regime in 1989 until late 1990, monetary incentives continued to be offered to women for sterilization. The last case documented by Ruben Pellar at the Committee for Human Rights in Prague in which a Romany woman received money after a sterilization occurred in August 1990 in Poprad, Eastern Slovakia, for 25,000 Crowns. After persistent protests by both Czechoslovak citizens and international organizations such as the Lau Mazeril Foundation, the paragraph that allowed a financial grant to be given for such operations is now in the process of being eliminated; women are no longer tempted by money or furniture to undergo the operation. Furthermore, regulations enumerated in the decree on sterilization have been amended and applicants must now obtain permission from a commission on which a lawyer and two independent doctors must also sit. Helsinki Watch received no reports of sterilizations of Romany women performed after offers of monetary incentives or pressure from social workers in 1991 or 1992. As far as we could tell, Romany women are no longer being targeted by the Czechoslovak government for sterilization, but prejudice among some government and health officials remains.**

**Although the practice of giving a financial grant to women for undergoing sterilization has ceased, many Romany women now feel that they were coerced or lured into undergoing the operation. Many claim that they did not fully understand the irreversible consequences of the operation. Others may have**

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<sup>13</sup>These protests came from Charter 77 in 1979, the American Journal Romaniya in 1988, Donald Kenrick from England, several Czechoslovak citizens in 1989, Charter 77 in 1990, the "Society for Endangered Nations" in 1990, the Lau Mazeril Foundation in the Netherlands in 1990, and the Committee for Human Rights in Prague. The Committee for Human Rights in Prague brought several cases of sterilization to the attention of both Czech and Slovak Prosecutors.

This information was obtained from a report written by Ruben Pellar from October, 1991 called "Sterilization with Grant' of Gypsies in Czechoslovakia."

**been sterilized and don't even know it. Furthermore, those doctors suspected of performing unlawful sterilizations on Romany women continue to practice in their professions. There is no guarantee that without a proper investigation and prosecution of past violations, doctors and government workers will not continue past practices which were sometimes based on "good intentions."**

**The Committee for Human Rights in Prague has brought specific cases of sterilizations of Romany women to the attention of both Czech and Slovak prosecutors. Ninety cases of possibly illegal sterilization of Romany women were brought to the attention of the Czech Prosecutor in 1990. The Committee for Human Rights was promised an answer by September 1990, but still hasn't received any response. Slovak Prosecutors have investigated and dismissed several groups of cases, rejecting charges of genocide according to Law Number 259 of the penal code and claiming that other questionable sterilizations were not illegally performed. These decisions were often based on the assumption that the link between financial incentives and sterilization did not compromise women's full, informed and voluntary consent.**

**The District Examination Office of the Police Corps of the Slovak Republic in Presov, in response to the suggestion to investigate the cases of seventeen Romany women sterilized between 1985 and 1989, dismissed these cases on September 30, 1991, with the following reasoning:**

**In women who had not more than three children, the commission approved the request after obtaining the advice of the Regional Committee Health Department. Where worse social conditions of the family had been taken into consideration, and where these conditions had been found, the request of the woman for sterilization was approved.**

**M.K., M.P., L.F. and M.K. admit that they themselves requested the sterilization, but that they had done this after being pressured by workers from the former local National Committee<sup>14</sup>, namely the Chairman Mr. Zboray, Secretary Mrs. Triscova or the worker of the Regional National Committee Department for the Gypsy**

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<sup>14</sup>A National Committee is a term used during the communist era which means city hall, or city authorities.

**Question in Presov, Mr. Kormos. From the medical point of view, the sterilization commission approved the sterilizations on the basis of the women's requests for sterilization and thus the sterilizations were done by the doctors in the sense of the law.**

**The workers of the former local National Committee in Jarovnice and Mr. Kormos stated nevertheless that they actually did go among Romany women, especially women with multiple children where there were problems with the education of the children. This was enlightenment work and they informed them about the possibilities of sterilization, which was part of their work duties. But the questioned persons say that the Romany women applied for the sterilization themselves because they found out that if they underwent the sterilization operation, they would get considerable financial amounts which they received after the sterilization.<sup>15</sup>**

**The decisions of the prosecutors are based on the fact that the decree on sterilization does not target Romany women for sterilization, that the women signed consent forms for the operation, that in most cases the operation was approved by the sterilization commission and seemed to have been carried out in accordance with the decree on sterilization. However, they do not take into account the reasoning behind the monetary grants, aimed to control the growth of an "unhealthy population." Furthermore, the reasoning of the Presov decision is not consistent with the then-existing decree on sterilization. There is no clause in the sterilization decree which allows sterilization of a woman younger than thirty-five with fewer than three children and in good health for "social reasons." (See Appendix A for list of indications required for sterilization.) Furthermore, the prosecutor does not consider the possibility that the financial incentive offered by social workers may have had an influence on the "consent" of the women, many of whom were so poor that the instant gratification of getting a sum equivalent to half a year's salary may have played a decisive role in their decision. The Committee for Human Rights addressed these issues in a complaint written to the Presov Prosecutor on October 14, 1991. The prosecutor dismissed this complaint**

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<sup>15</sup>Decision Number CSV: WV-47/1991, District Examining Office of the Police Corps of the Slovak Republic, Presov, September 30, 1991.

**without ever addressing these issues.**

**The failure of the Czech Prosecutor to respond to the Committee's inquiries and the cursory investigations by the relevant Slovak district prosecutors' offices fail to answer several key questions which go to the heart of the nature of and accountability for past abuses of Romany women by the previous government. For example, what "social reasons" exist for legal sterilization according to the sterilization decree? What was the role of the monetary grant offered to the women by social workers? Did the financial incentive play a determining role in influencing the so-called consent of the women? Was an in-depth investigation conducted of the archives of both local and republic commissions for the "Gypsy Question" to ascertain whether there was a conscious attempt to lower the "unhealthy" population of Romanies? Are there any documents in government archives which indicate why the paragraph offering grants for women who undergo an operation in "the interest of a healthy population" was added in 1988?**

**Helsinki Watch found that many Romany families continue to suffer mental anguish because of the forced sterilization carried out in the communist era. Doctors and social workers who reportedly pressured Romany women into undergoing the sterilization and apparently violated then-existing laws continue to practice. The failure of government officials and judicial authorities to publicly condemn and fully investigate past policies and practices of sterilizing Romany women should be remedied. Public officials and doctors suspected of violating then-existing laws and decrees should be prosecuted. The cases of all women who claim to have been sterilized without their consent or under pressure should be reviewed; where violations are found, these women should be given monetary reparations. Only a thorough investigation of past practices can answer these questions, establish responsibility for past abuse and help put an end to on-going discrimination.**

## **EDUCATION**

### **IN THE COMMUNIST ERA**

**Although illiteracy among the Romany population significantly declined under communist rule, the level of education of Romanies is still markedly below that of the majority population due to discriminatory educational policies practiced during the communist regime. Romanies were "forced to attend Czech and Slovak schools where they [did] not understand the language of instruction and where everything, from the pictures in the spelling primers to the curriculum as a whole, [impressed] on them the idea that they [were] foreigners from an inferior race without language, history or ideas."<sup>1</sup> No Romany national schools existed for the simple reason that the Romanies were not considered a nation.<sup>2</sup>**

**Furthermore, in an attempt to help "backward" children, an experimental special school system was set up for mentally handicapped children to help them catch up and eventually return to normal elementary schools. In reality, the possibility of returning to normal schools did not exist. Romany children were disproportionately sent to these so-called special schools. If they completed them, they had few choices for professional study: bricklaying, sewing, cooking, house-painting, and so on. This situation is described by the Charter 77 Document of 1979 on the Romanies:**

**The indiscriminate transfer of Romany children to these special schools reinforces the exclusion of Romanies from skilled and professional work. Children who have been through special schools, like those who have not finished primary education, are not able to get apprenticeships in the majority of trades. They are excluded from art schools for the same reason, despite the exceptional musical talents which are to be found among the Romanies; both musical and dance companies are**

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<sup>1</sup>"Charter Document ...," *Labour Focus, op. cit.*

<sup>2</sup>Hungarian and Polish citizens of Czechoslovakia, who were recognized as national minorities, were able to establish Hungarian and Polish national schools in some localities.

**interested in them but are unable to employ them.<sup>3</sup>**

**Although some teachers and representatives of the Czech Ministry of Schools claim that these children were transferred or sent immediately to special schools only after extensive and objective psychological-pedagogical testing, many Romany parents and leaders complain that this system discriminated against Romanies and that normal Romany children were and continue to be channelled into the special school system because of language barriers, different value systems, or simply because they are Romany children. According to Klara Samkova, a representative of the Romani Civic Initiative Party in the Federal Assembly:**

**These psychological tests were used terribly in schools. Tests about socializing and social contacts. These tests are not about intelligence, but about communication with majority society. The "special schools" are a typical example. These schools are for children who aren't so clever, but regardless of this, many children went only because of a language barrier, because they couldn't communicate on the same level, or because of these psychological tests. Then, these schools, designed for mentally impaired children, are very easy for them once they get there.**

**Similarly, Dr. Renata Kottnerova, the Director of the Department of Social Work in Olomouc, told Helsinki Watch:**

**During socialism, there was a trend that all children, at the age of five, had to go to kindergartens. But in this year they didn't learn much. In my opinion, they had a conceptual apparatus in Romany and ended up after the first grade in special schools. Unfortunately, the psychological tests which they took were constructed on a rather verbal sphere, standardized according to the Czech population.**

**Romany children were also often transferred to these schools because they had problems with other students or because they were lonely and wanted to**

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<sup>3</sup>"Charter Document ...," *Labour Focus*, (May/June), *op.cit.*, p. 21.

**be with other Romany children. One twenty-year-old Romany from Brezno told Helsinki Watch why he was sent to a special school:**

**In the second grade I was transferred to special school. The teacher came to my mother and asked whether she'd object to sending me to special school because in the elementary school the *gaje* kids beat me up all the time and laughed at me because I was the only Gypsy there. My mother agreed to transfer me because she thought it would be better for me.**

#### **SINCE 1989**

**In both the Czech and Slovak republics, the disproportionately high rate of attendance of Romany children at special schools for mentally handicapped children persists. These schools offer an inferior education and significantly restrict choices for further studies and job opportunities. According to statistics published in 1990/91, out of 59,284 special school students, 24,126 students "of Gypsy origin" are attending schools for mentally handicapped children grades one through nine.<sup>4</sup> This has created a segregated school system in which some special schools have a majority of Romanies and others are all-Romany. The rate of illiteracy among Romanies is much higher than that among the majority population, where it is virtually non-existent. It has been impossible to rectify the resulting inequality in opportunity for these Romany children, who are condemned from a very early age to an inadequate education which significantly limits their employment opportunities when they finish school.**

**The continuing transfer of Romany children to special schools is a result of many factors: the inability of the present school system, in which there are thirty students in a class, to handle Romany students, who sometimes do not enter school with the same preparation as non-Romany students (i.e. language and cultural barriers); the separation of Romany students in some localities from other students within the classroom in elementary school, which often leads to teacher neglect, after which they fall behind and then are sent to special schools; problematic psychological and intelligence testing, which are oriented toward**

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<sup>4</sup>Statistics taken from *Ustav pro informace ve vzdělávání, Statistika Školství* (1990/91, CR).

**the majority population and are in the mother tongue of the majority population; the assumption by some authorities that Romany children tend to be backward, either mentally or socially; the orientation of most textbooks and teaching materials to the culture of the majority population, leaving the Romany children alienated and uninterested in schoolwork; and the desire of some Romany parents to send their children to slower, easier schools to be with their friends and relatives.**

### **Slovak Republic**

**A significant amount of discrimination and segregation exists in the area of education in the Slovak republic. This manifests itself in several forms: the existence or recent formation of all-Romany schools; segregated seating in the classroom; a lack of attention in some schools given to Romany children or the use of racist language against them; and the relegation of a disproportionate number of Romany children to so-called special schools for the mentally handicapped. However, this statement must be qualified. Helsinki Watch also encountered some localities in which parents were satisfied and there appeared to be no segregation, where many teachers are dedicated toward Romany students.**

#### ***All-Romany Schools***

**The existence of all-Romany schools in several localities visited by Helsinki Watch was a result either of the segregated housing situation, in which Romanies live in ghettos and thus their children go to the closest school, or of the wishes of non-Romany parents who don't want to send their children to school with Romanies. In the housing project Lunik 9 in Kosice, inhabited mainly by Romanies, Alzbeta Conkova told Helsinki Watch:**

**The gaje who live here are very aggressive against us, just because we are Romanies. They say that we live differently. We've been living here for ten years. Parents already teach their children to hate us. Gaje children insult us, saying "Dirty Gypsy, go away." There are two separate kindergartens here, one for gaje children and one for Romany children. The children already learn to make divisions between Romanies and non-Romanies at such a young age. We complained about this separation of the kindergartens, but the gaje parents don't want**

**their children to go to school with our children. The elementary school here is also a Romanies-only school. The gaje parents send their children to another school outside the housing complex.**

**Social workers in Lunik 9 confirmed that the kindergartens and elementary school contain, in fact, only Romanies, and that non-Romany parents objected to sending their children to school with Romanies. They asserted, however, that all parents can choose where to send their children at the beginning of the school year. Thus, some Romany parents also send their children to school outside the housing project where they are mixed among non-Romany children.**

**In Smizany, Spiska Nova Ves, one Romany woman told Helsinki Watch:**

**There are two kindergartens here. One is all-Romany, and the teachers speak some Romany to them. Then they don't learn Slovak well and when they go to the first grade they don't understand and then are sent to special school. If they were mixed with gaje from the beginning, then they would learn Slovak better.**

**At the beginning of the 1991-92 school year in Jarovnice, a village in which there are 2,000 Romanies and 1,000 non-Romanies, the elementary school became an all-Romany school. Jan Sajko, an art teacher who has entered many Romany students' work in international competitions, told Helsinki Watch:**

**The non-Romany parents wanted a separate school for their children because the Romany children were stealing from them. But Romany parents also came every year to tell us that they didn't want their children to sit with non-Romanies. The kindergarten was recently abolished in town, so there was a free space to have another school. Now there will be greater problems because there will be more anonymity between Romany and non-Romany children. In my opinion, as a teacher, it's much calmer now than it was with both Romany and non-Romany children. In the future, Romany children will probably start going to the other school too because there are so many of**

**them. As a person, I think the segregation is wrong. As a teacher, I think it's easier to handle and quieter because there are fewer conflicts.**

**It must be noted that in this instance the Romany community is partially responsible for these conditions. Helsinki Watch received no complaints from Romany parents about this school. All those interviewed seemed relatively apathetic about their children's education and didn't even know the school was segregated. Some had problems with social support because their children took an extended vacation to Czech lands and therefore missed several months of school; apparently the Romany parents had not considered this important.**

### ***Segregated Seating in the Classroom***

**In several localities visited by Helsinki Watch, Romany parents complained about segregation in the classroom. Slavomira Musukova, a young Romany woman from Cierny Balog, told Helsinki Watch that "the parents of gaje kids don't want their children to sit with us. So Romany children sit together in the back and the teacher doesn't pay any attention to them. The teacher doesn't interact with the Romany children, doesn't ask them questions. Then she says that they don't know anything and sends them to special school." In a similar vein, Tereza Pechova, a Romany woman from Rudnany, lamented that "Half of our children go to normal elementary school, half to special school. In the elementary school, the children don't learn anything because the teachers don't believe in them. Our children sit separately from the gaje children. The gaje children laugh at the Romany children, telling them that they stink."**

**In one elementary school in Bystrany, we observed one class in which the non-Romany children and Romany children were separated into completely separate aisles. Other "slower" classes were all-Romanies, due to the high percentage of Romanies in the school. When asked about this separation in the classroom, Stanislav Kollarik, the principal of the school, explained it in the following way:**

**Non-Romany children don't like to sit with the Romany children. But the Romany children also like to sit by themselves. Also, many Romany children have lice and the non-Romany parents don't want their children to sit with them. It's also easier when**

**we're teaching them because the Romany children are on a different level than the non-Romany children, so we can pair them off using certain tactual and visual aids. The performance of the children is different. The Romany children aren't on the same level as the non-Romany children. They're handicapped by the language barrier. Our experience is that in these mixed classes the Romany children can't handle the curriculum. The classes which are all-Romany are better for them because they are smaller and at a slower pace.**

**Ruzena Dunkova, a Romany woman from Bystrany whose daughter attends one of these classes, was dissatisfied with the seating arrangement:**

**The teachers don't look after the Romany children as well as the non-Romany children. In the elementary school, the teachers separate the Romanies and non-Romanies. There are rows. The Romanies all sit on the right side. Even if my child is perfectly clean, she still has to sit separately. I don't think that this is a good thing. I went to school in Bohemia and they didn't differentiate like this.**

**Similarly, one Romany man in Markusovce complained about segregation: "I want my kids to be among gaje kids, not to be separated. But they separate our children into different rows. They say that we are dirty, that we smell." Mayor Cuchrano of Markusovce, acknowledging that there are two rows of non-Romany children and one of Romany children, explained that "It's for hygienic reasons. If the kids were clean and well-dressed, then it would be different. But the Romany children come and don't study and disturb the learning process of the others."**

**In Fricovce, near Presov, one Romany man reported that "in the elementary school, even if a child is clean, he can't sit next to gaje children. The parents of the gaje children told the teachers that they want it this way. If the gaje parents don't want their kids to sit with ours, what can we possibly do about it?"**

### ***Special Schools***

**According to statistics published in 1990/91, out of a total of 17,901**

**students in special schools for the mentally handicapped in the Slovak republic, 11,682—two out of three—were Romanies.<sup>5</sup> Daniela Bartosova, a Romany woman from Puste, Cierny Balog, told Helsinki Watch:**

**In school, when someone's a bit slower and doesn't understand something, the teacher doesn't try to explain it to them, but just transfers them to a special school. If the kids don't pass psychological exams, they go immediately to special schools.**

**Similarly, in Sumiac, Wlasta Pustajova recounted:**

**I think that it's useless that our children have to go to special schools. When they go to see the psychologist and he sees a black face, he immediately sends them to special school. Our children go to school and know how to answer in two languages. So it's very difficult and confusing for them at first.**

**Government psychologists were also criticized by a Romany woman from Brezno:**

**My ten-year-old son went for two years to elementary school and now he goes to special school. His last teacher in elementary school didn't want him to be transferred to special school because she thought he was talented. But the psychological commission decided to send him. They asked him if he wanted to be transferred and he said yes, because all of his friends go there. He was the only Romany boy in the class and the other kids didn't want to sit with him so he sat alone in the back.**

**Most teachers interviewed by Helsinki Watch at both normal elementary schools and special schools complained about the high truancy rate of Romany children. Romany parents, however, complain that the terrible conditions in which they live often make it difficult to send their children to school. Bohus**

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<sup>5</sup>Statistics taken from *Ustav pro informace ve vzdelavani, Statistika Skolství* (1990/91, CR).

**Pokuta, a Romany leader from Krompachy, told Helsinki Watch:**

**Some of our children go to school consistently. Others rarely go because of family conditions. They don't have food, don't have clothes to wear to school. We have only one room to live in, and we have no facilities, no water. Each family has at least seven children in one room. So our kids can't study in these spaces. It's impossible to study in such crowded conditions. We'd like to set up some sort of club for Romany children so that they can have a place to learn about Romany culture and a quiet place to study.**

**Poverty is also a source of educational inequality according to Josef Pustaj, a Romany man from Mazornik, Brezno, who told Helsinki Watch, "I have two kids who are ashamed to go to school because they don't have nice clothes. Then the teachers make a scene because the kids don't go to school. But how can they when they don't have the right clothes, books and boots in winter?"**

**Furthermore, many Romany children enter school with many disadvantages. According to Jan Sajko, a teacher from Jarovnice:**

**Until recently, there was a requirement that all children had to go to kindergarten. This duty was abolished. It is unfortunate, because it was very helpful for Romany children to go to these kindergartens, where they could learn the Slovak language. Some of them don't know how to use forks and knives, or how to use a toilet, or how to hold a pencil when they first enter school. Their families don't have the means to teach their children these things.**

**Similarly, one Romany man from Svinia reported:**

**The children from the huts don't go to school because there's no water and the director of the school called the parents before a criminal commission. We don't have the social conditions for our children to go to school clean—we have no water or electricity.**

**To combat truancy, the government tries to tie parts of a family's welfare payments to school attendance. One Romany from Markusovce complained, "the children don't go to school and then our welfare payments are cut off. But if the child comes to school dirty, the teacher sends him home and then writes that he missed school and then we can't get our welfare."**

**In an attempt to guarantee Romanies the right to preserve and develop their own language and deal with some of the problems described above, the Slovak government is now preparing the conditions for opening Romany national schools. Textbooks are being prepared and teachers, many of whom are not fluent in the Romany language, are being trained at the recently founded "Romistics" Faculty in Nitra. Although the success of this training has not yet been ascertained, it is intended that these teachers will be qualified to teach children from the first to fourth grades. A department for teaching Romany folk music has been opened at the Kosice Conservatory. Furthermore, several pre-school programs using the Romany language to teach Slovak will be opened. It seems that a full realization of plans to open national schools, however, will not come about for a long time, due to a scarcity of truly qualified teachers at this time.**

### **Czech Republic**

**The most significant problem in the Czech republic is an echo of the Slovak situation: the misuse of special schools for handicapped children. According to statistics published in 1990/91, 12,444 students of "Gypsy origin" attend schools for mentally handicapped children in the Czech republic (out of 41,383 students).<sup>6</sup> Thus, while Romanies in the Czech republic constitute between two and five percent of the population, almost thirty percent of the children attending special schools for mentally handicapped children are Romanies. Roman Feko, a local Romany leader in Hradec Kralove, told Helsinki Watch:**

**Ninety percent of Romany children in Hradec Kralove go to special schools. Before these children go to school, they must go to a psychologist who, even if they are talented and not slow, automatically sends them to a special school. We know that these children are not**

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<sup>6</sup>Statistics taken from *Ustav pro informace ve vzdělávání, Statistika Školství* (1990/91, CR).

**idiots, that they can go to normal schools, but the psychologist sends them from the first grade.**

**Feko also acknowledges that the situation is complex: "Their parents are often illiterate, can't help them with homework, and don't object to them being sent to special schools. It's a big problem, and the teachers in normal schools can't look after them well enough." Similarly, Mrs. Skorupova, a social worker in Brno, is troubled by the dilemma posed by special versus regular schools for Romanies:**

**It's a pity. Many of these kids don't belong in special schools. They start out with a language barrier, especially those that come from Slovakia and speak Slovak, Romany or Hungarian. These children don't have people looking after them.**

**As a result, a disproportionate number of Romany children were sent and will continue to be sent to special schools. Although the possibility theoretically existed for them to return to normal elementary schools, this rarely (if ever) occurred. Dr. Kottnerova from Olomouc further explains this process:**

**These children were not able to adapt to the school regime, and when you have thirty students in one class, then, in my opinion, these teachers regularly failed. It was not possible to give these children individual care.**

**Many Romany families still complain that their children are attending these special schools and that they don't belong there. One Prague Romany woman, A. Horvathova, who is currently running an after-school program to tutor Romany children, told Helsinki Watch:**

**Do you know why our children go to special schools? Because when they go to normal schools, the teachers don't seat the Romany children in the middle, or in front, among Czech children, but in the last row. And once they're in the last row, the teachers don't pay any attention to them. When they don't learn or understand, the teachers say "Sit in the back." Within a year, our children are transferred to special schools. Only because of the fact that Czech children don't want to sit next to Gypsy**

**children, because their parents have already told them "He's a Gypsy." For this reason, they go to special schools. Not because they're stupid. This has an influence on them; they begin to feel inferior, and wonder why the teacher is interested only in the gaje children. When we go to parents' meetings, the parents actually say, "We don't want our children to sit with Gypsy children. They're dirty, they smell." So they're putting pressure on the teachers to separate the Gypsies from the gaje children. This is racism.**

**Similarly, in Ceske Budejovice, Antonin Sestak, a local Romany leader, suggested that a "Head Start" program might ameliorate the problem:**

**In Ceske Budejovice, the majority of Romany children go to special schools. We gave a proposal to the city authorities regarding these schools. In many of our families, we are not yet on the level where we can prepare our children to go to elementary schools. They don't speak Czech at home. So when they go to elementary schools, they don't last more than two or three years before being transferred. Thus, I proposed that for two years before elementary school, these children would have to go to nursery schools where there would be a Romany assistant to the teacher who could translate elementary things, so that they can get the basics down before entering normal elementary schools. But I gave this proposal to local authorities two years ago, and have still received no response.**

**As we shall see at the end of this chapter, such ideas are being considered elsewhere in Czechoslovakia.**

**Helsinki Watch heard several accounts from Romany parents who fought against the automatic decision to send their children to special schools. Antonin Lagryn from Brno told Helsinki Watch that "the schools do everything to send our children to special schools. My son was sent to a psychologist, who recommended that he go to special school. I fought against this, and they had to return him to elementary school." A Romany mother in Prague told a similar story:**

**When my daughter was six years old, she would often daydream**

**during class, play with her dolls. This isn't so strange for a six-year-old. But the teacher, seeing that she was a Gypsy, tried to send her to a special school. But I said no and refused to let this happen. Now she's getting good grades in elementary school. But other parents aren't aware that they can fight against this, don't know who to talk to, what to do against this.**

**But the opposite situation seems to be more common. Often, children who passed the original psychological test were later sent to special schools because they wanted to be with their friends or because the teachers in elementary school decided they couldn't handle it. Natasa Pechova, a Romany mother from Hradec Kralove, told Helsinki Watch, "From the first grade, my kids have been going to special schools, because all our children and friends go there. The psychologist said that it was the right place, because he said they wouldn't pass anyway in normal schools." Another Romany girl in Prague told Helsinki Watch:**

**I intentionally failed second grade because I wanted to be with my sisters in the special school.**

**Helsinki Watch also interviewed several teachers and principals of these special schools, which continue to enroll a disproportionately high percentage of Romany children. Mrs. Tinterova, one principal at a special school in Prague 5, where seventy out of ninety students are Romanies, told Helsinki Watch:**

**The non-Romany children definitely belong here. They are truly mentally backward. All of the Romany children do not belong here, because we have a lot of social retardation here. Under normal circumstances, they would follow elementary school paths, but because they don't have stimulating family environments, it doesn't work. I would say that fifty out of the seventy Romanies that attend our school are such cases. It's a terrible pity, but if they stayed in elementary school, they would be terribly unhappy. They would keep failing, and later emerge from the fifth or sixth grade, and nothing would become of them. When they come to us, they have easier studies than in elementary school, and thus they don't have to prepare at home.**

**They succeed here, and can then go on to professional schools and become painters, cooks, or seamstresses.**

**Some teachers at special schools insist, however, that all Romany students belong there. Daniela Kalova, a principal at another special school in Prague, insisted to Helsinki Watch that "in the eleven years that I have worked here, I am convinced that there are no students that do not belong here."**

**In spite of this view, alternatives are being explored. Many Romany leaders have proposed that the government open pre-schools to give children preparation in the basics of Czech and Slovak. In one Prague neighborhood, microclasses have been established in one of the normal elementary schools for Romany children to give them special attention in smaller classes for the first three grades, especially in the Czech language. In the fourth grade, they will be reintegrated into normal elementary school classes. Thus, they will have the opportunity to complete a normal education instead of being automatically sent to special schools. One special school in Prague 5 that has seventy Romany students out of a total enrollment of ninety will offer pre-school classes designed specifically to meet the needs of Romany children and is attempting to attain the status of a normal elementary school.**

**There has been much discussion about the merits and detriments of national schools, where Romany children can learn both Romany and Czech or Slovak. Many Romanies interviewed by Helsinki Watch expressed serious concern over the idea of setting up national schools, because they feel that their children will then be disadvantaged in succeeding within Czech society. Many parents in Czech regions speak only Czech with their children, seeing this as the best path toward integration. Furthermore, it will take many years to train teachers who will be capable of teaching in these national schools.**

**These small-scale educational experiments represent, however, only a preliminary attempt to remedy the vast inequalities in education. The past and present disproportionate attendance of Romany children at special schools has unfairly segregated these children and doomed them to an inferior education. The existence and recent establishment of all-Romany schools in some localities and the tendency to segregate Romanies from non-Romanies within the classroom further discriminates against Romany children. Although the educational needs of many Romany children may be different from those of non-**

**Romany children, these needs should not be met with segregation and special schools which relegate them to an inferior position in society.**

## **HOUSING**

### **IN THE COMMUNIST ERA**

**The housing conditions of the Romanies when the communists seized power in 1948 were dreadful. Over a thousand rural ghettos existed in Slovakia, completely segregated from mainstream society and without adequate water, sewage, electricity, and navigable roads. Although many of these ghettos had already existed for several hundred years, many were further marginalized in accordance with edicts of the Fascist regime during World War II when several Romany ghettos were moved even further away from the center of non-Romany villages. Very few Romanies in the Czech lands survived Nazi concentration camps. Thus, the majority of Romanies now living in Bohemia and Moravia migrated from Slovakia in the years following the war.**

**During the forty years of communist rule, there were many nationwide attempts to liquidate the Slovak ghettos and assimilate the Romanies through both the forced settlement of still-travelling Romanies and the planned resettlement and dispersal of rural Romanies throughout the country.<sup>1</sup>**

**Although only about five percent of the Romany population were Olach Romanies, who still led a truly nomadic life, the government passed Law Number 74 in 1958, outlawing all forms of nomadic and semi-nomadic life. Nomadic Romanies were forced to sell their horses and caravans, to settle down and get jobs. According to the 1979 Charter 77 Document on the Romanies, this law was rarely used against truly nomadic Olach Romanies, but as a "pretext of racist repression," threatening Romanies "who, while not nomads, are forced to migrate on account of living conditions not of their own making."<sup>2</sup> Thus, settled, working Romanies who ended up on this "nomadic" list were thereafter at the mercy of local authorities, who then offered them specific places to live and work in accordance with a definite plan. When Romanies did not abide by these plans, they were considered vagrants. Furthermore, any time they wanted to move, seek new employment, or visit relatives in another district, they would usually have to**

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<sup>1</sup>Kalvoda, "The Gypsies of Czechoslovakia," *op. cit.*, p. 272.

<sup>2</sup>"Charter Document," *Labour Focus*, (March/April 1979), *op. cit.*, p. 7.

obtain permission from the local National Committee (city authorities). Official permission was usually not given, and "without a proper legal decision their place of residence was prescribed for them."<sup>3</sup>

In 1965, the government passed resolution number 502, an attempt at the "compulsory dispersal' or liquidation of 'undesirable concentrations of the Gypsy population.'" Although the dispersal program was initiated under the pretext of improving the Romanies' living conditions, the Chartists claim that it was focused on eliminating "Gypsy concentrations" in tourist areas. Thus, the government elaborated plans allotting citizens of "Gypsy origin" definite places to move and work, regardless of where their friends, family and job opportunities were. As stated by the Chartists, "One of the most characteristic features about the government resolution about the 'liquidation of undesirable Gypsy concentrations,' and of the relevant instructions connected with it, was that the dispersal had to be at once compulsory and voluntary."<sup>4</sup>

Although these plans were largely unrealized due to bureaucratic problems, they enabled government officials to regulate and keep records about Romanies. The Chartists described this phenomenon:

In the identity card of a Romany who has moved residence in order to find a job, the entry which refers to permanent or temporary place of residence cannot be changed without special ratification by the National Committee, though such ratification is not required of other citizens. Thus the Romany concerned will not have the possibility of taking a job nor will he have the right to health care, the benefits offered by the trade unions, child care provisions, etc.... Romanies "capriciously" leave places where there is no work for them and move to Bohemian and Moravian industrial centers. There they take on, usually in the engineering sector, unskilled jobs for which they are irreplaceable; they live in hostels or with relatives or, by squatting, get often unhealthy accommodations of the lowest

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<sup>3</sup> *Ibid.*, p. 7.

<sup>4</sup> *Ibid.*, pp. 7-8.

category ... "uncontrolled migration" is tolerated, but on the other it is used as an excuse for repression of the most diverse kinds: ranging from unjustified harassment to forced eviction from accommodation, expropriation of houses, restriction of domicile and so on... One of the verbal instructions issued in connection with the dispersal programme went as follows: "in no case can a national committee allow a Gypsy to settle in a region unless accommodation has already been found."... The enterprises need Romany workers but the national committees do not find them accommodation. The standard of housing of Romanies is a fundamental obstacle to their cultural development, and condemns them for the foreseeable future to their old role of providing an unskilled labor force. The vast majority of Romany families have at their disposal a unit of accommodation consisting of one room or a kitchen and one other room. The number of people per unit of accommodation is some two times as high as among the majority population, the number per room nearly three times as high. Most of the buildings are overcrowded, dark and damp and lacking in basic hygiene facilities.<sup>5</sup>

Although government resolution number 502 was supposedly revoked by the late 1970's, mayors in several localities told Helsinki Watch that the communist government had planned to liquidate remaining Romany settlements by 1990. Shanties were bought by the government and then destroyed. Many Romanies sold their shanties and left for the Czech republic, eventually returning to demolished homes. Although this government policy was abolished after the democratic changes in 1989, some Romanies were left homeless in the transition and were forced to rebuild shoddy shanties.

In the 1970s and 1980s, the communists conducted several urban "experiments" in which they concentrated Romanies into large "luxury" housing projects, where they received first category apartments.<sup>6</sup> Some Romanies were

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<sup>5</sup> *Ibid.*, pp. 7-8.

<sup>6</sup> Apartments in Czechoslovakia are classified in four categories. First category apartments, usually located in modern "luxury" housing projects with more modern

**forced to move to these projects against their wills and were unadapted to living in such places, having never had showers, toilets, heating, and stoves. Furthermore, Romanies from different castes and villages were concentrated together, which led to friction and arguments among different groups. Thus, many of these housing projects, among them Chanov in Most (Northern Bohemia), Lunik 9 in Kosice (Eastern Slovakia), and Duzavska Cesta (also called "Black City") in Rimavska Sobota, were demolished by some inhabitants and have become highly publicized examples used by non-Romanies to justify initiatives to prevent Romanies from moving into non-Romany neighborhoods. Jan Farkas, an entrepreneur who recently took control of "Black City" from the city authorities in Rimavska Sobota, told Helsinki Watch:**

**One hundred and forty families live in the housing project without kitchen sinks, furniture, gas and so on. For seventeen years, the city repair office did nothing. They just gave Romanies the apartments and never repaired anything. I took away 150 truckloads of garbage already, and the place is beginning to shape up. One thousand people, all Romanies, were moved to this housing project. At the time, I objected to the creation of this modern ghetto because these people were taken away from their natural environment. They need to feel the campfire, smell the smoke. I understand these things and objected to the creation of these large-scale housing complexes. These outdoor fires calmed people down, and I knew that they would feel stifled in these new apartments. I grew up with them in a settlement. There were shanties there, but they were so clean you could eat off the floor. There were no arguments. Groups would sit around the fire telling stories in Hungarian and Romany. Even the gaje came to listen to these stories. The communist state destroyed all the things that were natural for these people and the new democratic system is doing the same thing.**

**Similarly, Romanies and non-Romanies live in separate blocks in a housing project in Kosice, Lunik 9. The majority of the blocks inhabited by Romanies are devastated, while separate non-Romany blocks are still in good**

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**conveniences, are considered by some people to be the most desirable apartments.**

**condition.**

**The apparent ease with which Romanies obtained housing during the assimilation campaign has led to resentment from non-Romanies, who often had to wait for more than ten years to get equivalent housing. The "extra" money invested by the communist government to solve the Romany housing situation, however, was often misused by local authorities. Hana Sebkova, a Romany language teacher who has spent many years visiting these ghettos, told Helsinki Watch:**

**There's a popular misconception that Romanies got many advantages from the communist regime. It's true that the communist government allotted extra money for solving the "Gypsy question." However, once this money reached local officials, it was often used for other purposes, to build things for non-Romany residents instead of for the intended purposes, even though the Romanies in some of these shantytowns didn't have the most basic services. This happened quite often in Eastern Slovakia. In Jarovnice, for example, the local officials built a playground with Gypsy money, when the Gypsy settlement didn't have roads, pipes or garbage containers.**

**In Fricovce, a small and relatively well-off settlement of Romanies, a navigable road was never built despite then-existing government funds allocated for this purpose. One local Romany man related:**

**We were supposed to have a road built here. The communist government allocated money for this purpose. But the local authorities used this money for something else. There's so much mud when it rains, and when the children go to school their shoes get ruined. They built a road for one non-Romany who lives nearby. They built a road for him with money meant for us.**

**SINCE 1989**

**Article 35 of the Charter of Fundamental Rights and Freedoms, ratified by the Federal Assembly of the Czech and Slovak Republics on January 9, 1991, states:**

**"Everybody has the right to live in a favorable living environment." Article 14 states:**

- 1. Freedom of movement and residence is guaranteed. ...**
- 3. These freedoms may be limited by law if it is essential for the security of the state, for maintenance of public order, for protection of the rights and freedoms of others, and in demarcated areas also for the purpose of protecting nature.**

**In spite of these guarantees and international covenants and agreements ratified by Czechoslovakia condemning discrimination in housing, Romanies are often prevented from obtaining housing by non-Romanies who don't want them to "ruin the neighborhood."**

### **Slovak Republic**

**The communist regime succeeded in liquidating the majority of rural Romany ghettos in Slovakia. Between 300 and 400 isolated ghettos remain in the same state they've been in for 200 years, lacking drinkable water, sewage systems, electricity, toilets, and paved roads. Sometimes the paved road noticeably ends where the Romany shantytown begins. There are significantly more persons than average per square meter in each room, sometimes as many as twenty persons sleeping in a one- or two-room shanty or apartment. These settlements are separate from the general population, sometimes located on the outskirts of town or up on a hill away from the village.**

**Romanies living in dangerously unhygienic conditions often encounter huge bureaucratic obstacles when they appeal to local authorities. Responsiveness of local authorities to the problems faced by Romanies living in the ghettos varies from locality to locality. In many places, Romanies are shuffled from office to office by clerks who don't want to take responsibility for their problems. In Secovce, for example, Helsinki Watch encountered a family that had moved out of its one-room shanty because the ceiling was falling in and the children were constantly ill. When Helsinki Watch spoke with them in mid-February, they had already been living for five months in an overcrowded two-room apartment with another seven-member family. They said that they went to Town Hall every day to ask for temporary lodging, but were shuffled from place to place. Helsinki Watch went with them to the Hygienic Station in Trebisov to**

request an investigation into their living conditions and certification that they couldn't live in this hut and needed alternative housing. They tried to shuffle the family back to Secovce Town Hall. Workers made jokes about how they're now giving out apartments. Finally, Helsinki Watch convinced one person to take a written request to come examine the place. However, the tendency to minimize and dismiss the sub-standard housing conditions of Romanies was quite evident. Furthermore, many local authorities have rejected projects submitted to them by the Slovak government for the upgrading of Romany housing conditions, claiming that they want to solve the housing problems of all inhabitants, despite the fact that Romanies live in significantly worse conditions than non-Romanies.

Most towns visited by Helsinki Watch boast that there are several Romany families living interspersed among the non-Romany population. This is apparently the result of certain communist policies of systematic dispersion of Romanies among non-Romanies.

The devastating effects of attempts to resettle certain Romanies into housing unsuitable for their lifestyle are still evident. In Sacurov, approximately twenty-eight Romanies live in each two-room apartment. These buildings have been devastated. Entire walls and windows are missing, the plumbing is dysfunctional, and garbage is strewn everywhere. The Romanies admit that they damaged these buildings themselves, but complain that they have not been repaired in years. Similarly, the urban housing projects Lunik 9 in Kosice and Duzavska Cesta in Rimavska Sobota have been left unattended by local authorities and each apartment houses many more people per square meter than other housing projects.

#### ***Discrimination against Romanies Seeking Housing Among Non-Romanies***

According to Article 18, Section 3 of the Charter of Fundamental Rights and Freedoms, a Constitutional Act signed by the Federal Assembly of the Czech and Slovak Federal Republic on January 9, 1991: "Petitions may not be used for the purpose of appeals to violate the fundamental rights and freedoms guaranteed by the Charter."

Helsinki Watch received several reports that Romanies from segregated ghettos encounter great difficulties in moving into the general population. Most non-Romanies say that they've had bad experiences in the past with Romanies,

**who they claim destroy buildings, disturb the peace with all-night parties, and thus don't want any more Romanies on "their block." The non-Romany population generally uses the power of petition to restrict the movement of Romanies into their neighborhoods.**

**Attitudes of local officials to these petitions and to the prospect of Romany residence among the non-Romany population varied. In Secovce, where about 1400 Romanies live (out of a population of 7,000), Mrs. Catiova, a local official, told Helsinki Watch:**

**We want to build more apartments for the Romanies, but construction has stopped. We just received some projects from the Slovak government to build family houses, ground-floor only, made of cement so they can't take them apart to build fires and sell parts. When we give a respectable family an apartment in the center of town, fifteen or twenty of their relatives or friends follow them. We get petitions and complaints because they are loud and have lots of parties. The petitioners write, "Don't let any more Gypsies move into our housing projects because they disturb the peace here. If you don't pay heed to our petition, we want to move out." These non-Romanies were here and we tried to explain to them that there are respectable Romany families that know how to live normally. But even when we give orderly, respectable families these apartments in the center, their less-adapted relatives come over to take showers, stay for awhile, and these create problems for the good ones.**

**Although Secovce officials claim that they are giving Romanies residence out of the ghetto, several Romanies claim that this is not true. Aladar Bambuch lives with his family of seven in a one-room shack where water is leaking from the cardboard and paper ceiling. He reported:**

**They have empty apartments in the city, but they don't want to give them to us. I don't know why. We live, seven people, in one room, where we cook, wash and sleep. How can we stay here? The mayor doesn't want Romanies to live in the center. They're supposed to try and figure out who can live well, and not lump us all together.**

**In Jasov, a ghetto of 800 Romanies, Josef Ziga, a local leader, reported:**

**Now there's some local tradition that even if someone wants to sell me his house, I have to get permission from his neighbors. So I couldn't move there anyway. I think we need more Romanies to be against this kind of discrimination. Now we have democracy. Everyone should be able to live where he wants to live. No one can prevent me. If I have the money, I should be able to buy a house wherever I want. The Mayor and City Hall aren't against our moving, but the people in the neighborhood are against it. My brother-in-law wanted to buy a house in town and not one deputy was against it, but the neighbors were. It's very difficult when the neighbors are against it. Then if the mayor gives us permission and tries to help us, the non-Romanies would write a petition against him and he'll be removed. Most non-Romanies in the village object to having Romanies live among them.**

**The mayor of Jasov, Stefan Mesaros, explained:**

**At this time, no Romanies here live among non-Romanies. Even if we tried to put them among normal people, we cannot because they aren't yet prepared to live among normal people. It is something different if they're from Kosice, more integrated. It's not possible to put them among non-Romanies if they're not ready, not adapted.**

**In Medzev, a ghetto in Eastern Slovakia, Jan Kompus, a local leader, told Helsinki Watch about problems factory workers are having getting accommodations that they are entitled to as workers in the enterprise:**

**We were the first Romanies to organize a strike for our human rights after the revolution in 1989. The factory in which some of us worked had apartments for workers. Accommodations for factory workers were built, but not one Romany worker got an**

apartment, even though they were available. They said that non-Romanies didn't want us to live there... I met with Romany leaders from Prague. We were having a meeting in the Cultural House in Medzev. The meeting seemed very positive, but then as the meeting was about to end, one Slovak from Medzev came in and said that we better tell the gaje outside what was going on within ten minutes. The gaje outside were screaming "Gypsies to the gas chamber! Scuka, take them to Prague and record some records with them!" [Scuka is the Chairman of the Romany Civic Initiative Party.] We were afraid. These gaje wanted to beat Scuka. We were all very surprised by what was going on outside. And then we didn't know how we could get out of the building. After this meeting, I went to work and I was fired, along with four other Romanies. Because of the strike... I worked in the factory with non-Romanies—I ate with them, smoked with them, hung out with them, but even my friends in the factory signed a petition against me. About six months ago, they started firing most Romanies from the factory.

According to Klara Samkova, the lawyer representing Jan Kompus and other workers at the factory for the past two years:

The company had a building for its workers. Five of their workers had requests in for apartments for several years. These were all very good workers—they had received awards and money for good work and had a low rate of absenteeism. They wanted flats in this company building. But the people wrote a petition that if any apartments were given to Romanies they would go on strike. Then the Romanies decided that if the gaje would go on strike only for the reason that they didn't want to live with Romanies, they would go on strike first. These apartments existed and were vacant. So the five families got enough money together to buy a typewriter and started writing complaints. Now several have lost their jobs even though a court has ordered that they be taken back to work. There's little chance that they'll get the apartments now, but we hope that they'll get their jobs back.

**Klara Samkova brought this issue to court and won. Even though these Romanies won the case in court and have a right to both work in the factory and live in these accommodations, they still don't have their jobs back and are still living in the Romany ghetto.**

**In Rudnany, the Romanies live in a ghetto separated into two parts. The houses range from self-constructed shanties to buildings constructed by the state which have been damaged by the Romanies. The area was a waste site for red iron mining and the people complain that they are constantly ill from the water and environment. Alois Dunka, a local Romany leader, told Helsinki Watch:**

**I've written to the local authorities and to the Slovak government regarding our housing problems. Everybody comes here and looks at how we live, and they say Yes, yes, yes, something will change. But nothing does. Who wants the Romanies? Nobody. Many of us have applied for housing through our factory, but we never get it because we're Romanies. When a gajo works at the factory, they get housing quickly and without problems. They write letters to the company not to give Gypsies any housing near them.**

**Although the conditions in Rudnany are widely considered to be unsuitable, local authorities have rejected plans given to them by the Slovak government for the relocation of Romany housing to a safer area, claiming that they want to solve the housing problems of the entire community—Romany and non-Romany—at the same time, and that they will not solve only the Romanies' problems, even though they are living in the epicenter of the waste. Furthermore, the wells in this ghetto are dysfunctional, one completely broken and the other with minimal water pressure.**

**In Bystrany, a ghetto housing 1,300 Romanies, Frantisek Pacan, a local leader, told Helsinki Watch:**

**The non-Romanies wanted us to live among them during communist times, but this is over now. I applied for a house among the non-Romanies, but the mayor said it wasn't possible because the Municipal Council didn't give its approval. The owner was ready to sell the house to me. When a non-Romany**

wants to sell or buy a house, he doesn't need permission from the Municipal Council, he just goes to the notary and it's done. But Romanies must go and get permission from the Municipal Council. All of the Romanies in Czechoslovakia have already been written off—we only have rights in theory, but not in reality. When I go to Town Hall or any other official places, the people talk to us, but try to get rid of us as quickly as possible.

The mayor of Bystrany, Vladimir Pavlik, told Helsinki Watch that people can freely sell their homes to whomever they want, but that non-Romanies have the power of petition-writing against incoming Romany families:

During communist times, we had the experience that when one Romany family moved into a street, then four or five families would follow them there. Then there is a lot of noise, music at night. So non-Romany citizens are very against them moving into their neighborhoods. They can write petitions, because we're used to it that when one moves in, others follow and we have many late-night problems and can't sleep at night. So, these people work by means of petition.

In Svinia, one of the most notorious Romany ghettos in Eastern Slovakia, the liquidation of the old ghetto recently resulted in the creation of a new ghetto, which is a combination of two new apartment buildings and shanties. The government did not build enough apartments for everyone. Thus, there are about twenty people living in each two-room apartment, as well as many newly-built shanties. Svinia is located at the very border of town, as far away as possible from the non-Romany population. Romanies complain that these buildings were built quickly and poorly, that the sewage doesn't work, that pipes freeze during the winter, and so on. One Romany man complained that there is still great difficulty in moving into town:

Non-Romanies don't want us to live in the village near them. They hate us, maybe because we're black. During communist times, some of us wanted to move to the village, but the mayor at that time went to the police and said that we couldn't build houses in the village. When a young person builds a house in the shantytown, they fine him 700 Crowns. I tried to buy a house

**recently, but I didn't get permission. It's empty and needs a lot of work, and is near the road at the edge of town. But it was too close to where the gaje live, and they requested that we not be granted permission to live there. It's always been this way. I don't think that it will ever change. Romanies here aren't allowed to live among gaje.**

**Similarly, in Markusovce approximately 1,300 Romanies live in a landscape of shanties and poorly constructed houses without easy access to water. Mayor Cuchrano told Helsinki Watch:**

**Romanies apply for houses in the village. But his neighbor also has a right to live properly, peacefully. That's also his right. The Gypsies make the place into a dump. The neighbor has the right to refuse to let a Romany live next to him. Other inhabitants don't want to live with the Romanies and if we put the Romanies in these places then the non-Romanies would leave.**

**One man from Markusovce complained:**

**I applied to the Municipal Council to get permission to move to the center. I bought the land and I had already dug the well (which all inhabitants have to build for themselves when they have a private house). Then the Municipal Council didn't give me permission to build the house.**

**ROI: According to Klara Samkova, a representative in the Federal Assembly for**

**In Slovakia, when a Romany has 100,000 Crowns in the bank and wants to buy the land to build a house, the city or owner won't sell them the land. They don't say that it is because they don't want to sell it to a Romany, but that they don't want to sell it now. Then they sell it a few months later.**

**The Slovak government has submitted projects for upgrading the conditions in these shantytowns to local governments. Three local governments have agreed to give land to build one-story family houses for the entire ghetto.**

**Other local governments have refused to give land for the projects, claiming that they want to solve the problems of all inhabitants, even though the Romanies live in considerably worse conditions than the non-Romany population. The Slovak government has also allocated fifty million Crowns to upgrade the water supply in some of these villages.**

### **Czech Republic**

**The housing situation for Romanies in the Czech Republic has been increasingly difficult in the last several years, especially in Northern Bohemia and Moravia. In the face of a general housing shortage, in which people must wait anywhere from two to ten years for an apartment (from the state), Romany families sometimes live in extremely unhygienic conditions, sometimes as many as fifteen to twenty persons in a two-room showerless apartment. This situation has been aggravated by the processes of restitution and privatization, in which Romanies, who rarely had any property in the past and are presently in the poorest social strata, are left with few possibilities.**

**Although every citizen is free to move anywhere in the country according to the Charter of Fundamental Rights and Freedoms, the reality is often quite different. Romany newcomers who try to register with local authorities and obtain permanent residence report that they are manipulated by local authorities, who are afraid of an influx of Romanies looking for better economic conditions. Often, Romanies moving from Slovakia to the Czech republic in order to escape extreme poverty are refused registration by local officials. As a result, they live in crowded, unhygienic conditions with friends or relatives or illegally occupy empty apartments. Furthermore, their inability to register leaves them powerless in the face of unemployment, because they are then not able to collect welfare benefits, child support or unemployment benefits. Those who become frustrated and move back to Slovakia often return to find their previous residences destroyed or occupied by another family, and thus must build new shanties or stay with friends or family. Requests by Romanies living in notoriously poor Romany neighborhoods and housing projects to move to other areas are closely examined and often denied. Furthermore, there is a growing tendency to concentrate Romanies into one building or neighborhood and thus to create new ghettos, against the wishes of their leaders.**

**City officials interviewed by Helsinki Watch in 1991 say that the general**

**housing shortage restricts them from registering newcomers from Slovakia, who are living illegally with friends and relatives, and who can't be registered under current housing restrictions. In Ostrava, Zbynek Prazak, the Deputy Mayor, told Helsinki Watch:**

**The official number of Gypsies in Ostrava is 11,800. The reality, however, is more like 40,000. They are not officially registered and are living here with relatives and friends. They don't pick up their welfare in their registered towns in Slovakia. These 30,000 people are candidates for criminal activity. They illegally occupy apartments. There is a confrontation of the laws here—if they register with Town Hall and move into an apartment, there must be eight square meters per person. Thus, if they do not satisfy these conditions, the law says that spare living arrangements must be found for them. But there are no apartments here. We currently have 8,000 applications for apartments.**

**Although officials claim that Romanies live illegally in these apartments and don't try to register, and thus aren't entitled to a reasonable living space, Romanies claim that city officials refuse to register them, and that they are thereby forced to live illegally. Miloslav Holub, a Romany leader from Ostrava, told Helsinki Watch that they "don't go to register because they know that when they go, they'll be rejected anyway, and some are illiterate and don't know their rights." Similarly, Dr. Kottnerova from the Department of Social Work in Olomouc told Helsinki Watch that "housing and other commissions can more easily refuse the requests of Romanies because Romanies don't know how to register complaints. They don't know their rights. They aren't well-educated."**

**In a similar vein, in Usti nad Labem, Jaroslav Santa, a local leader, reported:**

**They don't want to register Romany families. When they come here to register, officials say that they don't have apartments and jobs, and that therefore they can't register them. But, according to Federal law, every citizen has the right to freely move around the country and must be allowed to register in a new city. Then, when these families are refused registration,**

**they illegally move into unoccupied apartments. Then, the city government says that they're not registered, never tried to register and evicts them. They know that if a Romany goes to court (which he probably wouldn't do because he doesn't know his rights) the judge will not believe the Romanies, but the clerks.**

**In Usti nad Labem, Margita Cervenak, a Romany woman living in a two-room apartment with no running water, who has many unregistered relatives from Slovakia living with her, complained:**

**I don't want to live here, but when I go to City Hall, they won't give me a better apartment. There's no water, no bathroom. They say: "We don't have any apartments for you. Gypsies are dirty, they just destroy apartments. Slovak relatives can just go back to Slovakia." Three of us are registered, but when my daughter and her children tried to register, they refused to allow her because our apartment isn't big enough. The doctor advised us to leave this apartment because it is unhealthy. Why are they doing this to us? Why don't we belong here? When they come to check up on us, they see thirty people here and already don't want to deal with us. Some of these people are just visiting, but they don't even ask us. They want us to go back to Slovakia, but we have nothing there. Even some Romany leaders don't want us here. What can we do?**

**One non-Romany woman, a neighbor of the Cervenaks, told Helsinki Watch:**

**Normal white people used to live in this building. The plumbing worked, electricity worked, everything was in order. But then they had to move out because of the Gypsies. They destroy everything. They don't know how to live like us. It's true, we don't want them here. They got 50,000 Crowns when they left Slovakia to come here. Then, when they get here, they expect us to pay welfare and give them apartments.<sup>7</sup>**

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<sup>7</sup>Note: Her assertion that Romanies get 50,000 Crowns to move from Slovakia is a rumor

**Although some city officials claimed that they can't register newcomers who don't fulfill housing law requirements of eight square meters per person, Helsinki Watch encountered long-settled families who don't satisfy these requirements and are living in unhygienic conditions. In Ostrava, Alexander Balaz, his wife, their five children, three of their spouses and their children (sixteen persons), all live in a two-room apartment. He told Helsinki Watch:**

**My wife was born here. I've been here for thirty years. All of our children and their children were born in Ostrava. Thus, we're all registered here. We asked city hall for a new apartment, but they told us that they don't have any. My daughter goes every week to ask for a new apartment for her family. There are many apartments here. . . . But the social worker is not interested. She never comes to see how we live. We sleep on the floor. There's no privacy for young couples. It's terrible to live this way.**

**As of 1992, it is unclear if the question of registration of newcomers can be regulated locally, continuing the pattern begun many years ago when Romanians, fleeing bad economic conditions in Slovakia, were often left stranded during hard times. It must be noted that the freedom of movement of all Czechoslovak citizens is restricted by the overwhelming scarcity of housing throughout the country. Romanians, however, tend to migrate to another region more spontaneously than the non-Romany population as a result of higher unemployment and a sometimes already desperate economic situation.**

**Privatization and restitution have led to increased pressure from landlords on Romanians to vacate their apartments. According to Klara Samkova, a representative of the Romani Civic Initiative Party in the Federal Assembly:**

**In Prague, the owners of houses often want to force Romanians to leave their apartment. So they take out the windows during winter, turn off the electricity and water, even if the family is paying their rent. The owners of these buildings use terror tactics to force Romanians to move out. And as a result of the**

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**widely believed by non-Romanians, but is not true.**

**fact that many of these people don't know the law, they just leave.**

### ***Segregation***

**In Ostrava, the Deputy Mayor, Zbynek Prazak, told Helsinki Watch how he wants to solve the housing problem in Ostrava:**

**One solution would be to build some sort of village for the Romanies outside the city, for people who haven't adapted yet. It's good for them. It'll help them. The city needs to send these delinquents away. Those who don't respect our laws should have the possibility to live independently. They could teach their own values. Those 11,000 that already live here can peacefully live among us. But those that are coming here and have a different way of life, who have not yet adapted, they should be sent to this village. The majority of them have a completely different mentality than others. They need to be in big groups. If they live in a housing project and have fifty friends over, it just can't work. They have a completely different mentality.**

**Many local Romanies strongly object to this idea, feeling that it would be similar to the ghettos in Slovakia, and that in the future even "integrated" Romanies would be pushed into the villages when looking for a place to live.**

**Despite objections by Romany leaders against lumping Romanies together into one area, this solution to the housing problems has been adopted in several areas. In Hradec Kralove, Roman Feko told Helsinki Watch:**

**We have one big problem here. On 873 Okruzni Street, there is one building full of Romany families. I think that the city wants to put all Romany families together because they want to show that all Romany families make problems. Earlier, several of these families were living in unregistered flats. They had to break into these flats because they had been living thirty in one apartment. We got flats from Town Hall. We protested against**

**putting all of these families in one place, but they did it anyway. Only one of these families was fresh from Slovakia. The skinheads threaten these families, that they will burn down the house. We are afraid because there are so many Romany families in one place.**

**One of the most notorious all-Romany housing complexes, Chanov, located in Most, houses around 3,000 Romanies. These apartments and the entire complex, vandalized by some of the Romanies living there, has been highly publicized. As a result, Romanies who want to move out of the terrible conditions of this complex have encountered many problems with both Most city officials, who don't want them in Most, and several villages and neighboring towns, who don't want anybody from Chanov living in their neighborhoods. Mr. Bina, the vice-Mayor of Most, told Helsinki Watch:**

**All the Romanies in Chanov want to move out to Most. They don't want to live together, don't want to speak Romany. But if we allow them to move here, they'll destroy these apartments, the non-Romanies will move out, more Romanies will move in and ultimately central Most will be in the same condition as Chanov is now. If I decide to move an unadapted family to Most, people here in Most will get very angry with me.**

**Some officials blame the current housing situation of the Romanies on the influx of a new wave of Romanies migrating from the poorer regions of Slovakia to Czech lands. This migration has posed new questions for local authorities who, according to the Charter of Fundamental Rights and Freedoms, must allow the free migration of peoples throughout Czechoslovakia, but who are also faced with a general housing shortage and a strong public aversion to the immigration of new, less-adapted Romanies from Slovakia. Helsinki Watch found this aversion not only among the non-Romany population, but also among some long-settled Romanies, who feel that the new Romanies are "ruining it" for them. One Romany woman who has been living in Usti nad labem for thirty-five years reported that "The majority of the people who come now from Slovakia don't want to work and contribute to the hostility of the Czechs against all of us. They're spoiling the harmony here. " It is unclear, however, how many Romanies have actually migrated to Northern Bohemia and Moravia from Slovakia in the last few years. Some estimate that around 300,000 Romanies are migrating to the**

**industrial regions of Northern Bohemia and Moravia. No one knows exactly how many Romanies are moving because most are unregistered and live illegally in overcrowded apartments with relatives and friends.**

**In spite of noticeable improvements in the housing conditions of some Romanies achieved during the communist era, Helsinki Watch found that many Romanies continue to live in significantly worse conditions than non-Romanies. Helsinki Watch believes that the actions of some Romanies who have damaged apartments given to them by the state should not be used as an excuse for denying other Romanies housing, and that perceptions that Romanies received housing advantages in the past should not be used as an excuse for present housing discrimination against Romanies. The vastly inferior housing conditions of Romanies in the remaining rural ghettos in Slovakia should be improved regardless of the attitudes of local authorities. Public officials in both republics are responsible for preventing discrimination and must not condone housing discrimination.**

## **EMPLOYMENT**

### **IN THE COMMUNIST ERA**

**Before the communist take-over in 1948, many Romanies were craftsmen who were highly valued by their communities, working as blacksmiths, tinsmiths, woodcutters, and basket-weavers. They often collected, repaired and resold appliances from junkyards, using those things which other craftsmen cast aside. Others were professional musicians who, according to Romany traditions were not allowed to work in other professions. With the collectivization of agriculture, Romanies had to have official permission for free enterprise. The requirement that all citizens enter the collective or go to jail (for violating the Law against Parasitism) forced Romanies to lose their traditional professions.<sup>1</sup> The dire consequences of the communist plan to integrate the Romanies into the work force were described in 1979 in Charter 77 Document Number 23:**

**In the past, although they were recognized as good craft workers and musicians, the Romanies lived in extreme poverty. Today's miners and relief workers earn much more than their forbears, but this only serves as a striking example of how it is possible for the material level to rise without the social position improving. In the current economic situation, the powers-that-be need the Romany minority to remain in the position which it is in now: uneducated, without clear prospects, and ready to move from one end of the republic to the other in search of unskilled work without knowing where they are going to live. The existence of unskilled labor is not, however, a normal or inevitable consequence of economic development. ... The demand for unskilled labor will then fall, threatening the Romanies with massive unemployment which will expose this ruthlessly urbanized minority to extreme pressures, and fuse their social ostracism and material oppression with a new ethnic consciousness, all the stronger the more cruelly it is**

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<sup>1</sup>This information was collected during interviews with Milena Hübschmannova, Hana Sebkova and Bartholemiew Daniel.

today suppressed.<sup>2</sup>

### **SINCE 1989**

**According to Article III of the Basic Principles of the Employment Law, ratified by the Federal Assembly of the Czech and Slovak Republics, number 297/1991:**

**Citizens have the right to work and to free choice of employment under just and satisfactory working conditions and to protection against unemployment. These rights belong to them without any limitations and discrimination according to race, skin color, language, sex, social origins, age, religion, political or other opinions, political membership, trade union activities, membership in a national or ethnic group or other position.**

**Specific measures for supervision of this law are outlined in the section "Control of the observance of working-rights regulations," Paragraphs 270a and 270b. These measures are subject to the mandate of state organs, who can investigate and fine employers suspected of breaking the Employment Law.**

**In spite of this law, Romanies repeatedly reported to Helsinki Watch that they are discriminated against when looking for jobs. Helsinki Watch also saw computer printouts issued by government employment offices in both Prague and Kosice where employers specifically requested non-Romanies. These government employment offices, which are responsible for enforcing the employment law, entered this information into a computer. In Kosice, they posted the exclusionary requirements on public boards outside the office. In Prague, they gave a Romany woman a list of job openings, some of which said "non-Romanies."**

**Some Romanies have completed higher education and can be found working as doctors, lawyers, and politicians, examples which were highly publicized by the communist regime. The vast majority of Romanies, however, are unskilled laborers and, as predicted by Charter 77, economic changes have led to**

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<sup>2</sup>"Charter Document ...", *Labour Focus*, (May/June 1979), *op.cit.*, p.7.

**massive unemployment among the Romanies. Although there are no authoritative republic-wide statistics of how many Romanies are unemployed in relation to the rest of the population, there is a general consensus that the Romanies have been hardest hit by the economic transition. The extremely high rate of unemployment among Romanies has been exacerbated by their high concentration in unskilled labor pools (the demand for which is drying up), a scarcity of qualified Romanies in newly competitive markets, the emergence of discriminatory hiring practices among employers, and a growing apathy and feeling of hopelessness in some Romany communities.**

**In most localities visited by Helsinki Watch, Romanies expressed the sentiment that the job situation was better during communist times because at least they were employed. Most mentioned that it was better during communist times because jobs were ensured and they were forced to work for fear of being apprehended because of the Law against Parasitism. Romanies complained that they are the first to be laid off from companies where they have worked for several years, and seem to have very little hope of finding new employment in a job market where most employers do not want to hire them simply because they are Romanies. Helsinki Watch received reports that employers both directly and indirectly told Romanies that they didn't want to hire them. Furthermore, Helsinki Watch was told by several government employment offices that many companies, mainly private, request that they not send them Romanies.**

### **Slovak Republic**

**The Slovak Republic has adopted a principle that forbids ethnic discrimination. According to the "Principles of the governmental policy of the Slovak republic toward the Romanies," adopted on April 9, 1991, by resolution number 153 of the government of the Slovak republic," section 1.2, that principle is:**

**To emphasize the right of the individual to profess ethnic membership and the duty of the state to prevent ethnic discrimination including discrimination of the Romany minority in all adopted, and in the future to be adopted legal norms including the constitution.**

**In spite of this statement of principle, Helsinki Watch received reports of a significant amount of discrimination against Romanies by both state-owned and**

**private enterprises, as well as a failure by some government employment offices to take action against companies with discriminatory hiring practices. Many Romanies complained that employers directly told them that they weren't interested in hiring any Romanies.**

**Helsinki Watch received some figures on Romany unemployment from local government workers. In Jasov, Mayor Stefan Mesaros told Helsinki Watch that of the 119 unemployed people in the village, 80 percent were Romanies. In Rimavska Sobota, Dr. Okosova, a worker at the local employment office, told Helsinki Watch that as of the end of 1991, out of 6,530 known unemployed persons in Rimavska Sobota, 4,289 were Romanies.**

**In the settlement of U medvedu, Cierny Balog, one Romany man told Helsinki Watch:**

**I go to the employment office and they don't give me any work. They told me to go look by myself. But when I went to one agricultural cooperative they said right into my eyes "We don't want any Gypsies working here." During communist times it was better because there was enough work. If someone didn't want to work and was lazy he had to go to prison. Now, when we want work, there isn't any.**

**Slavomira Musukova, a young Romany woman from Cierny Balog, reported:**

**I finished economic school and now I have no job. A friend of mine from Brezno got a referral from the employment office and when he called the company, they asked him if he was a Gypsy. And when he said yes, they told him that they had no work for him. Not all of us are the same and I want to work, so why do they have to lump us all together?**

**Alzbeta Conkova, a Romany woman from Kosice who works at a kindergarten/day care center, described her husband's job search:**

**My husband goes to the employment office to declare himself. He went to railway school and is trained as a shunter (a person**

**who hooks wagons together]. He had worked for four years in the same place and they let him go. They laid off all the Romanies first. When the employment office sends him to possible employers they immediately tell him there's no job available as soon as they see him. Even when Romanies want jobs, nobody wants to hire them.**

**In Bystrany, Frantisek Pacan, a local Romany leader, told Helsinki Watch:**

**Why will people go to qualification or requalification courses when those of us who are already trained as bricklayers, construction workers and carpenters cannot get jobs just because we are black? If we were whiter, I'm sure that we would get jobs. When we go to the employment office, they send us to employers who have positions available. When we get to the companies, they tell us that they've already hired somebody. One of my relatives is a machine-mechanic. He was given an address by the employment office and as soon as the employer saw him, he said they didn't need anyone, that they were already fully-staffed. When a gajo applies for a job, they invite him into the office, offer him coffee and then give him the job.**

**Jan Ziga, a Romany leader from Bystrany, added that "When a Romany applies for a job and is qualified, the employment office sends him to prospective employers and as soon as he gets there they tell him that they are already fully-staffed." Similarly, in Markusovce one Romany told Helsinki Watch that "at the Kosice steelworks, if you call looking for a job and you have a typical Gypsy name like Ziga, they tell you not to come. One of my friends, who has an atypical name, called and they told him to come in, but as soon as they saw his black face they didn't want to hire him."**

**Helsinki Watch interviewed several people who work at employment offices. They complained about the lack of interest of most Romanies in really finding jobs. They acknowledged, however, that there is a great aversion among prospective employers to hiring Romanies. In many government employment offices, government employees do not try to prevent ethnic discrimination, but tend to overlook requests for "non-Romany" applicants. Most of the people**

**interviewed by Helsinki Watch at these government employment offices do not see these requests as discriminatory, but as a reaction to "bad experiences they've had in the past." Dr. Okosova, who works at the employment office in Rimavska Sobota, described the difficulties involved in finding Romanies gainful employment:**

**It's much more difficult for them to get jobs. The level of education of our Romanies is very low. Sometimes they've finished only up to the fifth grade. We wanted to give them jobs with sanitation services—sweeping streets and so on—but many of them refused. They can't come to requalification courses because they don't even have a primary education. The majority of Romanies that come here are illiterate, even the younger generation. Then women who have had many children come here who've never worked a day in their lives not because they want to work, but because of the unemployment benefits. Often I only have work for them as maids or other types of cleaning women, but many places don't want to hire them because they've had bad experiences in the past with Romanies.**

**She acknowledged that employers often request that she not send them Romanies, even for jobs which don't require education, such as maids and janitors:**

**The employer has the right to choose whom he wants to employ. It's not because of nationality or race that they don't want to hire Romanies, but because they've had bad experiences with them in the past. I know many Romanies who live normally like us, but if something bad happens, they have the same problems as those Romanies who make the problems. But if I know the person, I can vouch for them when sending them out for a job.**

**In Kosice, Helsinki Watch heard reports that there were several job openings posted in the local employment office which directly stated a requirement that Romanies need not apply. Helsinki Watch went to the employment office and verified that, in fact, nineteen of the companies listed on the computer printout posted on a bulletin board outside the employment office**

**state as a requirement "Non-Romanies." The employers ranged from restaurants to public research institutes. Most of the positions available were for cleaning women, janitors, waitresses and kitchen help. The director of this employment office had been recently removed from office. Therefore, we spoke with Attila Kende, who was the temporary director of the employment office and normally vice director of the employment office and director of employment services, and with Eva Leskova, the director of requalification programs in the Kosice employment office. When asked about the general problems Romanies have in finding employment, Attila Kende responded:**

**Essentially, we don't differentiate in this office between races or nationalities. Everybody has the same rights in this office to apply for jobs as everybody else. We have big problems with Romanies because during communist times they weren't very involved in economic activities. And now they are taking advantage of the welfare system. They don't express much of an interest in working. We send them to an organization and they last for two or three days. Sometimes Romanies themselves ask the organizations to write down that they won't employ them because they want to be eligible for unemployment benefits. I know one entrepreneur who asked us to send only non-Romanies to him. We refuse to work with anyone who makes that kind of racial requirement.**

**When asked why several organizations on the bulletin board specifically had a requirement that "non-Romanies" need only apply, and that this was printed on one of their computer printouts, he said he knew nothing about this and went out to take a look. When he came back Kende claimed:**

**We cannot distribute this kind of information. It could never be distributed to newspaper advertisements. Organizations write down requirements for their employees. Our secretaries automatically write down what the employer requests without thinking about the fact that these things are against our principles. I'm only the temporary director here. Citizens cannot be divided according to race or nationality. We have a Special Control Authority which checks up on private and state companies and we give out fines if they don't follow the law. ...**

**We haven't given out any fines yet.**

**Eva Leskova, Director of Requalification programs, who has tried to set up several qualification courses for Romanies which she claims received very little interest from the Romanies, told Helsinki Watch:**

**Unfortunately, for many auxiliary positions in hospitals, they write that they have positions available, e.g. for a janitor, and they simply don't want to hire Romanies. They don't want them because they skip work without reason, they're unreliable, and they aren't clean. They're not responsible for their work, not reliable, undisciplined and inflexible. They don't have working morals. So even when they are qualified, they have trouble finding jobs. I don't see any clear racism in the fact that it's written non-Romanies. It's not *a priori*, but a result of bad experiences these companies have had in the past.**

**In Kosice, Helsinki Watch interviewed Juraj Snir, the manager of Zlaty Dukat, a restaurant and casino frequented by many Romanies, who requested non-Romany waitresses. He explained his requirement that applicants should be non-Romanies in the following way:**

**We've had experiences in the past that Gypsies don't want to come to work. When we hire them, they tend to come for the first two or three days and then start missing work. They have a very high rate of absenteeism. If they were reliable, I'd hire them. But I haven't had good experiences with them in the past. I have no faith in them. It has no meaning to hire them any more. I have problems when they don't show up for work. It's useless if we hire them and then they work for only two or three days and we have to go through so much useless paperwork and bureaucracy to hire them. Every other manager around here says the same thing. It's their own fault. [And] they don't come here looking clean and respectable.**

**Jan Kompus, a local leader from Medzev, told Helsinki Watch that he informed the Slovak government about the situation in the Kosice employment office, and that it would be investigated.**

**In a similar vein, Marcela Radoska, at the regional employment office in Banska Bystrice, related:**

**Romanies can apply for jobs anywhere, but there are some employers that don't want to hire them. We have no influence upon this. They send or phone information that we should not send them Romanies. For example, nobody wants to hire Romanies as waiters, who will serve us. Also, many of them change jobs often or simply don't show up. These restrictions are characteristic more of private companies than state companies. There is no law against such restrictions. ... Employers simply tell them that these jobs are already taken ... if they don't want to hire him, they create some requirements that he cannot fulfill. ... So, we have no influence upon this. No law against this exists, but I think that some law should exist. Moreover, we enter each person who is looking for a job into the computer, and there is a column which tells us which nationality she or he is—whether she or he is a Romany or not. I think that this is ridiculous, because when somebody sees on the list that a potential employee is a Romany, then they immediately don't want to hire him or her. I don't write it, but I have some colleagues at the office who write it down. In my opinion, it's discriminatory. I think that Romanies have the same rights as others. But, on the other hand, private entrepreneurs have experiences that when they hire somebody he then doesn't show up for work. This makes it very difficult. If we have two equally qualified persons, a Romany and a non-Romany, the employers will hire the non-Romany. ... But the main problem is that the majority of Romanies aren't qualified and don't even have primary education, and therefore it's very difficult for them to find jobs at this time. The employers usually don't tell us honestly that they don't want Romanies, but usually just say that the position is already full.**

**Mr. Malinovsky at the employment office in Spiska Nova Ves, told Helsinki Watch a similar story:**

**Some company asks us to send them some people. We send them. When he gets there, the employer sometimes says they already have enough people. I call up and say, "Why did you call me to send him if they're already full?" Sometimes they say it's because he's Romany. These people from Rudnany—they're as black as coal. He can be a good worker, but he's too black and nobody wants to hire him. I try to help them, even if they have no experience but they are flexible. But it's up to the boss. This way of thinking has always existed in the minds of people—that which is Gypsy is evil. I look for what is good in people.**

**The practice of entering "Romany" or "non-Romany" in the computer records of the Banska Bystrice employment office violates the right of the individual to profess ethnic membership and further contributes to the tendency of the employer to discriminate against Romany job-seekers. Furthermore, the practice of writing down the requirement in the Kosice employment office that "non-Romanies" need only apply, while supposedly the mistake of secretaries, indicates a tendency to condone and thus fail to prevent ethnic discrimination. Furthermore, although most workers in employment offices said they were powerless to punish those employers who discriminate against Romanies, whether overtly or covertly, Employment Law number 297/1991, ratified by the Federal Assembly of the Czech and Slovak republics, outlines specific measures which can be taken to investigate and fine employers who violate the employment law.**

### **Czech Republic**

**Although most Romanies now living in the Czech republic migrated to the Czech republic in order to find work in industrial areas, the same stereotypes and discriminatory hiring practices are prevalent in the Czech republic as in the Slovak republic. Helsinki Watch heard several reports of companies refusing to hire Romanies, sometimes directly stating or writing that they would not hire Romanies. Dusan Banik, a Prague Romany man, told Helsinki Watch about his wife's search for a job as a cleaning woman:**

**The biggest problem is employment. My wife goes to the employment office for a list of employers who have requested applicants. There were twenty jobs listed on this**

**computer-printout. I looked at it and some of the employers had written: non-Romanies. These were state-owned companies.**

**Helsinki Watch obtained a copy of one of these Prague printouts, in which it is specified that only "non-Romanies" should apply for certain positions.<sup>3</sup> In Brno, Ignac Zima, a Romany who works in a special section of the employment office dealing only with Romany job-seekers, told Helsinki Watch that although it was written on several job opening requests that they wouldn't take Romanies when he started working there, the employment office protested against this. Thus, although it is no longer written on the requests, he said that some places still say "that they'd be happier if we didn't send them a Romany" or simply tell the applicant that places are already full even if they are not.**

**Similarly, in Most, Mrs. Bednarikova, the new director of the employment office, told Helsinki Watch that organizations sometimes say that they don't want Romanies, that Romanies are often told that positions are full, but that the employment office does not have the authority to check and see if these positions really are full or not. Another registration clerk said that "some companies tell us that they don't want Romanies because they've had bad experiences with them in the past—for example a bad work record. So they write back to us that the position is no longer available, even if there's another reason for this."**

**Romanies in several cities told Helsinki Watch about several such examples. P. Horvath, a Romany manual laborer in Brno, lamented:**

**Democracy today is nothing much. During communist times, at least we had work. Now, when I go to the employment office Mr. Zima gives me a list of places that have openings. But when I go to these employers, they tell me, "Don't be angry with us, but we've had bad experiences in the past with Gypsies, and we can't employ you." Then a gajo goes in there, and he comes out twenty minutes later with a job.**

**Another Romany woman in Brno told Helsinki Watch:**

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<sup>3</sup>See Appendix E.

**I am a cleaning woman. I always had work. I worked for fifteen years in one place, so it's not as if I couldn't hold down one job. Last week I went to the nearby school where I knew that they needed a cleaning woman. They wouldn't give me a job. They said the position was full, but I know for a fact that they still have no cleaning woman.**

**Another Romany man from Brno added:**

**During communist times, we worked. We had money. At least we had jobs. We had to work or else we'd be thrown into jail. I used to work as a digger, the worst type of work. Some factories, even though they need people, don't have money. We go to the employment office, where they give us recommendations for jobs. But when we go, they say that there's nothing available. It's almost Christmas and we have nothing. We had to sell our furniture. Mr. Zima, at the employment office, says he'll try to get us jobs, but he showed us papers where factories say they won't hire Gypsies.**

**One Romany bricklayer from Teplice reported:**

**When I go look for work, the employer tells me there is no work. Once I went with a gajo friend of mine, and I went in first. They told me there was no work available. Then my gajo friend, also a bricklayer with the same qualifications as me went in and was hired.**

**Similarly, Rudolf Musel, a Prague Romany, told Helsinki Watch:**

**I went with one of my relatives to look for work. When my relative went in to the first establishment, they said—"There's no work here. It's full." When I went in they said they would hire me. We have the same qualifications. But I am much whiter than he is. Then I asked, "Why did you tell the man before me that there were no openings?" Then she laughed and said—"For you, we have work."**

**In Ceske Budejovice, Juroj Markovic, a local Romany leader, mentioned that "a train electrification company in Prague sent an order to Ceske Budejovice not to employ Romanies. They say that they had bad experiences with these people, who worked one or two weeks and then quit, that they're not reliable. But this isn't every Romany."**

**Emil Cina, a local Romany leader in Chanov (Most), told Helsinki Watch:**

**Romanies are the first to be fired because they are not qualified. But the majority of Romanies who have come here for the past 40 years came to do manual labor. At the employment office, they often offer Romanies work. But when he goes to the factory, they tell him, "We are fully-staffed." How is it possible that the employment office knows that positions are available, but then when Romanies apply in person, they are suddenly fully-staffed? Because they are Romanies.**

**In Usti Nad Labem, Bartholemew Horvath reported:**

**I'm constantly looking for work. It's already been a month and the factories are looking for skilled people. Whoever isn't skilled doesn't have a chance because those jobs for unskilled workers are already occupied. We aren't qualified. But I think that even if I was qualified, they would still have to think a lot before they hire Romanies. My son-in-law is a skilled locksmith and is having serious problems because they don't want to hire him.**

**Dr. Renata Kottnerova, head of the Department of Social Work in Olomouc, told Helsinki Watch that "Romanies have tremendous problems, for example, when hunting for jobs. When they come to an enterprise, it's immediately written "We're already fully-staffed." Klara Samkova, a representative of the Romani Civic Initiative Party in Federal Parliament, characterized the problem as a virtually complete overlapping of the socially weakest class and the Romanies:**

**The core of the problem is that they're unskilled. In cases where employers refuse to hire Romanies, they are doing it because they think that Romanies change work very often and**

**that it's difficult to work with them. Of course, this is a generalization. There are many Romanies who are good workers without absences. We will fight against job discrimination. But we must make a distinction between those who are truly unskilled (and need requalification courses) and those who are being discriminated against.**

**Although a mechanism exists for investigating and punishing companies that violate the Employment Law, no local employment offices have used it to prevent discrimination against Romanies in the hiring process. In fact, some employment offices claimed that they had no authority to check up on companies suspected of discriminatory hiring practices. Perhaps this is because discrimination is mentioned only in the general principles of the law, but is not specifically enumerated in later paragraphs. Helsinki Watch interviewed several people at the Ministry of Labor and Social Affairs of the Czech republic who said that they had no records of any company being fined for discriminatory hiring practices under law number 297/1991. At the Ministry, Dr. Simkova told Helsinki Watch that no companies openly requested non-Romany workers. She then decided to call the director of the employment office in Ostrava (where there is a high concentration of Romanies), Dr. Prouza, who confirmed that companies sometimes request non-Romanies. He said that they had not imposed any fines on these companies because they had enough employers who didn't request non-Romanies, and thus had places to send Romanies. However, he said that on April 1, 1992, the employment office would have a meeting with employers and tell them that they can no longer request "non-Romanies," as they no longer have sufficient openings willing to hire Romanies.**

**Despite the aversion many employers seem to have toward hiring Romanies, some Romanies are doing very well in the fledgling capitalist system. In most localities in both republics visited by Helsinki Watch, there were Romanies who had started private enterprises—construction companies, wine bars, pubs and hotels, used-car businesses, and car rental services, among others. These entrepreneurs have been very successful, though some complain that local people and authorities have tried to make their business attempts difficult.**

**In some localities visited by Helsinki Watch, the mayors of the towns took a special interest in hiring unemployed Romanies for City Sanitation Services,**

**sometimes giving them more flexible work schedules and cutting their pay instead of firing them for missed hours. In Jasov, the mayor personally guaranteed the loans for Romanies who wanted to open private stores in their settlement.**

**Programs for training Romanies as social curators who go into the field and can advise city authorities are already underway in the Czech republic. Twenty-four women have already finished the training. The Czech Ministry of Labor and Social Affairs is also planning a one-day seminar for members of Romany Initiatives to teach them laws relevant to social security, welfare, unemployment, and other relevant areas.**

**Helsinki Watch found that the repeated occurrence of discrimination against Romanies by both state and private enterprises is often disregarded by government authorities responsible for preventing such discrimination. These authorities often view discriminatory hiring practices not as discrimination but as the logical result of "bad experiences" employers have had with Romanies in the past. The tendency of both employers and government employment offices to generalize about all Romanies on the basis of experiences they have had with individuals violates the principles set forth in the Czechoslovak Employment Law as well as in the Charter of Fundamental Rights and Freedoms of the Czech and Slovak Federal Republic and international agreements.**

## **RELATIONS WITH THE POLICE AND THE CRIMINAL JUSTICE SYSTEM**

### **IN THE COMMUNIST ERA**

**In the past, Romanies experienced significant discrimination at the hands of the police and judicial authorities. This included constant checking of their identification cards, unauthorized searches of their homes when a robbery occurred, a tendency to impose harsher sentences in court, and a generally held assumption that all Romanies are either criminals or potential criminals. According to Charter 77:**

**Unwritten laws, which carry more weight with the courts than written ones, demand that Romanies should get higher sentences than would be given to members of the majority population in similar cases. Furthermore, their lack of knowledge of Czech and Slovak and of their basic civil rights is systematically used against them. A Romany is more likely to receive a prison sentence for his or her crime than a member of the majority population, and they are discriminated against even in the course of their sentence.<sup>1</sup>**

**Romanies say that the police checked their identity cards much more frequently than those of non-Romanies (with the exception of dissidents). Margita Reiznerova, a Romany woman from Prague, told Helsinki Watch, "During communist times when I would walk down Wenceslaus Square to Mustek, the police would check my I.D. at least three times, simply because I am Romany." Similarly, Jarka Rusenkova, a non-Romany woman married to a Romany man, related:**

**In the past, when my husband and I were walking down the street, the police would stop us and check his identification card, but not mine, because I'm not a Romany. This happened all the time.**

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<sup>1</sup>"Charter Document ...," *Labour Focus*, (May/June 1979), *op. cit.*, p. 22.

**Some of the Romanies' cultural norms violated Czechoslovak law. For example, Pavel Pekarek, a sociologist who presently works at the Czech Ministry of Labor and Social Affairs, described the following situation:**

**Many Romany men were locked up for sleeping with underage girls. It is not uncommon for fourteen-year-old Romany girls to reach maturity and be pregnant by the time they are fifteen. Then when Romany men were locked up for sleeping with them, people said "He was locked up for love. He suffered for love." In the minds of many Romany women, whoever was never in prison is not a real guy. So in the end it is tragic.**

**In addition, many Romanies claim that they were unjustly locked up for crimes which they did not commit, simply because the police would pick out the first Romany they came across after a crime was committed and pressure him into signing a confession. Anton Billi, a Romany man from Kosice, told Helsinki Watch about his eight months in prison during communist times:**

**I was in prison for eight months. I was convicted of beating a cop, but it wasn't true. I wasn't there. I had ten witnesses who testified that I was with them but they still convicted me. At this time the police would often come around searching for Romanies and take in the first ones they saw, saying they were guilty regardless of whether they were anywhere near the crime or not. Luckily, I was let out early because of the amnesty by President Havel. Now the prosecutor is re-examining my case.**

**Romanies told Helsinki Watch that during communist times the police used indiscriminate violence against them. Josef Ziga, a Romany leader in Jasov, told Helsinki Watch that "in the past, the police would beat us if they saw us walking down the street after having a few drinks. They cannot use these methods now because there are laws against this. Now they're more aware that they can be punished for this."**

**Similarly, Romanies in Ostrava say that the police would take them to the forest, where they were beaten until they admitted to some crime. Miloslav Holub, a Romany leader from Ostrava, recounted:**

**During communist times, the police would take Gypsies into cars, take them outside the city to the forest or lake, beat them and then throw them out of the cars. There used to be weekly actions in which the Prague police would come to Ostrava, arrest all Gypsy women, bring them to the police station, fingerprint them, empty all their pockets and photograph them.**

#### **SINCE 1989**

**After the Velvet Revolution in 1989, the duties and authority of the police force came into question. The role of the police changed from that of an oppressive organ to that of a protective force. However, the inculcation of police ethics into the training of lower-ranking police officers has been quite varied. Dr. Vitek, the Director of the Police for Northern Bohemia, told Helsinki Watch:**

**We need to change the mind-set of the police. In the past, the police had no respect for the inhabitants. They protected the ruling people. We want to change them so that they are aware of the fact that they are here to protect people, that this is their duty. A personal point of view is missing. Our main task is to change the way of thinking of the police, to make them more humanistic.**

**Although many regional and republic police directors see the police as an agency whose role is to protect rather than to harass the people, this attitude has not always filtered down to lower-ranking officers. Thus, the behavior and responsiveness of the police differ from region to region, city to city and town to town.**

**In some towns visited by Helsinki Watch, Romanies reported an improvement in police behavior in the years following the revolution— fewer incidents of police brutality, fewer occurrences of police questioning of minors in the absence of parents, less frequent checking of their identity cards, and fewer incidents of unauthorized searches of their homes. In others, Helsinki Watch received reports that police continue to harass Romanies and are often indifferent and slow to react to attacks on Romanies.**

## **Slovak Republic**

Although some Romanies report a significant improvement in police behavior toward them in the Slovak republic, police attitudes and behavior in some localities visited by Helsinki Watch seem to have remained the same. Romanies reported that police continue to question their children without the presence of their parents or teachers, that police continue to conduct unauthorized searches of Romany homes whenever some sort of robbery occurs, that the police often use unnecessary violence and racist language during questioning, and that the police are often indifferent and slow to react to violent acts by the non-Romany population against the Romany population.

### ***Questioning of Children in the Absence of Parents***

Helsinki Watch heard reports in several Slovak localities that whenever some sort of petty theft occurs, the police immediately go to school, pick out Romany children and bring them in for questioning without parents or teachers being present.

**Tereza Pechova, a Romany woman from Rudnany, told Helsinki Watch:**

The police sometimes come into school to question our children. They take them out of school. If something was destroyed or stolen, the parents have to pay for it. There are no teachers or parents there during questioning, and the police ask them [the same question] so many times that sometimes an innocent child will admit he did something just because he's afraid of the police. The police also hit our children, but we don't complain about this because we're also scared. The police hit the kid until he admits he did something wrong.

**Similarly, Bohus Pokuta, a local Romany leader from Krompachy, reported:**

During the summer [1991] I went to the police station to pick up a Romany child after he was beaten there. I told the police that if a child is not yet eighteen that he can't go there without his parents for questioning, and they just told me it was not my

**business, to get out. Without the knowledge of the parents, the police take children in for questioning all day and then send them home alone.**

**In Markusovce, one Romany man told Helsinki Watch: "If something is stolen, the police go directly to the school and pick out one Romany child and say that he did it, give him a few slaps until he says he's guilty." Similarly, one Romany man from Jarovnice claimed:**

**The police take our kids from school and question them without us. The kids often admit to things under pressure even when they didn't do it. The mother is at home and the child is at school. The police don't behave politely. They come to our homes without permission, kick at our doors instead of knocking, address us with the impolite form. The children often steal things like potatoes because we're hungry, so the police come looking for these things here, but without any warrant.**

**However, petty crime is not a stranger to some Romanies. As one Romany girl from Jarovnice joked, "I have to steal, don't I? It's better than if I pay. I steal from the state, I don't steal from any person."**

### ***Continuation of Unauthorized Searches***

**According to Article 12 of the Fundamental Charter of Rights and Freedoms, ratified by the Federal Assembly of the Czech and Slovak Federal Republic on January 9, 1991:**

**1. Sanctity of the home is inviolable. A home may not be entered without the permission of the person living there.**

**2. House search is permissible only for purposes of criminal proceedings on the basis of a written warrant issued by a judge. The manner in which a house search may be conducted is specified by law.**

**3. Other interference in the inviolability of the home may be permitted by law only if it is essential in a democratic society for protecting the life or health of individuals, for protecting the rights and freedoms of others, or for averting a serious threat to**

**public security and order. If a home is also used for a business enterprise or for pursuit of other economic activity, the law may also permit the aforesaid interference if it is essential for realization of the duties of public administration.**

**In spite of these guarantees, Helsinki Watch received reports that unauthorized searches of Romany homes are still practiced in certain localities and that police sometimes use racist language against the inhabitants. Josef Ziga, a Romany leader from Jasov, told Helsinki Watch:**

**Last year, somebody robbed a store and the police started searching all the Romany houses in one part of the settlement, but the thief wasn't Romany. The police were looking for these things in our settlement, but they didn't find anything. The police used to always come into our houses without permission (a warrant) during communist times. But they don't do this as much today because some Romanies are smarter and more well-informed. They know their rights better.**

**One young Romany woman from Smizany told Helsinki Watch:**

**The police came and still come to our village if there's a robbery in the camping cottage area. They don't ask to come in and don't even say for what reason they are coming into the houses. They just come. Without papers, without permission. We know that the police have no right to just come into our homes, but should we just let them beat us?**

**In Svinia, okres Presov, one Romany man told Helsinki Watch:**

**Last time a store was robbed in town, the police came here immediately to search our houses. They said to one woman "You black ape, shut up." One Presov cop, Labasko, is very hostile to the Romanies. When he comes here, he doesn't talk to us. He just starts beating us. The children who are twelve to fifteen years old are scared when the police come and always run to the forest because they know the police will take them even if they didn't do anything.**

**In Mazornik, a settlement near Brezno, Central Slovakia, Josef Pustaj reported that there are "a lot of problems with the police. There was a fight in the pub between Romanies and gaje and the police came here and kicked my door. They asked me if I knew anything. Then they said 'Shut up or we'll beat you.' I couldn't say a word or they would've beaten me."**

**On January 19 at 10:00 P.M., Helsinki Watch was visiting a Romany family in Sumiac, Central Slovakia, with three Czech women. Mayor Betiakova and one policeman entered the house without a warrant and asked who was foreign there. They took the passport of the Helsinki Watch representative and the identity cards of one Slovak and two Czech women, writing down the numbers. The police officer said that he had received a report that four unknown women were seen walking around the Romany neighborhood, and that it was possible that they were selling Romanies false gold. The mayor said that Helsinki Watch and the one Slovak and two Czech women should have registered with city authorities before visiting any families in the village. When asked why registration was necessary, the mayor said that Helsinki Watch could have been told the altitude of the town. The policeman said that according to Par. 204 of the penal code, he had a right to enter the house. [This is a law pertaining to trafficking in women.] The mayor wanted to know what the conversation was, what the Romanies had said, and so on. When Helsinki Watch said that the Romanies had reported that they were not allowed into discos, pubs, and other enterprises, the mayor said that she was not aware of this.**

### ***Use of Unnecessary Violence and Racist Language***

**Helsinki Watch received reports in several localities that police continue to use unnecessary violence and racist language against Romanies. In Bystrany, Helsinki Watch interviewed one eighteen-year-old Romany boy who was brought by the police to town hall and beaten with rubber "tommy clubs" after sniffing glue on January 27, 1992. Helsinki Watch saw bruises on his legs and arms and back. He reported:**

**I was beaten by the police because I inhaled some glue. I was with two friends of mine: it was about 2:50 P.M., one Romany informer policeman called the police. We were in an empty apartment building sniffing glue. When the police arrived, they**

**asked, "Why are you doing this?" I said, "I've been doing this a long time." They took us to the Town Hall. The mayor was in the building. The Romany policeman was not in the room when they started to beat me. They took us in one at a time. When I got into the room, one policeman started to beat me with his rubber stick, saying "You're gonna be a good boy." The other two policemen just watched and said nothing. I tried to protect myself but didn't fight back. The police didn't write any report about the whole incident.**

**When confronted about the incident, Mayor Vladimir Pavlik of Bystrany explained:**

**The day before yesterday there was a group of youngsters in one empty building sniffing glue. When they're in this state, they start to destroy things. The Romany policeman phoned the police and said that it was necessary to preserve order there. Perhaps the boys were beaten, but it's the first case I know of anyone being beaten here. Besides, he wasn't beaten severely, and he was high and said he would kill all the policemen.**

**When asked if any disciplinary action would be taken against the policeman who beat the youngster, he replied that he didn't know and minimized the incident. It is unlikely that the teenager will complain or take any legal action against the police because there is an apparent reluctance to do anything against local authorities due to fear inside and outside the community.**

**Jan Kompus, a local leader from Medzev, told Helsinki Watch that relations between police and Romanies had improved recently after a highly publicized incident:**

**Last year we had a meeting because a seventeen-year-old Romany boy was beaten by the police and then locked up for twenty-four hours. I got up and spoke and told the mayor that measures had to be taken against such things, regulations, so that they wouldn't happen in the future. Then the police took the boy to court and said that he had attacked them. But I know that this isn't true because I spoke to him and also to some girls that**

were there at the time. Luckily, he wasn't punished.

In Rimavska Sobota, Jan Farkas, an entrepreneur who has taken over the management of an all-Romany housing project, told Helsinki Watch:

The police are very brutal and aggressive against Romanies, but to normal people they are benevolent. In the past and even now the police go to the all-Romanies housing project and break down their doors and sometimes beat them. It's like one old joke: two gaje are walking down the street and one says, there's a person walking toward us. But when he comes closer he says, No, it's not a person; it's a Gypsy.

***Indifference and Slow Reaction of Police to Acts of Violence Against the Romany Community***

In Central Slovakia, Helsinki Watch heard reports in one locality of police indifference to violent acts perpetrated against the Romany community. In Puste, Cierny Balog, Jana Daskova, a young Romany woman, reported:

Once, the children were sleeping in bed and some gaje threw rocks at our windows and there was glass all over the place. When I went to the police and to City Hall, they told me that they don't fix windows. They didn't write up a report or anything. They said that if we didn't know exactly who did it, there was nothing they could do. But when a gajo complains that a Romany did something, the police immediately do something, find the Romany, take him to the police and beat him.

Daniela Bartosova, another Romany woman from Puste, Cierny Balog, similarly reported that "they're always writing about Romany criminality, but it's because they write it down. When a gajo does something to us, the police don't write up a report, so the statistics are completely distorted."

Julio Bartos, a Romany man from U medvedu, Cierny Balog, told the same story:

Non-Romanies behave much worse to us nowadays. They throw

**rocks into our windows, don't let us into restaurants, don't let us ride on buses. This is how they explain democracy. We complained to the police when the gaje threw stones into our windows, and the police said that they would investigate it. But until now, they've done nothing. We were lucky that the baby was in a basket, covered by pillows, when the glass broke.**

**Similarly, Imro Dasko, another Romany man from Cierny Balog, reported:**

**Some gaje boys threw rocks into our windows. We went to the police and they said they didn't know how to advise us. ... My son saw the license plate number, the car and the color. We gave this information to the police and they still didn't do anything. If they had wanted to investigate the incident, at least they would have come here to see what it looked like and write up a report. But they didn't. The police aren't interested at all. They told us to find out who it was and then to call them.**

### **Czech Republic**

#### ***Police Indifference and Slow Reaction to Acts of Violence Against the Romany Community***

**In the years following the Velvet Revolution there has been a sharp increase in violent and racist acts against the Romany population in the Czech republic. According to a report issued by the Institute for Criminology in Prague:**

**The inadequate functioning of preventive measures and the repressive apparatus of the state in the fight against criminality leads to a very dangerous phenomenon. The populace sympathize with anyone who at least verbally, but better "in reality" stands up for their protection... Thus, for example, members of the group of skinheads are forgiven and ultimately supported by a considerable part of the population, which mistakes their racist, fascist intolerance with the protection of society from criminality. We are afraid that the population will have this attitude at least until the time when the state organs, in their opinion, are sufficiently able to protect their lives,**

**health and property.<sup>2</sup>**

**Romanies in the Czech republic reported to Helsinki Watch that the aversion of the general populace toward them has become increasingly acute in recent times, most blatantly in the form of violent physical and verbal attacks by skinheads, who have also attacked other dark-skinned persons, including Arab students and Vietnamese workers. A. Horvathova, a Romany woman from Prague whose son was attacked by skinheads, told Helsinki Watch: "We have no place to complain. No rights. Be silent, locked in our homes. We never imagined this would be democracy. We thought that it would be like in foreign states, that we would live like normal people."**

**Milan Horvath, a Prague Romany man, reported:**

**A normal Romany can't walk down the street. During communist times, we had the same rights as every citizen. We had work, and those of us who worked could lead a normal life. It was not necessary to be afraid. My son was attacked by skinheads, but he couldn't identify any of them in photos.**

**In Prague, Helsinki Watch received many reports from Romany children and teenagers who were harassed or attacked by skinheads in a variety of situations. In most cases, non-Romany bystanders made no effort to intervene to help the victims. One twelve-year-old Romany girl who attends special school told Helsinki Watch about an attack by two deaf skinheads on her way home from school:**

**They beat us. In the bus. I was with another girl. They shouted "Gypsies" at us. We were standing there and they came and started to beat us. One of them pulled a knife on my cousin. He wanted to stab her. She avoided it. Then they got out and pulled us by the hair.**

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<sup>2</sup>PhDr. Kazimir Vecerka, CSc. and PhDr. Marketa Stechova, "K Problematice racismu v CSFR," ("On the Problematic of Racism in Czechoslovakia") Provided by the Institute of Criminology and Social Prevention (Institut pro kriminologii a socialni prevenci).

**There were non-Romanies on the bus, but according to the little girl "they said nothing. They just laughed."**

**Tonda Sestak, a Romany from Ceske Budejovice, told Helsinki Watch: "My son was attacked by skinheads twice on the bus. The police exist only for someone, but not for us."**

**A lack of faith in the police and criminal justice system discourages most Romanies from reporting skinhead attacks.**

**Helsinki Watch received repeated reports of police indifference and slow reaction to acts of violence against the Romany population. Romanies complain that the police often don't write up reports of skinhead attacks upon them. Charlotte Vrbova, a Romany woman from Prague, told Helsinki Watch:**

**Last year in Prague 4, two teenage girls were on their way to school with some other children. Some skinheads who live in Prague 4 were there and attacked these black children and beat them up. One of the girls was knocked unconscious and her mother brought her to a doctor. This doctor, because he is a Czech, wrote up a report, but he said that it wasn't anything. The mother reported the incident to the police, but the police said that if they didn't see anything, then they couldn't help. And this is our police. They didn't write any report, because they didn't see anything.**

**Hana Syslova, a non-Romany woman who witnessed police reactions to a skinhead attack on Romanies in 1990, recounted:**

**I heard a group of skinheads shouting, and then they ran past me. I walked in the same direction as them and I saw some Romanies and wanted to warn them about the skinheads, who I had already seen beat a group of Vietnamese tourists once. They said that the skinheads had already been there and had beaten up one Romany boy, who was lying on the ground bleeding. They said that they had already called the police. Then one police car came, then another, and then a third. They stopped and asked what had happened, and instead of going**

**after the skinheads and trying to catch them, they started talking to us. One of the cops started talking about Romany criminality. They were so slow to do anything, and didn't seem to care about catching the skinheads. Then I started shouting at them and they told me they didn't want to talk about politics and got in their cars and left.**

**Another Romany boy in Prague told Helsinki Watch:**

**I was attacked eight times by skinheads. On Palackeho Namesti, once, there were fifty of them. I tried to run with my friend. No taxi would stop for us. We ran fast enough and they didn't catch us. Another time I was attacked I went to the police at the Karlova Namesti metro police station and they said "It's your fault." So I said "So what shall I do?" They said "Be careful. We're not interested."**

**P.B., a fourteen-year-old Romany boy attending special school in Prague, told Helsinki Watch:**

**Last year, in the fall, at about 6:00, about twelve of us Romany children were at Vitavska station. There were three skinheads. They were big, about eighteen or nineteen years old, and they looked down at us from above. They shouted: "Let's get them." They came down and ran after me. They broke my nose. We ran away. After this, we went to the police station and the policemen didn't believe us. We all went, but they only let me speak to them. They wrote a protocol (report) for the accident. After about fifteen minutes, the police went to Vitavska. They didn't find them, and when they came back they said we were pulling a prank, that we had broken my nose ourselves. I sat there for almost an hour, and then they sent me home alone in the dark.**

**P.B. took Helsinki Watch to the police station where he had reported the attack. When asked if they had a report on this incident, the police said they did not. Other children in the class told Helsinki Watch that they had been with P.B. and that the incident had occurred, as did teachers, but no report was available.**

**Helsinki Watch heard reports that skinheads were stalking Romany children near schools in Prague and in Northern Bohemia, but both teachers and children reported that the police have been very responsive and patrol near the schools. Nevertheless, in several cities, Romany parents are afraid to send their children to school. Roman Feko, a Romany leader in Hradec Kralove, told Helsinki Watch about a skinhead attack on a Romany winebar which resulted in the death of one Romany man and several instances of skinheads chasing Romany children in the streets. As a result, "all the Romanies are incredibly afraid, afraid to send their kids to school, to walk along the street, etc. We didn't understand how they could have released these skins [after the winebar incident], but we're afraid to walk down the street."**

**Harassment and attacks on Romany individuals, which often go unreported to the police or are disregarded, continue to demoralize and paralyze the Roma community. Romanies in Prague have organized several rallies against racism and have written letters demanding action and increased protection from the police and the Ministry of the Interior, but they have received little assurance that they will be afforded any extra protection from a police force already overburdened by a sharp increase in criminal activity in general.**

**Although the police claim that they are not following skinhead-Romany conflicts as a "special sort of criminality," Helsinki Watch obtained some information from both J. Vitek, the director of police of Northern Bohemia, and Frantisek Zelenicky, the chief of police of the Czech republic, about the progress of criminal proceedings against both skinheads and Romanies involved in these conflicts. Although some of these incidents have been brought to court, officials appear reluctant to prosecute racially-motivated attacks as such. Most attacks on Romanies by skinheads have been prosecuted as "rioting" or "bodily harm" rather than as racially-motivated attacks.<sup>3</sup> J. Vitek, the Director of Northern Bohemian Police, told Helsinki Watch:**

**In our country, the Romanies have not been, I repeat, have not been, attacked by skinheads. There have been few cases. In the spring of 1990, in Ceska Lipa, at a dance given by Romanies,**

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<sup>3</sup>See Appendix C.

fifteen skinheads came and attacked the guests. Some were wounded, treated, and sent home. In 1990, that was the only case when skinheads attacked Romanies in Northern Bohemia. Some of the skinheads were arrested and sentenced on counts of riot and assault and battery. The problem with [the skins' reasoning] was that the Romanies hadn't committed anything. But, in earlier times, our inhabitants have been repeatedly attacked by Romanies and so the skinheads took the law into their own hands. So it was not a manifestation of racism, but a reaction.

Romany leaders complain that the skinheads should be locked up for violation of Paragraphs 260 and 198 of the penal code. These laws state:

***Support and Promotion of Groups Aiming to Suppress the Rights and Freedom of Citizens***

**Paragraph 260, Section 1 declares:**

**(1) Whoever supports or promotes groups which demonstrably aim to suppress the rights and freedom of citizens or declare national, racial, class or religious hatred (for example Fascism or Communism) will be punished by imprisonment for one to five years.**

**Paragraph 198a:**

***Incitement of National or Racial Hatred***

**(1) Whoever publicly incites hatred toward some nation or race or toward the limitation of the rights or freedom of their members will be punished by imprisonment for up to one year.**

**(2) The same punishment will apply to whoever associates with or participates in a mob seeking to commit the action mentioned in Paragraph one.<sup>4</sup>**

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<sup>4</sup>These laws were reviewed, slightly amended, and passed on December 11, 1991. *Rocnik 1991, Shirka zakonu, Ceske a Slovenske Federativni Republiky, castka 105, Rozeslana dne 30, prosince 1991, zbirka zakon 557, ze dne 11, prosince 1991.*

**The applicability and effectiveness of these laws in relation to skinhead attacks on Romanies has been criticized by many Romany leaders. Klara Samkova, a lawyer and member of Federal Parliament for ROI, told Helsinki Watch:**

**Paragraph 260 of the criminal code was only a vague attempt to express that we have problems with communists. The General Prosecutor said that although skinheads have some fascist ideology, he can't take action against them because he can't force a solution. He said that we need to have a dialogue. I told him that opening up a dialogue is not his job, rather that he must enforce the law. Other groups can open up a dialogue.**

**Similarly, Jan Langos, the Federal Minister of Internal affairs, in a report to the Federal Assembly on November 7, 1991, said that the number of criminal acts committed according to laws against racism was slight, which is rooted in the fact that "a criminal activity, when it is motivated by national or racial hatred, is difficult to investigate and prove in police praxis."**

**These laws have rarely been used to punish skinheads and others who publicly declare hatred toward the Romanies. Most are prosecuted for rioting or assault, and verbal harassment is usually requalified as a misdemeanor. After a November 24, 1991, unauthorized skinhead demonstration described in the Introduction, in which several hundred skinheads shouted in the streets "Gypsies to the gas chambers!," "Blacks, raus!," "Czechs for Czechs!," "Oi, oi, liquidate ROI!" and marched through a neighborhood heavily populated by Romanies shouting "White Zizkov," thirteen persons were apprehended for taking part in an unauthorized demonstration and disturbing the peace (rioting). All cases were qualified as misdemeanors and no charges were brought against them for violating anti-racism paragraphs of the penal code. Further information about conflicts between skinheads and Romanies which have occurred in the Czech republic since 1990 and the results or stages of criminal investigations are listed in Appendix C. In most cases, the incidents are being treated as assault or rioting. One case is being treated as a racially-motivated crime in addition to three other counts.**

**International agreements and conventions require participating states to prohibit by law "any advocacy of national, racial or religious hatred that**

**constitutes incitement to discrimination, hostility or violence.”<sup>5</sup>**

**Helsinki Watch condemns all forms of discrimination on the grounds of race, nationality, religion or gender. However, we take a strong freedom of expression stand and do not support laws and prosecutions of “hate speech” which are not based on direct and immediate incitement to violence, discrimination, or hostility.<sup>6</sup> We therefore believe that Paragraphs 260 and 198a of the Penal Code should be repealed.**

### ***Institutional Racism Against Romanies***

**Romany leaders have objected to the continued collection of statistics regarding Romany criminality in which an offender is identified by the police as a Romany regardless of whether that person has freely chosen to be labelled as a member of the Romany minority. According to the Charter of Fundamental Rights and Freedoms ratified by the Federal Assembly of the Czech and Slovak Republics, as well as international treaties ratified by the Czech and Slovak Federal Republic, every person has the right to choose his nationality. According to Article 3 (2) of the Charter of Fundamental Rights and Freedoms as a Constitutional Act of the Federal Assembly of the Czech and Slovak Federal Republic, effective as of January 9, 1991:**

**Everybody has the right to a free choice of his or her nationality.  
Any form of influencing this choice is prohibited, just as is any  
form of pressure aimed at suppressing one's national identity.**

**Article 10 (2) of the Charter of Fundamental Rights and Freedoms states:  
“Everybody is entitled to protection against unauthorized gathering, publication or  
other misuse of his or her personal data.”**

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<sup>5</sup>Article 20 of the International Covenant on Civil and Political Rights, 999 U.N.T.S. 171, 6 I.L.M. 368 (1967). The International Convention on the Elimination of All Forms of Racial Discrimination, 660 U.N.T.S. 195, 5 I.L.M. 352 (1966), Article 5 expands upon these requirements (see section on International Law).

<sup>6</sup>See Appendix D for “Human Rights Watch Policy Statement on Protection of Hate Speech.”

**On the statistical list of crimes still being used, the Prosecutor must fill in certain categories. In the section named "nationality," Romanies are not listed along with Czechs, Slovaks, Hungarians, Germans, Poles and Ukrainians, but can be counted as "other." On the other hand, in the sections entitled "further information about the individual offenders," sections 22 and 23 of the statistical form, Romanies are generally inserted into the following categories:<sup>7</sup>**

<b>Gypsies, others</b>	<b>Gypsies, particularly dangerous recidivists</b>	<b>particularly dangerous recidivists</b>
<b>All-around drug abusers</b>	<b>non-alcoholic drug abusers</b>	<b>alcoholics</b>

**Prosecutors use the information given to them by investigating officers, who often assume someone is a Romany by the way he or she behaves or looks, without regard to chosen preference of nationality. Klara Samkova, a representative of the Romani Civic Initiative Party in Federal Assembly, gave a speech in the Federal Assembly calling this method of collecting data on so-called "Romany criminality" a violation of the Charter of Fundamental Rights and Freedoms.**

**Although government officials claim that these statistics will no longer be released to the press because they increase public aversion to Romanies, the continued gathering of statistical information about persons who choose not to declare themselves as Romanies violates their right to choose their nationality. Furthermore, the continued classification of Romanies in a category entitled "Further information about the individual offenders" instead of among other nationalities violates their right to be treated equally with other nationalities.**

<sup>7</sup>Statistical form provided by the Institute for Criminology in Prague. See Appendix F.

## **EXCLUSION FROM PUBLIC AND PRIVATE SERVICES**

**According to Article 24 of the Charter of Fundamental Rights and Freedoms, signed on January 9, 1991, as a Constitutional Act of the Federal Assembly of the Czech and Slovak Federal Republic: "The national or ethnic identity of any individual shall not be used to his or her detriment." In addition, Article 3 states:**

**Fundamental human rights and freedoms are guaranteed to everybody irrespective of sex, race, color of skin, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth or other status.**

**International covenants and declarations ratified by the government of the Czech and Slovak republics outlaw discrimination and denial of "access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafes, theaters, parks."<sup>1</sup>**

**In spite of these principles, Helsinki Watch received repeated reports in both the Czech and Slovak republics of significant discrimination against Romanies by both state- and privately-owned enterprises. Although Romanies report that they were often denied access to restaurants, pubs and other establishments in the past, several report that the situation has worsened in the last few years due to the privatization of many enterprises. Although the most frequent complaints relate to restaurants, pubs and discos, discrimination is also reported to be present in certain localities in transportation, theaters, and even grocery stores. The frequency with which both privately- and state-owned enterprises exclude Romanies violates both international and local law, collectively condemns an entire group because of the behavior of some members, and contributes to a tendency to segregate Romanies from majority society.**

### **Slovak Republic**

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<sup>1</sup>From Article 5, paragraph (f) of the International Convention on the Elimination of All Forms of Racial Discrimination. See section on International Law.

**In Slovakia, Helsinki Watch heard several reports of Romanies being refused entry into restaurants and pubs, usually recently privatized establishments. Similarly, in some localities, there were reports of Romanies not being admitted into movie theaters or being sold the worst seats, segregated from non-Romanies. In some towns, Romanies claimed that they weren't allowed to use playgrounds and sports facilities. In a few localities, Romanies reported that buses refuse to stop for them and sometimes kick them off. Romany women in certain localities reported that they are segregated from non-Romany women in maternity wards and receive inferior treatment.**

***Access to Restaurants, Pubs and Discos***

**Access to privately-owned restaurants and pubs varied throughout Slovakia. In some cases, Romanies were blatantly refused entry into the establishment. In others, they reported that they were not served once they came in. In still others, they reported that the non-Romanies would harass, provoke or even physically kick them out. In Svinia, near Presov, one Romany man reported:**

**The private disco and night club in town don't let us in. They tell us that they won't admit any Gypsies. The owner always laughs at the private grocery store owner for serving us. The pub that we can go to has two separate tables for Gypsies and the rest are for gaje. This is the same as it was during communist times.**

**Similarly, Pavel Stajar, a Romany from Puste, Cierny Balog, complained:**

**When we try to go to the pub, the gaje always try to provoke us, bump into us, call us names, trying to start fights with us. Adults are afraid to go to the pub, so they send their children in to buy them beer or cigarettes. I don't go to the pubs here because I've had bad experiences there. Whenever I go, someone tries to provoke me.**

**Slavomira Musukova, a young Romany woman from Cierny Balog, told Helsinki Watch:**

**If our young men go to a restaurant and don't know the gaje men**

**there, the gaje start to watch us and insult us, calling us "Dirty Gypsies." During communist times, we couldn't go either. Even when I was a little girl, it was like this. They don't treat us well.**

**Similarly, a young Romany man from Sumiac reported:**

**Romanies that live in this village can't do anything. We can't go to discos, pubs or restaurants. The gaje attack us and kick us out of the pubs. People are always asking why Gypsies attack gaje. But gaje usually provoke and attack us first. I live in this country, but there's no work for me. I can't go to pubs, cultural events, or restaurants. Why can't a Romany boy go to the pub for a beer like gaje boys?**

**Mayor Betiakova, who interrupted Helsinki Watch's visit in Sumiac, denied that she knew that local establishments refuse to admit or serve Romanies. She tried to defend the town by citing an example of a Romany functionary from Banska Bystrica who visited and was served coffee in one of the establishments. Local Romanies said that this was because everyone knew that the functionary was coming and that they had to serve her.**

**One non-Romany soldier who lives in Polomka, Central Slovakia, openly admitted his bias against, and attacks on, Romanies:**

**Gypsies don't go to discos much in Polomka, because of what might happen. When we go to the disco, my friends and I drink a lot and then we attack them.**

**Josef Ziga, a local leader in Jasov, expressed his consternation at recent limitations on Romany freedoms:**

**I don't like one thing. A new buffet and beer hall were opened here and they said that not one Gypsy would be allowed in. I have a good name here in our town and I'm liked and esteemed by non-Romanies. I go to church regularly. The manager of this place is my friend. I was walking in and two other Romanies in front of me wanted to get a drink. They weren't even allowed in. But then when we went in and sat down, nobody served us.**

**When I asked why they wouldn't serve us, they just said no. And my friend, the manager, couldn't say anything because his wife was there with him and she didn't want us to be served. This never happened here during communist times.**

**Gejza Horvath, a Romany man from Zehra, told Helsinki Watch:**

**There are some places where we're let in without problems. But there are also some private restaurants in Spiska pod Hrade, where I can't go. But I don't really care because there are other places I can go. Once I went into this private restaurant in pod Hrade to look for a gajo photographer friend of mine and the waiter said to me: "What do you want here? I won't sell anything to you anyway." And I said: "I'm not asking you for anything." If I need to buy something from a private restaurant because the Romany restaurant is closed, I have to ask a gajo friend of mine to go in and buy it for me.**

### ***Access to Cultural and Sports Activities***

**In some localities, Romanies complained that they are not admitted to cultural and sports activities, and especially to movie theaters. Anton Puska, a young Romany man from Puste, Cierny Balog, related:**

**Young Romany people have nowhere to play sports, nowhere to go. The non-Romanies don't let us play in the same fields. We also can't go to the movies. Non-Romanies were beating Romany children at the movies. When non-Romanies are on their way back drunk from the disco or pub, they throw rocks at our windows. Once they came here and were drunk and destroying windows and chasing women and children and beating them. When we went to Town Hall to tell them, they said that if we didn't know exactly who did it, they wouldn't do anything.**

**Similarly, Jana Daskova, a Romany woman from Puste, Cierny Balog told Helsinki Watch:**

**We can't go to the movies in Cierny Balog. Whenever we try to go, they won't sell us tickets. Some of us have hobbies, but it is impossible for us to join teams. We can't start our own team because there's no place for us to practice. The boys have to play soccer on the street.**

**In Smizany, a Romany woman reported that "at the movies, there are separate rows for Romanies. We are always put in the first rows [which are considered to be the worst seats]. Even when I get to the movies early so that I can try to get better seats, they always sell me seats in the front rows. The prices are the same, even though I get worse seats."**

### ***Access to Transportation***

**Transportation is also a serious problem in Slovakia. In certain localities Romanies complained that they have problems using public transportation. In Puste, Cierny Balog, Jana Daskova reported:**

**When we're waiting for the bus and there are a lot of Romanies—women and children—the non-Romanies yell at us and kick us off the bus, sometimes in the middle of our trip. Even when it's cold. They scream that we're dirty, that we make a scene. But this isn't true.**

**Similarly, Lubica Musuka, a Romany woman from Cierny Balog, reported:**

**When a Romany child is standing waiting for the bus, the driver often says "I won't take you. Go wait for another bus." I know that our kids go to school clean, but when there are eight or ten of our children, the bus driver refuses to stop for them and then they have to walk to school.**

**One Romany woman from Rimavska Sobota told Helsinki Watch:**

**Sometimes when we're waiting for the bus, the driver says that it's not for Romanies, but for non-Romanies. He tells us that it's not going in our direction, which we know isn't true. On Saturday when people come here by bus from "Black City" [an**

**all-Romanies housing project] they must give the driver an extra five Crowns to take them on the bus.**

**In response to complaints about the bus to "Black City," the mayor of Rimavska Sobota, Pavel Brindiar, told Helsinki Watch:**

**They don't want to pay for the bus. They don't buy bus tickets. They know their rights, but not their duties. Everyone has the same rights now, but in the past they had some advantages.**

### ***Segregation in Hospitals***

**Helsinki Watch heard reports from women in several Slovak districts that segregated rooms exist in the maternity wards of certain hospitals. Several women who have given birth in the Krompachy hospital in Eastern Slovakia told Helsinki Watch that separate rooms exist for Romany women, in which Romany women often have to sleep two or three to a bed or on stretchers on the floor due to a lack of space, while non-Romany women all have their own beds. These women complained about abusive treatment in the hospital, and claim that they are automatically sent to overcrowded rooms, even when beds are available in non-Romany rooms.**

**Margita Horvathova, a Romany woman from Zehra, who gave birth several times in the Krompachy hospital, told Helsinki Watch:**

**In Krompachy, there are two rooms specially set aside for Romany women. Even when these rooms are full, when a new Romany woman gives birth, the doctor doesn't care and puts her in one of these rooms on a stretcher, where she must sleep. She is on this stretcher for five to eight days and is in a lot of pain. So other Romany women let her sleep with them in bed. Sometimes, there are two or three women in one bed. Even when the room is full, they keep putting more and more women in there. In Krompachy, one woman who didn't even look like a Romany and didn't speak Romany was put into our room because the doctor found out that she was a Romany, even though there were places available in the gaje room. I asked the doctor many times why he's always putting Romany women**

**into the same room when there's not enough space for them. He said that it is because the Romany women smoke. So I told him to go and see how many gaje women smoke, and then asked him why he didn't put all women who smoke into a special room for smokers. He said, "No, no, you have your own separate room."**

**Similarly, one woman from Bystrany told Helsinki Watch:**

**Romany women sleep in the Gypsy room. Sometimes they sleep on a stretcher if the beds are all full. During the night, the Romany women sleep together, two or three in one bed and return to the stretchers in the morning. If there are empty beds, the Romany women each have their own bed, but when all the beds are full, they sleep on the floor on stretchers or three in one bed. When a Romany woman comes to the hospital to give birth, she is sent directly to the Gypsy room. ... Maybe the gaje think that Romanies are like dogs. ... It's not good that we're separated. If we go to the toilet, the gaje women avoid us. Even if we're clean and wearing pajamas, the gaje women don't want to be near us. When we're in the hospital, our husbands can't come to visit us and we can only speak to them from the windows where there are bars. It's like being in prison. Why do the doctors and nurses treat the gaje differently, and when the gaje husbands come to visit their wives, they can talk to them in a respectable way. The gaje husbands can come and ask about his wife's condition, give her a kiss. But ours cannot.**

**Gizela Gozova, a Romany woman from Krompachy, told Helsinki Watch:**

**We don't want to be segregated. Why can't we be among the gaje? But it's like this. We are also Gypsies, but there are some women who, when you see them, you want to throw up. She's very dirty, never washes, is without a nightgown, has mucus all over her face. So Gypsies also can't stand other Gypsies. That's the reason they put all Gypsies in separate rooms.**

**When asked about segregation in the Krompachy Hospital, Dr. Pavlini, the**

**head gynecologist, told Helsinki Watch:**

**What is interesting is that not only non-Romany women don't want to be with Romanies, but Romany women don't want to be with non-Romany women in one room. They only want to be in one room, where they are together, so much so that sometimes in the morning I even find two of them lying in one bed. But if they want to be together with non-Romanies, of course they can. No separation from our side exists here, but they want it this way.**

**Dr. Pavlini later contradicted this:**

**We have Romany citizens who don't want to be together with other Romany women ... they are at war with each other. But when there is no place in the Romany room, then we put them among non-Romanies, but sometimes she doesn't want to be there.**

**Thus, although Pavlini claimed that Romany women are not compelled to sleep in a segregated Maternity Ward, he admits that there is a "Romany room." When asked about violent treatment toward patients reported to us by Romany women, Dr. Pavlini said, "and now I will ask something. Did they tell you how many times we had to call the police because they were hitting and kicking our staff? Did they tell you how many of their children have died or are sick because they don't take care of them?"**

**Several women in Kosice told Helsinki Watch that when they gave birth (most of the women interviewed gave birth before 1989), there were special rooms for Romanies. Zoja Billiova told Helsinki Watch:**

**When I gave birth seven years ago, I was lucky. I was put with the gaje. I have lighter skin than most Romanies. But other darker Romany women were separated in a special room for Romany women. The doctors and nurses spoke very rudely to the Romany women, addressing them with the familiar form.**

**Similarly, another Romany woman from Kosice, who gave birth at the**

**Moyzesova hospital in September 1991, reported that "there's one room for Romanies. On the door is a sign that says `Romanies.' We go to the hospital clean, but they put us in the Romany room anyway."**

**The Heads of Gynecology in two Kosice hospitals denied that any such separation exists or ever existed. It was impossible for Helsinki Watch to verify the information because there was a flu epidemic and the rooms were quarantined. Similarly, Helsinki Watch heard scattered reports in other localities that segregation exists in maternity wards, but these reports were not as consistent. These included maternity wards in Presov, Trebisov and Rimavska Sobota. Again, these were impossible to verify due to the flu epidemic.**

**In December 1991, the Committee for Human Rights in Prague informed the District Prosecutor in Spisska Nova Ves about the segregation in the Krompachy maternity ward. They also claimed that women were being given IUDs against their wills by doctors in this hospital.<sup>2</sup> On February 17, 1992, the district prosecutor/investigator in Poprad responded that the allegations were unfounded.<sup>3</sup> The Committee for Human Rights in Prague lodged a complaint against this decision on March 4, 1992.<sup>4</sup> To date, there has been no official response to their complaint.**

## **Czech Republic**

### ***Access to Restaurants, Pubs and Discos***

**In several cities and towns visited by Helsinki Watch, Romanies**

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<sup>2</sup>**"Vec: podnet k presetreni udaji o gynekologicko-prordnickem oddeleni nemocnice v Krompasich," from Ruben Pellar at the Committee for Human Rights in Prague to the District prosecutor in Spisska Nova Ves, dated December 12, 1991.**

<sup>3</sup>**"Uznesenie" from the District prosecutor in Poprad Number Vp 42/91 - M, dated February 17, 1992.**

<sup>4</sup>**"Vec: Stiznost proti usneseni Okresene prokuratury v Poprade, oddelenia vysetrovania c. Vp 42/91 - M," a complaint written by Ruben Pellar at the Committee for Human Rights in Prague and addressed to the District prosecutor in Spisska Nova Ves, dated March 4, 1992.**

**complained that they are refused entry into both state and privately-owned restaurants, pubs, clubs and discos. These establishments often tell Romany customers that their managers have given them an order not to allow Romanies in, or simply tell them that the restaurant is full or reserved. Margita Lazakova, a Romany woman from Brno, told Helsinki Watch:**

**We Romanies don't want to be isolated from society, but the behavior of certain enterprises and people forces us to be "extra." It happened to me personally that they didn't want to let me into a restaurant where my brothers were performing. They simply received an order: "Don't let Gypsies in." Unfortunately, dominant society isn't ready yet to live with Romanies.**

**Similarly, Milan Scuka, Jr. of Brno related:**

**I was with a friend from Bulgaria. I wanted to take him to the Bulgarian restaurant here in Brno. When we got to the door, the new "black sheriff" (bouncer) said we couldn't come in because I am a Gypsy. I was very ashamed, because I wanted to show my Bulgarian friend our Bulgarian restaurant. During communist times, I'd been to this restaurant many times. We waited outside for a few minutes, and then I saw three German tourists walk in. I got angry. So I went back up to the bouncer and said: "My name is Scuka. My family owns a wine bar and restaurant in Brno, and I've been here many times before." But when a bouncer sees a dark face, and doesn't know who I am, they immediately say they won't let me in.**

**According to Antonin Lagryn of Brno:**

**For twenty years, we've been going to the Hotel Moravan, U Opery and the Evropa. Now they won't let us in. One week ago, I was coming home from work with a friend and we tried to get in. The "black sheriff" told us we had to leave. He said, "I have nothing against you, but we have an order from the manager that none of you can come here." It was funny, because many prostitutes, money-changers, and thieves were sitting inside, but there was a rule against Gypsies coming in.**

**Roman Feko, a local Romany leader from Hradec Kralove, told Helsinki Watch:**

**They don't allow us to go to restaurants and wine bars here in Hradec. Our kids can't go to discos. When we try to go, they say: "Blacks, get out!" There is one restaurant that even had a sign that said: "No Blacks allowed." Now it's private. The big enterprises, like "The Kremlin," don't let any Gypsies in. If I spoke another language, like English, they would let me in. But because I'm Romany, they won't let me in. There's only one place that admits Romanies in Hradec.**

**Julius Duna, a twenty-six-year-old Romany man from Pardubice, repeated that "In Pardubice, when I try to go to a restaurant, even if I'm well-dressed, they say `Gypsies, you make a scene here. I'm not going to allow you in here.'" Vaclav Hermann, another Romany man, tells the same story:**

**In Kostelec nad Orlici, Gypsies can't get a beer anywhere. The private restaurants don't want Gypsies. They don't even let us walk into the door. They have pistols, mace. These gorillas at the doors are criminals. They tell us "Go away." There's a sign in one place that says "Whites only."**

**Similarly, Juroj Markovic, a local leader from Ceske Budejovice, told Helsinki Watch:**

**When our children try to go out somewhere, they're not admitted. It's discrimination. We don't have our own places, and when we try to go somewhere, they kick us out. Now that restaurants are privatizing and everything is up to the owner of these restaurants, when somebody goes there, the people in the restaurant say, "I'm sorry, but you can't come in. Gypsies can't come here. We have a prohibiting order." We can't do anything about this. Some Romanies can get in, but only those that do business with the owners.**

**Emil Cina, a local leader in Chanov, Most, told Helsinki Watch that "when**

**three or four respectable Romanies try to go to a restaurant in Most, they won't serve us. This usually happens in private restaurants. They tell us—'We don't serve Gypsies here.' For the same money, they should serve any person, regardless of nationality or race."**

**Many non-Romany women married to Romany men voiced similar complaints about treatment of their husbands by certain establishments. Mrs. Holubova, a non-Romany woman in Ostrava who is married to a Romany, told Helsinki Watch:**

**Sometimes, when I go with my husband to a restaurant, they serve me, but refuse to serve him. Do you know how ashamed I feel when they won't serve my husband?**

**Jarka Rusenkova, a non-Romany woman married to a Romany from Prague, has similar difficulties:**

**We have been married for twenty-five years, and we still have problems going to restaurants or somewhere to dance. When the bouncer sees me, it's O.K. But as soon as he sees my husband, he says that we can't come in. It's even worse now than it was during communist times.**

**Mrs. Conkova, a Romany teacher at a special school in Ostrava, told Helsinki Watch a similar story:**

**My daughter always gets into the Disco. Maybe she doesn't look like a Gypsy. But once she went to the disco with two friends of hers who are sisters, one who has bleached blond hair and looks like a gaji and the other older darker sister. My daughter and the blonde got in, but they refused to let the darker, older sister in. Can you imagine how humiliated she must have felt?**

**Similarly, in Prague, one seventeen-year-old Romany boy told Helsinki Watch:**

**They don't let us go to gaje discos. *Dvojka* lone popular Prague discol doesn't let us in. They say "I'm sorry, but my boss won't**

**let your kind in."**

**In Usti nad Labem, one Romany man told Helsinki Watch:**

**It's not possible for Romanies to get into the restaurant "Labe." There are enough restaurants like this. They say right into our eyes: "Gypsies have no business here." Then we complained to the mayor and he said that he heard that a Gypsy killed someone there. But I think that they don't have to lump us all together. They should limit the entrance of individuals, but not of an entire group.**

**Helsinki Watch witnessed the rejection of three young well-dressed Romanies in the restaurant 'U Opery' in Brno. As the boys walked into the restaurant, the bouncer sent his guard dog after them. Later, Helsinki Watch asked the bouncer why he had a dog. The bouncer replied: "Against Gypsies." When asked why, he said "They're forbidden here. The manager gave us an order not to let them in, as they act disgracefully here."**

**Similarly, at the Cafe Alfa on Wenceslaus Square in Prague, the bouncer told Helsinki Watch the reasons why Romanies are, without exceptions, forbidden entry into their disco/cafe:**

**We don't allow Gypsies here because of the experiences we've had. They have knives, pistols. Most of them are criminals. In such an organization like ROI (Romany Civic Initiative Party)—they are the worst criminals. They only come here because some foreign group is playing in the Disco. I've been working here for ten years and I know all of them. I see them stealing from tourists. I'm always against them. So we don't let them in. I agree—I lump them all together because I can't be responsible for what might happen. ... They come, they look perfect. When they leave, the place looks terrible. They shout, they turn over ashtrays. After forty years, they're the same as the way they were. The Gypsies will not assimilate. If we want people to come here and we allow Gypsies in, then our other customers will not come anymore.**

### ***Access to Transportation and Stores***

**Equal access to transportation and stores can also be a problem for Romanies. A cab driver in Prague told Helsinki Watch:**

**This is my cab. I bought this cab. If I get a radio call to pick up a customer and I get there and it's a Gypsy, I won't drive him. I've been driving for two years now, and I've never driven a Gypsy. My wife sits in this car, and I don't want her sitting in the same seat a Gypsy sat in. They're not clean. No one can force me to drive them. If this wasn't my car, and I had a protective panel between me and them, then maybe I'd drive them.**

**In Chanov, a housing project of more than 3,000 Romanies, people complain that all but one bus line to the center of the city (Most) were cut off and that this one bus is not enough to service 3,000 people. Local authorities claim that the drivers are afraid to go there after an incident between a bus driver and several Romanies. One Romany man from Chanov further complained:**

**Sometimes when my wife and I go to a store in Most to buy groceries, they tell us "We don't serve Gypsies. You can go shopping in Chanov."**

**Government officials and policemen interviewed by Helsinki Watch are aware of the frequent exclusion of Romanies from restaurants and other establishments, but claim that there is nothing they can do to prevent this. Petr Koula, the official speaker for the police in Prague District 1, when asked what the police could do about this situation, told Helsinki Watch:**

**There's no way to enforce these rights. Nothing can force these private enterprises, whether they're taxi drivers or restaurant owners, to serve people, because they probably had some experiences with someone who looked nice and then destroyed their car or had a fight in their restaurant. The manager can make rules to keep order in some restaurant. It's the same with the police. If one cop does something, who did it? All the police. If the owner lumps them all together, it's the same as when they lump us all together. He doesn't want to have problems.**

**Similarly, Captain Radik, a policeman in Prague 1, told Helsinki Watch:**

**The establishment has to decide what to do with Gypsies. If there's a problem, by the time the police come, it's too late. So the establishment has to decide themselves whether to let them in or not. So it's easier to just not let them in, in case something might happen. Also, they can just say that all tables are reserved, or that the restaurant is full. The owner has the right to say: "We don't allow Gypsies." There's no law against this. It depends on the restaurant. Sometimes normal people come in jeans and they don't let them in. Each establishment has its own regulations.**

**According to Frantisek Zelenicky, the chief of police of the Czech republic, the police have no authority to intervene in these matters, as they are not security matters. The only people who have the authority to take action against these establishments are government workers who issue them operating licenses.**

**The seeming inability of authorities to take action against discriminating establishments may be the result of the absence of a clearly defined administrative and legal mechanism designed to remedy these violations. Helsinki Watch recommends that clear authority be established to end discrimination in public and private services.**

## **MEDIA**

**Romany leaders feel that the media attention given to "Romany criminality" plays a significant role in inciting racism and aversion against Romanies. Newspapers often write that a "Gypsy" or "Romany" committed a crime, but rarely enumerate the national or ethnic identity of other offenders. Dr. Renata Kottnerova, the Director of Social Work in Olomouc, told Helsinki Watch:**

**Romanies had the right to declare in the census—I'm Romany. If someone didn't declare it, then no one, in my opinion, has the right to write about him): "Gypsy Attacked Someone" in these "black chronicles." ... The problem is that they influence non-Romanies, who can say, "Yep, you see that, again, five criminal activities, four Gypsies."**

**Similarly, Mikulas Curi, a Romany leader from Olomouc said:**

**They're constantly criticizing Romanies. It's not right! We're not all the same. And I don't know who [they are talking about] when they say "You, Gypsies," instead of personally: "You, whose name is." And in the news, they shouldn't write Gypsies. I don't like that. It isn't democracy. What are they aiming for with this? Lots of people are not aware that one must simply write the name, or the initials, that this and this citizen. They don't have to identify in the newspaper "Gypsy." They should merely say, this or that citizen committed a criminal act. They don't write about gaje, "Czechs killed, stole, etc." Until this problem is resolved, there'll never be democracy in Czechoslovakia.**

**V. Sekyt, the Director of the Secretariat for National Minorities of the Czech republic, told Helsinki Watch:**

**The mass media and journalists have accentuated Romany criminality too much, and accentuated the negatives. They show few of the positive aspects about Romanies. As an institution, the police have stopped passing information about whether the person who committed a crime is Romany, but when a journalist finds information or an individual policeman**

**says it, it's different. The police still collect statistics, but they have stopped publishing these statistics. This year they won't appear [in newspapers].**

**In response to objections by Romany leaders against the media's portrayal of Romany criminality and to reports on the state of human rights presented to the Federal Assembly, a "Response to the Report about the Observance of Human Rights in Czechoslovakia," (Decision Number 272) was passed on January 30, 1992. This resolution instructed the Federal government to take measures "directed toward limiting the public interpretation of Romany criminality as the criminality of a special sort."**

**Some newspapers have, however, provided information that has been useful to Romanies. Coverage by many newspapers of skinhead attacks against Romanies was, for example, very critical of the growing neo-fascist movement. In Teplice, Romany leaders admit that news coverage helped force the police to take more serious action against skinheads in later attacks. Furthermore, Romany leaders have been given a forum to discuss relevant issues in roundtables broadcast on state-owned television, and a series of programs about Romany culture were broadcast.**

## **INTERNATIONAL LAW**

**International law protects the right of individuals to choose and belong to a national or ethnic minority, as well as to develop their languages and traditions:**

**To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice. Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and develop their culture in all its aspects, free of any attempts at assimilation against their will. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990), Paragraph 32.)**

**The C.S.C.E. Copenhagen meeting specifically recognized the problems of Romanians, and pledged to take measures to remedy them:**

**The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (Gypsies). They declare their firm intention to intensify the efforts to combat these phenomena in all their forms . ... (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990), Paragraph 40)**

**This resolution was reiterated and expanded upon at the CSCE Meeting of Experts on National Minorities in Geneva in July of 1991:**

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

**In this context, they reaffirm their recognition of the particular**

**problems of Roma (Gypsies). They are ready to undertake effective measures in order to achieve full equality of opportunity between persons belonging to Roma ordinarily resident in their State and the rest of the resident population. They will also encourage research and studies regarding Roma and the particular problems they face. (Report of the CSCE Meeting of Experts on National Minorities, (Geneva, July 1991), Article VI)**

**International law prohibits states from discriminating on the basis of ethnic or national identity, and requires states to take positive measures to prevent discrimination on these grounds:**

**All are equal before the law and are entitled without any discrimination to equal protection of the law. (Universal Declaration of Human Rights (1948), Article 7.)**

**All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (International Covenant on Civil and Political Rights (1966), Article 26.)**

**The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to ethnic minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990), Paragraph 31.)**

**The Charter of Paris, signed by the C.S.C.E. heads of state in 1990, affirmed the rights of national minorities:**

**We affirm that the ethnic, cultural, linguistic and religious**

**identity of national minorities will be protected and that persons belonging to national minorities have the rights freely to express, preserve and develop that identity without any discrimination and in full equality before the law.**

**In 1965, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defined racial discrimination, condemned all forms of racial segregation, and required participating states to eliminate such practices and to guarantee victims of racial discrimination an effective remedy:**

**In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. (ICERD, (1965), Article 1, Paragraph 1.)**

**Article 2 states:**

**1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, and promoting understanding among all races, and to this end:**

**(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation**

**(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;**

**(c) Each State Party shall take effective measures to review governmental, national and local policies, and**

**to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;**

**(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization.**

**Article 6 states:**

**State Parties shall assure to everyone within their jurisdiction effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.**

**Although ethnic and racial discrimination are specifically outlawed by these international agreements, the Romany population in Czechoslovakia remains in desperate need of:**

***Basic civil rights, including:***

**the right to freedom of movement and residence within the State,**

**...**

**the right to nationality, and**

**the right to own property alone as well as in association with others.**

**All of these rights are set forth in Article 5 of the ICERD.**

***The right to equal opportunity:***

**The Report of the CSCE Meeting of Experts on National Minorities, Article 4, (Geneva, July 1991), provides that:**

**The participating States will create conditions for persons belonging to national minorities to have equal opportunity to be effectively involved in public life, economic activities, and building of their societies.**

**In accordance with paragraph 31 of the Copenhagen Document, the participating States will take the necessary measures to prevent discrimination against individuals, particularly in respect of employment, housing and education, on the grounds of belonging or not belonging to a national minority. In that context, they will make provision, if they have not yet done so, for effective recourse to redress for individuals who have experienced discriminatory treatment on the grounds of their belonging or not belonging to a national minority, including by making available to individual victims of discrimination a broad array of administrative and judicial remedies.**

***Desegregated and equal housing and education:***

**Article 3 of the ICERD provides that:**

**States parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate, in territories under their jurisdiction, all practices of this nature.**

***Protection from violence due to racial or ethnic prejudice:***

**Article 5(b) of the ICERD provides for:**

**The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group or institution.**

**The Document of the Copenhagen Meeting of the CSCE, Paragraph 40.2, provides that:**

**The participating States . . . commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property.**

***Access to public and private services:***

**The ICERD, Article 5(f), provides that there should be no discrimination in:**

**The right of access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafes, theaters, parks.**

***The presence of parents at all steps of criminal investigation and prosecution of their children:***

**The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, Part Two, Investigation and prosecution, Paragraph 10.1, provides that:**

**Upon the apprehension of a juvenile, her or his parents or guardian shall be immediately notified of such apprehension, and, where such immediate notification is not possible, the parents or guardian shall be notified within the shortest time thereafter.**

## **APPENDIX B**

### **FINANCIAL GRANTS FOR STERILIZATIONS**

Public Notice 151/152 of the Ministry of Health and Social Affairs of the Czech Socialist Republic from 8 September 1988.\*

Sbirka zakon number 151,152/1988, 33, September 29, 1988, Czechoslovak Socialist Republic, page 965, from the *Bulletin of Health and Social Affairs of the Czech Socialist Republic*, September 8, 1988.

Financial and Material grants

Par. 31

Financial and material grants to parents with children with no subsistence and to pregnant women:

(1) Financial and material grants are given by National Committees to socially weak parents taking care of children who still have to be taken care of, especially to families with a large number of children, single parents and single pregnant women. The financial grant can be given to a child who needs care only when it is not possible to satisfy the child's needs with the grant for alimentation.

(2) For the securement of alimentation or for the payment costs of other life needs which regularly repeat themselves, and eventually for the payment of higher costs connected to the cost of alimentation, repeated financial grants are given. Repeated financial grants serve to complement the parental income of the pregnant woman (regularly, up to the amount needed to secure the common costs of the household).

It is possible to give a repeated financial grant of a higher amount when higher living needs are demonstrated, connected with for example housing, and running the household with limited capacities). Financial grants will be given in a lesser amount or will not be given if the parents don't take proper care of the children, don't care about the fulfillment of their compulsory school attendance, or because of their lifestyle, don't guarantee the proper education of their children.

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**Unofficial translation.**

(3) For the payment of non-recurring extraordinary expenditures, non-recurring financial and material grants are given. As material grants, particularly things needed for the satisfaction of basic life needs, clothing and outfitting of households, are given. Non-recurring financial and material grants are also given for the payment of increased costs for the needs of the children, especially connected with their hobbies—outfitting for summer camps, spa treatment. Non-recurring financial grants can also be given when the family is going to use another source of energy besides oil.

(4) Non-recurring financial grants are given to the height of 10,000 Crowns. Material grants are given up to 5,000 Crowns, in extraordinary cases up to 10,000 Crowns.

(5) The giving of separate grants according to articles 1 and 2 is excluded.

Par. 35

Extraordinary financial grant and material grant. Citizens who underwent medical treatment according to extra regulations in the interest of the health of the population and for the reason of overcoming unfavorable life circumstances of the family can be given a non-recurring financial grant of one material grant according to Paragraph 31, Article 4, of this decree by the Regional National Committee, up till one year after the medical treatment.

Bulletin of the Ministry of Health of the Czechoslovak Socialist Republic, Part 1-2, 29th.

## **APPENDIX C**

### **CONFLICTS BETWEEN ROMANIES AND SKINHEADS**

The following information was given to Helsinki Watch by the police in the Northern Czech region and in the Czech republic.

**3/31/90 Decin. One Romany attacked by a group of skinheads and punks. Offenders unknown.**

**4/2/90 Decin. In front of a hotel, 250 Romanies attacked twenty skinheads. Offenders unknown.**

**4/21/90 Novy Bor, Ceska Lipa. Clash between skinheads and Romanies at Disco, from which ten Romanies were brought to the surgical ward, two Romanies stayed in hospital, six skinheads were detained, and it was demonstrated that they had also committed crimes against property and violent criminal acts, including an attack on four Vietnamese citizens. Fourteen persons were convicted of various crimes, including rioting, the unlawful use of a foreign vehicle, bodily harm (assault), and attack on a public servant. Seven were imprisoned.**

**5/21/90 District Ceska Lipa. Romany attacked. Offender—skinhead. Wanted/to be prosecuted according to Paragraph 238 (breaking and entering) of the Penal Code. Case postponed.**

**8/3/90 District Ceska Lipa. Mutual attack of groups of Romanies and skinheads. Wanted/to be prosecuted according to Paragraph 225 (brawl, fight) of the Penal Code. Case given to District Investigation Office.**

**10/19/90 District Ceska Lipa. Romany attacked. Offender—unknown skinhead. Wanted/to be prosecuted according to Paragraph 221 (bodily harm, assault) of Penal Code. Case suspended.**

**2/12/91 District Ceska Lipa. Offender—skinhead. Injured—Romany. Wanted/to be prosecuted according to Paragraph 202 (rioting/ disturbing the peace) of Penal Code. Proposal given for final measures to be taken.**

**3/8/91 District Ceska Lipa. Offender—skinhead. Injured—Romany. Wanted/to be**

**prosecuted according to Paragraph 202 (rioting/ disturbing the peace) of Penal Code. Case under investigation by District Investigation Office.**

**4/8/91 Usti nad Labem. Offenders—group of skinheads. Injured—group of Romanies. Wanted for/to be prosecuted according to Paragraph 202 (rioting) of Penal Code. Case requalified as a misdemeanor.**

**4/26/91 District Ceska Lipa. Offenders—skinheads. Injured—Romanies. Wanted for/to be prosecuted according to Paragraph 202 (rioting/ disturbing the peace) of Penal Code. In view of the fact that the identities of the injured were not ascertained, the case was suspended.**

**4/27/91 District Ceska Lipa. Offenders—Romanies. Injured—skinheads. Case requalified as a misdemeanor.**

**6/7/91 District Ceska Lipa. Offender—skinhead. Injured—Romany. Case requalified as a misdemeanor.**

**6/10/91 District Ceska Lipa. Offender—Romany. Injured—skinhead. Wanted for/to be prosecuted according to Paragraph 221 (bodily harm, assault) of Penal Code. In view of the fact that the offender was unknown, the investigation was suspended.**

**6/17/91 District Ceska Lipa. Offender—Romany. Injured—skinhead. Wanted for/to be prosecuted for Paragraph 202 (rioting) and Paragraph 221 (bodily harm/assault) of Penal Code. Proposal given for final measures to be taken.**

**8/4/91 District Ceska Lipa. Offender—skinhead. Injured—Romany. Wanted for/to be prosecuted according to Paragraph 202 (rioting) of the Penal Code. Case suspended.**

**8/11/91 District Ceska Lipa. Offender—skinhead. Injured—Romany. Wanted for/to be prosecuted according to Paragraph 202 (rioting) of Penal Code. Suit/accusation brought.**

**10/5/91 Teplice. Two Romanies in a car were attacked at the train station. A riot began, the Rom's car was demolished and a group of about sixty skinheads went to the center of the city, attacked citizens and were rioting. Then got on special**

**express train to Prague. Case suspended because of unknown offenders.**

**10/5/91 Usti nad Labem. Some skinheads were apprehended in Usti nad Labem on trip from Teplice/eleven suspects, six have been identified. To be prosecuted for:**

- 1. Paragraph 202 Rioting**
- 2. Paragraph 260 Propagation of fascism/ racism**
- 3. Paragraph 155 Attack on a public functionary. (e.g. police)**
- 4. Paragraph 221 Bodily harm/ Assault**

**10/26/91 District Ceska Lipa. Offender—skinhead. Injured—Romany. Wanted for/to be prosecuted according to Paragraph 202 (rioting) of Penal Code. Case under investigation by District Investigation Office.**

**10/30/91 District Ceska Lipa. Offender—skinhead. Injured—Romany. Wanted for/to be prosecuted according to Paragraph 202 (rioting) of Penal Code. Case under investigation at District Investigation Office.**

**November/91 District Ceska Lipa. Mutual attack of Romanies and skinheads. To be prosecuted according to Paragraph 202 (rioting). Suit has been brought in the case.**

**November/91 District Ceska Lipa. Mutual attack of skinheads and Romanies. To be prosecuted according to Paragraphs 202 (rioting) and 222 (intention to seriously harm someone), case given to District Investigation Office for investigation.**

**11/13/91 Jablonec nad nisou. Three Romanies attacked a skinhead. Wanted for/to be prosecuted according to Paragraph 224 (unintentional commission of serious bodily harm), case under investigation at District Investigation Office.**

**11/16/91 Jablonec nad nisou. Revenge attack by thirty skinheads on a Romany home. One Romany injured. To be prosecuted according to Paragraphs 238 (breaking and entering), and 257 (damage to another person's property). Case under investigation at District Investigation Office.**

**12/10/91 District Ceska Lipa. Offender—skinhead. Injured—Romany. Wanted for/to be prosecuted according to Paragraph 221 (bodily harm/ assault) of Penal**

**Code. Case requalified as a misdemeanor.**

## **APPENDIX D**

### **HUMAN RIGHTS WATCH POLICY STATEMENT ON THE PROTECTION OF "HATE SPEECH"**

**Human Rights Watch condemns all forms of discrimination on such arbitrary grounds as nationality, race, gender or religion. In many countries, anti-discrimination efforts take the form of laws penalizing the communication of group hatred on these or other grounds.**

**Such laws are often justified on the grounds that they curb racial and ethnic violence. But there is little evidence that they achieve their stated purpose, and they have often been subject to abuse. Many governments and other actors that encourage or exploit group tensions use "hate speech" laws as a pretext to advance a separate political agenda or to enhance their own political power. In a number of countries, the chief targets of "hate speech" laws have been minority rights activists fighting discrimination by the same majority that administers the laws – or, as in the case of South Africa, by the dominant minority.**

**Human Rights Watch believes that such laws raise serious freedom of expression issues. We are mindful of the fact that international human rights law provides different and conflicting standards in this area, and base our policy on a strong commitment to freedom of expression as a core principle of human rights. We believe that freedom of speech and equal protection of the laws are not incompatible, but are, rather, mutually reinforcing rights.**

**We therefore view as suspect any action by governments to criminalize any expression short of incitement to illegal action (as defined below) and consider any law or prosecution that is not based on a strict interpretation of incitement to be presumptively a violation of the right of free expression.**

**In evaluating "hate speech" laws and prosecutions to ensure that they do not infringe on rights of freedom of expression, Human Rights Watch will take the following factors into account:**

- (1) Expression should never be punished for its subject matter or content alone, no matter how offensive it may be to others.**

**(2) Any restriction on the content of expression must be based on direct and immediate incitement of acts of violence, discrimination or hostility against an individual or clearly defined group of persons in circumstances in which such violence, discrimination or hostility is imminent and alternative measures to prevent such conduct are not reasonably available. For this purpose, "violence" refers to physical attack; "discrimination" refers to the actual deprivation of a benefit to which similarly situated people are entitled or the imposition of a penalty or sanction not imposed on other similarly situated people; and "hostility" refers to criminal harassment and criminal intimidation.**

**(3) Reasonable limitations on the time, place and manner of expression shall not be enforced so as to prevent the effective communication of any information or point of view. The means chosen to implement such limitations should be the least restrictive available to accomplish a legitimate end unrelated to the content of the expression.**

**(4) Abusive conduct may not be insulated from punishment simply because it may be accompanied by expression, nor may it be singled out for punishment or punished more heavily because of the expression.**

**In some countries, government agencies and officials engage in verbal attacks on racial and ethnic minorities. We strongly condemn such behavior by government. To the extent that expression is controlled by the government as a means of implementing discriminatory official policy, we do not view it as protected by the free speech principles set forth above.**

## **APPENDIX A**

### **1972 DECREE ON STERILIZATION**

*Bulletin of the Ministry of Health of the Czech Socialist Republic\**  
Part 1-2                                      29 February 1972                                      Volume XX  
. . . . .

Par. 1

Sterilization is considered to be a medical treatment that prevents fertility without removing or damaging sexual glands.

Par. 2

Sterilization is admissible if it is done in a medical institution on the request or with the consent of the person on which the sterilization has to be done,

a) on morbid sexual organs of the man or the woman for a therapeutic purpose according to the rules of medical science,

b) on healthy sexual organs of the woman, if the pregnancy or childbirth would severely endanger the life of the woman or cause her severe and permanent life damage,

c) on the healthy sexual organs of the woman, if the woman suffers from a disease that would endanger the physical or mental health of her children,

d) on the healthy sexual organs of the man, if the man suffers from a permanent disease that could endanger the physical or mental health of his children,

e) on the healthy sexual organs of the man, if his wife suffers from a disease that can be a reason for the execution of sterilization according to letters b and c, but in respect to her health status the sterilization could be dangerous for her or because of other reasons for which the woman doesn't want to undergo the

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**Unofficial translation.**

sterilization operation,

f) on the healthy sexual organs of the woman if her husband suffers from a disease that can be a reason for the execution of sterilization according to letter d and the husband doesn't want to undergo the operation,

g) on the healthy sexual organs of the woman if the woman permanently fulfills the conditions of artificial pregnancy termination for health reasons.

#### Par. 3

The list of indications which can be a reason for sterilization according to Par. 2, letters b-f, is in the appendix to these regulations; the indications for the execution of sterilization according to Par. 2, letter g, are identical with the indications for artificial pregnancy termination, if these indications have a permanent character.

#### Par. 4

The sterilization cannot be allowed if there are medical reasons against it (contraindications). Contraindications are all morbid states which don't allow surgical treatment. This is why a complete internal examination of the patient has to be done before the operation.

#### Par. 5

(1) To ascertain the fact that the sterilization is indicated is decided by:

a) in cases according to Par. 2, letter a, the chief doctor of the department where the man or woman is treated,

b) in cases according to Par. 2, letters b-g, a medical committee is made up for this purpose (sterilization commission). The sterilization commission is made up of the director of the Regional Institute of National Health at the Hospital with Polyclinics, and this for the sterilization of women at a hospital which has a Women's Department, and for the sterilization of men at a hospital which has a urology and surgical department. The chairman of the commission is the director of the Hospital with Polyclinics. The members of the commission are the

chief doctor of the Hospital Women's or Urological or Surgery Department of the Hospital with Polyclinics where the man or the woman is treated and the chief doctor from whose branch is the indication or contraindication.

(2) For the evaluation of sterilization for genetic reasons (Par. 2, letters c and d) the sterilization committee is obligated to ask for the opinion of the Genetic Counseling Committee which is set up by the Ministry of Health of the Czech Socialist Republics on the request of the Genetic Committee and the Endocrinology Section of the Czech Medical Society of J.E. Purkyne/Czech Medical Society).

#### Par. 6

Sterilization for the reasons mentioned in Par. 2, letters b-g, can be requested in written form by the person on whom the sterilization is to be done, or by the doctor, the chairman of the appropriate sterilization commission (according to the place of permanent residence, ultimately the residence of the working place or school which the person attends), with the consent of the person.

. . . . .

#### Par. 11

If the request is approved, the chairman sends the request to the applicant with a recommendation to the Women's (urology or surgical) Department, whose chief is a member of the commission. At the same time, he sends a copy of the report, which becomes a part of the clinical picture. Before the treatment, the person on which the sterilization is to be done must eventually sign [a release form] stating that she or he consents to the execution of the sterilization and that she or he takes heed of the written information regarding to what extent the sterilization is reversible.

#### Par. 12

If the request is rejected, the Chairman informs the applicant and eventually his/her legal attorney (Curator) of the result and reasons, and informs her or him of the possibility of reexamination of the decision according to the regulations of Par. 77 of the law number 20/1966.

Par. 13

The sterilization can be allowed in citizens of foreign states who have been living in the CSSR for a long time.

Par. 14

The regulations of the Ministry of Health number 22/1968 published in Vestnik MZ number 29/1966, are abolished, regarding the execution of sterilization.

Par. 15

These regulations become effective on January 1, 1972.

#### APPENDIX

List of indications which can be a reason for the execution of sterilization:

- I. Diseases of the Heart and Cardiovascular System
- II. Lung Diseases (in women)
- III. Kidney and Urinary Tract diseases (in women)
- IV. Diseases of the Digestive System (in women)
- V. Metabolism Diseases (in women)
- VI. Blood Diseases (in women)
- VII. Diseases of Glands of Inner Secretion (in women)
- VIII. Diseases of the Nervous System
  
- IX. Mental Diseases (in women and men)
  - 1. All psychoses with a severe chronic course or with repeated attacks.
  - 2. Epilepsy with frequent fits and pronounced character alterations or psychic disorders.
  - 3. Severe and medium forms of oligopheny (idiocy and imbecility)

4. Heterodegenerative diseases of the central nervous system.
  5. Psychopathy with asocial behavior and recurrent criminality.
  6. Severe sexual deviations.
  7. Severe obsedant and phobic neuroses.
  8. Progressive forms of chronic alcoholism or other drug abuses with the depravation of personality.
- X. Skin diseases (1 and 2 in women and men, 3-5 in women)
- XI. Diseases of the bones, joints and muscles (in women)
- XII. Ocular Diseases (1-5 in women, 6 in women and men)
- XIII. Hearing Diseases (in women and men)
- XIV. Obstetrical and Gynecological indications
1. During and after the iterative Caesarean Section, if it is indicated that in a further pregnancy there is the highest probability that the woman doesn't want to face another childbirth by C. Section
  2. During repeated complications of the pregnancy, delivery and confinement, where another gestation would be connected with a great threat to the health or life of the woman, for instance repeated uterus atonia, recurrent placenta praevis or acreta.
  3. In cases of multiple children, to the age of thirty-five after four children, in women older than thirty-five after three children.
- XV. Genetic Indications (in women and men)
1. If the woman or man suffers from a severe disease or defect in which the genetic basis is sufficiently known.

2. If the specific parental pair has already generated a genetically defective child.

3. When the woman or man is clinically healthy and has not generated a genetically defective child yet, but by expert analysis of the pedigree and through other examinations, for instance cardiologic or biochemical, it has been found that it is very probable that she or he is a carrier of a defective genetic constitution.

For genetic indications the opinion of the relevant genetic council committee is necessary.