

# **Political Representation of the Roma: Roma in Politics in the Czech Republic, Slovakia and Poland**

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## **Note on Process**

In undertaking comprehensive analyses I worked actively with a range of academics, researchers, governmental workers, non-governmental organisations and Romani activists. The process started in March 2002 with a workshop on policy making and analyses organised by the International Policy Fellowship Program (IPF) at the Center for Policy Studies, affiliated with the Open Society Institute and the Central European University, Budapest, Hungary. I then engaged in discussion with policy makers in governments and inter-governmental organisations and pursued background research, focusing on alternatives of minority representation. Subsequently, mentors of the project, Rumyan Russinov, of the Roma Participation Program at the Open Society Institute, Dimitrina Petrova, of the European Roma Rights Center, Roman Krištof, of the Council for Romani Community Affairs of the Czech Government contributed to many aspects of the study. Summer school on Social Representation and Communication, organised by the University of Rome “La Sapienza”, which I attended in June 2002, helped me to reframe traditional understanding of social movements and social representation of Roma during the process of policy change. I benefited especially from discussions with Professor Serge Moscovici of the EHESS, Department of Social Psychology, Professor Annamaria de Rosa of the Università di Roma “La Sapienza” and Professor Klaus Helkama of the University of Helsinki.

The process continued with bridging the gap between policy research and policy change. I attended workshop on Policy Advocacy organised by the IPF in October 2002. In December 2002 the draft research paper was discussed with mentors, wider circle of experts and a number of Romani leaders. Their suggestions and comments were taken into consideration and implemented in the policy proposal. In March 2003, yet at another training of the IPF, I presented findings of my research at the Roma policy workshop.

The policy proposal contained in Part IV to VI was written for the audience of policy makers at the national and trans-national levels, Roma, political parties and potential donors. The analyses of political representation of Roma in Part I to III might be of interest to wider readership, including but not limited to researchers, analysts, human rights advocates and academics.

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## **Executive Summary**

*This paper looks at the political representation of the Roma in the Czech Republic, Slovakia and Poland throughout the 1990s and proposes change to increase representation of the Roma in the legislature. While representation in the legislature is not the only possible channel for increasing participation of the Roma in public life, it reinforces reciprocity of symbolic membership in the society. The presence of the Roma in the legislature is a valuable mean to (1) increase integration of Roma within societies; (2) advance political interests of the Roma; (3) facilitate shift of Roma policy making in advisory bodies to the government to political parties and (4) increase symbolic membership of the Roma in societies. The shift from understanding Romani issues as a matter for policy making administered by advisory body to the government to inclusion of Roma or national minority matters on the political parties' agendas is another step removed from the complete transition to democracy the Central and East European (CEE) states should undertake.*

*Implementation of a right for political representation without discrimination is essential for the protection of interests of all minorities. Group rights and their implementation through extra-representation minority structures, however, carry disadvantages, which have been already identified in the lively debate on political representation in Romani grassroots. This paper also attempts to deconstruct stereotypes about Romani political organising: first, the eternal complaint of majority society of lack of Romani leadership and unity, secondly, lack of historical experience of Roma with involvement in politics and three, Romani passivity vis-à-vis political involvement in mainstream political parties.*

*Looking deeper into the legacies of campaigns of social movements, the author points out lessons, which enable further recommendations for policy options on increasing presence of Roma in public life. While increasing representation of the Roma in legislature is determined by country's political system and its political culture, the three countries discussed here, failed so far to implement political rights of Roma to equal representation. The same time, Roma policy making towards Roma takes mainly a socio-cultural perspective. Equal political representation and inclusion of Roma in the societies, however, wont be achieved through present mechanisms of participation of Roma on decision-making i.e. extra-representation channels such as 'advisory bodies' or minority self governments. This paper proposes intensifying inclusion of Romani candidates on electoral mainstream parties' lists. After all, in parliamentary representation systems political parties are the main holders of access to decision-making power.*

*Section I-III (pp.4-38) of the paper analyses political representation of Roma in the Czech Republic, Poland and Slovakia throughout the 1990s, the Section IV-VI (pp.39-51) contains range of proposals for policy change.*

## I. INTRODUCTION

The political representation of minorities in the legislative and executive levels of the state has been identified by various types of organisations, operating in national security, conflict prevention and/ or human rights paradigm as prerequisite for healthy functioning of a democratic political system and a measure for increasing security.<sup>1</sup> Political representation is understood to mean a mandate to represent political interest in legislature and/ or executive. Political participation, understood here in broader terms, includes but is not limited to: participation in the local or national elections, referendums, campaigning, membership in political parties, pressure groups or advisory bodies to government, organising demonstrations, civil disobedience actions and pursuing human rights activism or community organising.

While political participation of Roma had widely developed throughout the 1990s, political representation of the Roma in the Czech Republic, Slovakia and Poland remains a missing element in the democratic systems. The same time, as many might find, the post-communist countries are full of Romani representatives. 'Romani representative' is a term, which carries a mixture of meanings. In the early 1990s, the Romani representatives were elected in the 1990 parliamentary elections and also engaged in policy making at the level of state administration. However, most of them failed to be re-elected and concentrated their activities to the civil society third sector. The same time, they continued to participate on Roma policy advice or criticism and have called themselves the "Roma representatives."

Over the time, with emergence of other Romani representatives with solely a third sector background, and chronic absence of Romani elected representatives, the usage of the term was called into question. Several discussions over the meaning of the Romani representative took place and the constituency and relevance of this or that Romani representative became a subject of deep controversy among the Romani representatives. Debates on who has the right to represent Roma emerged especially in times of controversial issues of the post-1989 Romani political organising, such as protest campaigns (Matiční street wall in Ústí nad Labem, Romani Holocaust commemoration and disagreement with support for a particular political party). The debate got even more complicated when some of Romani (leaders, ethnic entrepreneurs, representatives etc.) were appointed to the boards of trustees of western foundations (for example Soros Foundation) and therefore claimed their "right" to speak on behalf of the Roma (Horvathová-Holomková 2001). Their confidence to speak on behalf of the Roma resonated negatively with other Romani intellectuals who felt that they have developed broader constituency in the Romani community, not based on the requirement of fluency in English of western foundation.

Trans-national organisations, such as the Council of Europe and the OSCE operate more or less with similar definition, regarding Roma active in the third sector as Romani representatives. With attempts to create pan-European Romani Council, representing Roma at trans-national level, issues of constituency and reciprocity have emerged with even greater relevance, with Roma 'representatives' and governments being split over the issue of constituency.

In sum, the word 'Romani representative' lost its rigid meaning it gained in the early 1990s, however, remains to be used to describe Roma involved in policy making at the advisory level and Roma active at the civil society level, in particular when it comes to the

human rights advocacy. I will use the term Romani representative when referring to the electoral process as much as when referring to Roma policy making. For Roma involved in civil and/ or human rights advocacy, I will use the term Romani activists. It is needless to say that in some cases, Roma are both activists and representatives.

Reflections on political representation lead us directly to the central questions about the nature of government (Birch 2001: 104). Abraham Lincoln described democratic government as a government “of the people by the people and for the people“, presumed to be citizens. Question ‘who constitutes the category of people?’ has changed over time due to minority and human rights revolutions and development in international law after the Second World War. General agreement on the political rights as human rights, frames the concept of equal access to representation and there is no dispute that people of colour, women, and people with disabilities have a right to be equally represented in legislature and executive of representative democracies as well as in the state administration structures, taking part on the policy making process.

Political theorists from Rousseau onwards have either urged or assumed that a proper system of government must provide opportunities for political representation by ordinary citizens (Birch 2001: 104). T. H. Marshall describes citizenship as three sets of rights: civil rights to liberty and equality before the law, the political right to vote and to participate in the political processes, and the social rights to participate fully in the way of life that is shared by citizens as a whole (Marshall 1950). However, in modern times, the concept of citizenship has been applied insensitively to groups with diverse backgrounds (women, ethnic minorities, homosexuals etc.). Campaigns for equal representation, which escalated in the social movement of underscored groups during the 1960s and 1970s in the United States, echoed in the Romani movement in the post communist countries during the transition period in the 1990s. Still, by 2002, improvement of political participation and representation of Roma appears in policy recommendations of trans-national organisations – the European Union (EU), the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe (CoE) and remains to large extent unfulfilled.

The most up to date general statement of the Council of Europe on political participation and representation of Roma in the Recommendation 1557 (2002) reads:

*“The Assembly calls upon the member states to complete the six general conditions, which are necessary for the improvement of the situation of Roma in Europe: [...]*

*to involve representatives of Roma at all stages of the decision-making process in developing, implementing and evaluating programmes aimed at improving the conditions of Romani individuals and communities. This involvement should not be limited to consultation only, but should take the shape of a real partnership; [...]*

*iv. encourage the presence of Romani members in national parliaments and encourage the participation of elected Romani representatives in the regional and local legislature process and executive body; [...]*<sup>2</sup>

Disadvantage of the Roma in relation to their political representation was identified as having double and in the case of Romani women triple intensity (Recommendation 1557: 2002). Consider combining this fact with racially motivated crime, discrimination in various areas of life that Roma experience and we have a reality that violates the principle of

citizenship as formulated by the political theorist T. H. Marshall. Roma have been largely excluded from the process of equal participation on public issues (*res publica*), what James Tully called 'the empire of uniformity', an imaginary social contract between the body of citizens as a whole (Tully 1995).

Governmental policies towards Roma, formulated during the 1990s are ambivalent on the issues of increasing representation of Roma. While in the Czech Concept<sup>3</sup> defines political representation of Roma as one of its main objectives, Polish 'Malopolska Programme'<sup>4</sup> includes achieving full participation of Roma at the level of civil society, however no concrete means of promoting the participation or representation of Roma in legislature or the state administration are proposed. The Slovak Strategy<sup>5</sup> emphasises the need to provide opportunities for the Roma to participate in resolving "their own problems," yet it fails in conceptualising means for reaching this objective. While the state administration, a primary implementer of Roma policy is in a position to increase presence of Romani bureaucrats it has no means to interfere in increasing Romani representation in the Parliament. In parliamentary democracies, the electoral process and the organisation of political life in political parties is the key for increasing presence of Romani representatives. Yet, so far, as we look across Central and Eastern Europe, Tully's empire of uniformity, a social contract that presumably applies to all citizens equally, leaves out those (Roma) who fall out of the ranks of uniformity of population and continue to demonstrate many historical injustices (Hindess 1998: 100).

For democrats, however the challenge is to design a system, where political aspiration of minority groups can be expressed in more rather than less democratic and inclusive way (Shapiro 1999: 216). In other words, increasing presence of Romani legislatures has to do more with the elections and organisation of political life within each state. Political parties are the key players in the power division process within the democratic system. Comprehensive policy change in recruiting candidates on party electoral lists would increase presence of the Roma in legislative and executive bodies. However, this change requires either change in electoral laws or change in implementation of the existing laws. Moreover, it requires convincing political public, and both political party leaders and rights groups to actively promote non-discrimination in implementation of political rights of minorities in the process of electoral competition and establish equal representation of minorities a matter of national interest.

Throughout the 1990s, the Romani movement got stronger and its effort to have Roma represented at the level of executive and legislature intensified. Social movement theories almost always assume social movements are discrete entities that exist *outside* of government. There are "challenges from outside the polity" confronting "elites within it." Hence, social movement approach leaves many questions unanswered. Since the social movement theories are mostly about the emergence of social movements, they offer little guidance on the outcomes of social movements or the *content* of reforms.<sup>6</sup> Second, it cannot explain why some groups during the same time period had to exert more pressure than others, some did not have to lobby at all, and still others failed completely despite lobbying and pressure. Why are "opportunistic politicians" so selective? Looking at the American Civil Rights Movement of the 1960s and 1970s we see that groups representing white ethnics and gays/lesbians found little and no success, respectively during the campaign. Latinos succeeded enormously, despite small numbers, weak organization, and inconsistent

demands. Women, who had better organization than Latino groups and ostensibly promised greater votes to opportunistic politicians, struggled for some of their new rights. A disabled rights movement did not exist when the first disabled rights law in the United States was passed.

One theme throughout this study is that white well-educated men from majority populations who have dominated government in post-communist countries, view representation of the Roma as solely matter for the Romani movement. Hence they do not view the issue of increasing representation of Roma as a matter of their concern, concern for their political party and a matter of national interest but a concern of Romani leaders and politicians. With the rise of extreme right in Europe, we see that the only political parties explicitly formulating policy on the Roma are extreme right-wing nationalist parties. In the Czech Republic, politicians of the Association for the Republic - Republican Party of Czechoslovakia, in Slovakia the Slovak National Party and the Movement for Democratic Slovakia and in Poland to name few the Smallholders Party and the Self-defence party at number of times, in public speeches and party declarations voiced their contempt for the Roma.

Second theme through this study is that national culture plays enormous role in policy making towards Roma. Advisory mechanism of the Roma policy-making, which are to date the only viable mean of Romani involvement in decision-making in the Czech Republic, Poland and Slovakia carry significant limitations. Policy or project implementation oriented they have no means to increase political representation of Roma. In democratic systems, it cannot be expected to be otherwise. Most importantly, policy becomes politics. Roma policy conceptualised and discussed at the level of advisory bodies creates a long-term understanding that it is good policy to integrate Roma solely through activity of extra-representation channels. While advisory bodies can only help to narrow the gap between the Roma and majority society through commissioning and administering anti-racism campaigns, they have no means to add meaning to full integration of Roma. Hence, to see a full integration of Roma taking place, policy discussion on issues of national minorities, human rights and Roma needs to be initiated within mainstream political parties.

So far, the Romani issues, first conceptualised in policy making as a matter of crime prevention and increasing order in the early 1990s, have been slowly reframed as a matter of human rights, concern both to trans-national organisations and governments. While state administration has complied in policy making, mainstream political parties, largely absent to the discussion about suitable policies towards Roma and their integration in society, continue to demonstrate large degree of ignorance towards the challenge of growing diversity within the state or tend to adopt rhetoric of the extreme right in order to “neutralise” the force of right-wing arguments.

Lastly, theory tells us that the constellation of strategic interests that political actors have in particular contexts is based on the *meanings* they perceive in certain things. Meanings are constitutive—they tell us the identity of a person or thing. They tell us what it is. These meanings are the foundations of the legitimacy rules or “logics of appropriateness” analyzed by neoinstitutionalist organizational scholars and the moral boundaries and norms studied by cultural sociologists such as Michèle Lamont and international relations scholars like Peter Katzenstein.<sup>7</sup> Meanings may make a policy acceptable for one goal or group, but not for

others. Cultural meanings help us to understand the speed of the new policy as well as its limits.

In political science and especially in sociology, there is a growing literature on “frames.” Sociologists often assert the importance of frames in the development of social movements. Most of this work defines frames as coherent pictures of the world that can motivate and facilitate the development of social movements.<sup>8</sup> Social movements typically have a frame that defines and explains the genesis of some grievance, labels it as an injustice, and offers goals and strategies for change. More recently, the term has migrated into political sociology and political science but retained its basic meaning, referring to coherent ways of seeing the political world.<sup>9</sup> Other sociologists emphasize the utility of “narrative” or the stories people use to make sense of their actions.<sup>10</sup> Political scientists often discuss culture as such, or as “ideas” that affect policy-making in some way. Some ideas are said to have particular persuasiveness or power.<sup>11</sup> Some thinkers in political science and sociology have emphasized the importance of “traditions” to understand politics.<sup>12</sup>

## II. GROUP v. INDIVIDUAL RIGHTS: LEGAL STATUS AND ITS MEANING

### 2.1. Is Legal Status Enough?

Recommendation 1557 (2002) of the Council of Europe Assembly among other things lists appropriate legal status of Roma as precondition for implementation of integration and *ipso facto* increasing political representation. Proper legal status, recognition of Roma as national minority, and fulfilment of corresponding group rights are seen here as the answer to painstaking absence of Roma in political life (Recommendation 1557: 2002, point 6). Yet, even when we find proper legal status *en force*, political representation does not follow automatically from the status. In countries with low number of Roma, representation in the legislature will always rely on the support and inclusion in the mainstream parties. Hence the usefulness of the proper legal status of the Roma as a national minority for example, depends more on the inclusiveness of mainstream parties to diversity and national minorities than on the system of enforcement of national minority group rights.

There is much research debating the fairness or efficacy of minority rights laws. It is now time to reconsider minority policies and demands in light of liberal democratic theory and European norms. This aspect has so far been overlooked and democracy has been promoted as the panacea that would prevent violence and ensure minorities their “rights,” particularly in the areas of education, language, and political representation. But what are these “rights”? As many international organisations and NGOs have focused on ethnic reconciliation, they have often endorsed, or at least acquiesced to, policies that are grounded in notions of collective rights, as opposed to individual, liberal rights. Their approaches are reinforced by certain academic writings on nationalism and ethnic conflict, writings that make broad assumptions on the role and importance of certain types of identity in people's lives.<sup>13</sup>

While *only* national communities can provide cultural framework, these theorists believe that individuals should be allowed to choose their identity. Since national and ethnic cultures are tied to liberty, states have certain obligations to preserve them. The counter argument is that national and ethnic cultures are not necessary ingredients to liberalism or



the democratic process, but instead are values that are brought into the democratic process. Yet, in liberal democracy, the individual is of central concern. The state must justify interferences in individual liberty, and must protect the individual from interferences by others.

The regime on minority rights, as part of wider human rights regime, recognises that membership of a minority group is a matter of personal choice<sup>14</sup> – a person may not be ascribed to a minority group against its will. In other words, there are no collective rights, only individual rights. One could argue that ethnic groups are more likely to engage in violence than pensioners, or that protecting minority rights is high on the list of conditionality measures for EU accession while supporting the elderly is not. Finally, one could admit that many political elites think in ethnic terms.<sup>15</sup> However, these statements are grounded in pragmatism and cultural values, not liberal rights. As European norms on minority rights have evolved, the stress on individuals as the sole holders of rights has become clearer. In the political sphere, the focus has been on non-discrimination and governments seeking out diverse voices. Consequently, it should not be surprising that there are no clear international norms on minority representation.

While favouring one set of identities, we have failed to closely examine ethnic minority demands through a framework of liberal democracy, a framework to which European agreements have been remarkably successful in adhering. As democracies require each individual to have a multiplicity of identities and interests, there must be better differentiation on when heralded minority policies are grounded in rights, on ideas, on best practices, and on compromises to reduce tension. Context and conditions of political systems have to be taken into consideration. While representation of the Roma has been realised in Hungary through implementation of group rights via Roma minority self-governments, individual rights and non-discrimination principle in relation to political rights, on the other hand, have been explored to minimal degree. In sum, while proper legal status is a step removed from changing a meaning of who are the Roma and how they shall be treated, neither overall stress on group rights solves the issue of political representation of the Roma nor political representation follows automatically from national minority status.

## **2.2. Meaning**

Political representation of the Roma, a concept understood as closely related to the issue of minority rights, is often viewed through the lenses of social movement. One account of the increase of political representation might therefore emphasize the role of grass roots mobilizing. That said the intuition that one should not think only about group aspirations that stand in flat contradiction to democratic practice is sound.

Social movement researchers such as political scientist Sidney Tarrow offer “bottom-up” view. He refers to the period as a “protest cycle” that used the “rights frame” elaborated in the 1960s black civil rights struggle.<sup>16</sup> Various minority groups observed the success of the black civil rights movement and they adopted similar collective action “repertoires,” or styles of protest, and their “frames,” or ways of understanding their (unjust) place in society. Therefore, “the American ‘rights’ frame” spread to women, gay men and lesbians, and other groups.<sup>17</sup> Elites become involved because “opportunistic politicians seize

the opportunity created by challengers to proclaim themselves tribunes of the people.” “Reform is most likely,” Tarrow continues, “when challenges from outside the polity provide a political incentive for elites within it to advance their own policies and careers.”<sup>18</sup>

Significant themes throughout are the ways that prior policy developments and cultural meanings matter. Initial policy making can make later policy development possible, easy and quick. But understanding rapid policy development requires seeing the political importance of meanings—perceptions of what a thing, person, policy, or action *is*. Looking into recommendation made at the trans-national level of the OSCE and the Council of Europe, we can easily follow the debate on political representation of the Roma. Through close reading of recommendations and analysing discourse of discussion taking place in meetings and conferences, we have the opportunity to identify stages of development in Romani policy, relevant topics, confusions, issues, values and ambitions. While those are nowhere near the meaning of Roma political representation/ participation, the mainstream parties attribute to the Roma political organising, they provide a cognitive map of political strategies of the Roma. Moreover, their emphasis on Romani legal status and reference to the political and treaty-based processes add to the change of meaning of what constitutes good Roma policy or political representation.

According to a findings of a Roundtable on Strategies of Implementing minority rights of Roma and Sinti, held in Warsaw in 1997, Romani movement functions at different levels, more or less independently, with loose structures of competence and communication.<sup>19</sup> An urgent need for a dialogue among Romani activists and leaders, both intellectual elites and more traditional leaders was identified as necessary for strategizing the political participation and representation. Questions such as legitimate leadership and mobilization on the transnational and domestic levels were identified as long-term interest of Romani communities. While there has been an increase of Romani participation in formal political communities at different levels, both at the local level and in representative organs of governments and international institutions at least from 1997, the roundtable discussion identified issues of effectiveness of such bodies. Namely, the real impact in increasing political participation by different types of advisory councils and bodies, established by some governments were questioned even in 1997, where as we recall from early history of Roma organising, participation of policy making process was minimal in most post-communist states. **Moreover, issues of political representation of Roma in legislature have been always discussed together with proposal for combating violence and discrimination towards the Roma.**

In 1999, Supplementary Human Dimension meeting on Roma and Sinti Issues of the OSCE/ ODIHR proposed recommendations for increasing political participation through “best practices” of Romani policy identified in some OSCE states. In particular, focus was devoted to central arrangements in a form of advisory bodies on Romani policy.<sup>20</sup> Recommendation on increasing participation of Romani women at the local level and in administrative positions next to the plea to increase numbers of Roma policemen, judges and prosecutors were put forward.<sup>21</sup> Discussion were largely shaped by introductory speech by the HCNM Max van der Stoel, who defined improvement of political participation and Romani interest representation as next step forward.<sup>22</sup>

HCNM key-notes (1999) on political participation/ representation included:<sup>23</sup>

“Roma are still vastly underrepresented in elected and appointed office at all levels of Government. Efforts must be made to more actively engage Roma in public service.[...]”

“[M]echanisms that are set up to allow for Roma participation must be genuine in their intentions and meaningful in their endeavours; [...]”

The effectiveness of consultative mechanisms can be measured by a number of criteria: allowing for early involvement of Roma in Roma-related policy formation; the extent to which the process is broadly representative; transparency; and the involvement of Roma in implementation and evaluation of Roma-related programs.”<sup>24</sup>

[e]ffective participation of Roma at all levels of government, the development and refinement of mechanisms to alleviate tension and conflict between Romani and non-Roma communities, and combating racism and discrimination within public administrations.<sup>25</sup>

[the] effective participation of national minorities in public life is an essential component of a peaceful and democratic society. In the Roma case, more than most, ways have to be found of facilitating them within the State while enabling them to maintain their own identity and characteristics.<sup>26</sup>

In 2000, at the ODIHR workshop on Romani political participation,<sup>27</sup> elucidation took place around Romani separatist politics versus participation in mainstream political parties. Discussions on whether participation in the ethnic political parties was a good strategy were also challenged through a dichotomy of participation through NGOs and political parties. Recognition of the electoral thresholds as a practical obstacle led into a proposal to define Romani demands in relation to mainstream parties as respect and implementation of human rights, laws and principles of democratic governance. Special treatment in a form of recognition of group rights was identified as prolonging the separation of Roma from mainstream societies and contra productive in terms of integration efforts (Hungarian model of self-governments). Politically, the social democratic ideology was identified by most of the participants as closest to Romani values.<sup>28</sup>

Romani activists/ leaders recommendations (2000) on political participation/ representation included:<sup>29</sup>

Awareness raising and training on increasing political participation on areas such as: minority participation, Roma/ Roma women participation in the electoral process, professionalisation of Romani political parties and creation of resources (Romani Bank), to achieve self-sufficiency in politics

Found International Romani Council, which would discuss issues of Romani concern and would bring together Romani mayors, representatives, politicians etc.

In 2001, at the seminar on Romani Representation and Leadership at National and International Level, organized by the Project on Ethnic Relations (PER) and the PER Roma

Advisory Council, continuing debate of representation and leadership raised question of legitimacy. Lack of constituency of some leaders and issues of representation in front of trans-national bodies for Roma as whole caused much debate. Minority rights concept was identified again as insufficient in claims for formal recognition of Roma as nation and debilitating in relation to other political parties within national constituencies.<sup>30</sup> Debate circled also around trans-national representation possibilities, such as the initiative forwarded by the President of the Republic of Finland, Tarja Halonen, to the Parliamentary Assembly of the Council of Europe in Strasbourg, on January 24, 2001, which proposed the creation of a consultative assembly of Roma at the pan-European level.<sup>31</sup>

In May 2002, the Second World Roma Congress, organized in Lodz, in Poland, focused mainly on the discussion on the structure and functioning of trans-national representative body, as proposed by the Finish president, the European Roma Council, a consultative body at the Council of Europe. Delegates further discussed Helsinki Agreement signed between International Romani Union, Roma National Congress and Gypsies and Travellers International Evangelical Fellowship, Mayor of Shuto Orizari Nedzed Mustafa, OSCE ODIHR and Project on Ethnic Relations composition, size and election procedures for the proposed European Roma Forum.<sup>32</sup> Finally, proposal of a representative structure under the working name “Romani Council of Europe” of Rudko Kawczynski from Roma National Congress was put for a discussion.<sup>33</sup> Representative body of seven members was agreed to be given one year mandate, yet only six representatives were elected in Lodz. International Romani Union, which left the meeting prior election, was given one mandate, to be filled later.<sup>34</sup>

Following recommendations on Romani Council of Europe (2002) were put forward:<sup>35</sup>

- Use representative structure of Kawczynski proposal for Roma Council of Europe (RCE);
- Use RCE as a working name;
- Ensure Age and Gender balance of future Council
- One year mandate for seven elected representatives. Ágnes Dároczi, (Hungary); Lars Demetri, (Sweden); Ondřej Giňa, (Czech Republic); Rudko Kawczynski, (Germany) Nezdet Mustafa (Macedonia); and Kati Stojka (Hungary) to negotiate with the CoE and other actors to establish RCE;
- Request funding of seven representatives from the Finish authorities and CoE;
- Ensure five seats of future RCE to be reserved for non-European Roma;
- Adopt principle of self-determination as bases of RCE

In sum, debate between grassroots and trans-national organisations on political representation of Roma resonates several important issues, relevant for political representation of the Roma:

- Minority or group rights principle and policies on their own are debilitating in the process of increasing number of Roma in politics;

- Special treatment based on group rights enlarges the separation of Roma from mainstream politics and from integration;
- Lack of ability of achieve political representation within home states, escalates trans-national efforts to achieve political representation;
- Gap between the Roma active within government advisory bodies and trans-national networks of the Romani movement mobilizing is increasing, whereas Roma active in advisory structures to the government are not active in the trans-national networks;
- Reference to long history of Romani political activism at civil society level during the 1990s as well as trans-national level post Second World War by Roma activists vis-à-vis the Romani nation shows efforts to prove legitimacy through other variables then territory and serves as prove of relevance of such undertaking;
- Political mobilization of the Roma is increasingly affirmative to age and gender equality;
- Social democratic ideology is closest to the Romani values;
- Ethnic Romani parties are useful for escalating discussion among Roma and bridging the generational gap, yet, due to electoral systems design, political strategy for wining seats in legislature should be pursued inside mainstream parties;
- Legitimacy and constituency are consciously respected values within the context of Roma political representation discussion, which indicates certain degree of conservatism in the circles of Romani elites;
- Civil sector, such as Romani NGOs represents a brain drain for most educated Romani elite;
- Romani political parties lack structures, fail to build constituencies and often chose least effective pre-electoral strategy;
- Friction between growing Roma active in Romani policy advisory structures and Roma self-organising mobilization is increasing due to competing ambitions;

## 4.2 International Legal Framework

The following international standards form the normative basis for both political representation of national minorities and the Lund Recommendations discussed below:

- Article 21(3) of the *Universal Declaration of Human Rights* states that the “will of the people shall be the basis of the authority of the government;”
- The *International Covenant on Civil and Political Rights* (ICCPR) guarantees the following rights and freedoms:
  - the rights to freedom of thought, conscience and religion and to manifest those beliefs (Article 18);
  - the right to hold opinions without interference and the freedom to express those opinions (Article 19);
  - the right of peaceful assembly (Article 21);
  - the right to freedom of association (Article 22);

- the right and opportunity, without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status:

- to take part in the conduct of public affairs, directly or through freely chosen representatives,
- to vote and be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, and
- to have access on general terms of equality to public service in one's country (Article 25);
- the right to equal and effective protection by law 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 (Article 26).

- Article 2 of the *Convention on the Elimination of All Forms of Racial Discrimination* (CERD) provides:

“State Parties shall 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 undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.”

- Article 5 of the CERD provides:

“In compliance with the fundamental obligations laid down in Article 2 of this Convention, State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

...

(b) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular: ...

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association.

- Article 2 of the *UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities* states:

“(2) Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.

(3) Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.

(4) Persons belonging to minorities have the right to establish and maintain their own associations.

(5) Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.”

The Article 3 of Protocol No. 1 to the European Convention on Human Rights, specifies that the High Contracting Parties undertake ‘to hold free elections at reasonable intervals by secret ballot, under conditions which will endure the free expression of the opinion of the people in the choice of legislature.’ Interestingly, according to several Court’s rulings, the Article 3 of Protocol No. 1 guarantees electoral rights only with regards to the choice of legislature.<sup>36</sup> It has therefore declared inadmissible complains concerning the method of formation of organs of local or regional communities, which exercise no more than regulatory power delegated by Parliament and so subject ultimately to the later supervision<sup>37</sup>, such as, in Belgium, the municipal council and council of public social assistance centres,<sup>38</sup> and in the United Kingdom, the country councils and district councils.<sup>39</sup> According to the case law of the Court and Commission, these words have to be interpreted “in the light of the constitutional structure of the State in question.” Moreover, Article 14 of the European Convention on Human Rights and Protocol 12 specifies anti-discrimination provision.

- **Article 14:** The enjoyment of the rights and freedoms set forth in this Convention shall be secure without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- **Protocol 12:** The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race colour, language, religion, political or other opinion, national or social origin, association with a national minority, property birth or other status.
- Article 15 of the *Council of Europe’s Framework Convention for the Protection of National Minorities* states:

“Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.”

- Paragraphs 5 and 6 of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (the *Copenhagen Document*) specify that “among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings ... the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all governments”.
- Paragraph 35 of the *Copenhagen Document* requires OSCE participating States to “respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities”.

Equally, international law provides some important restrictions on the freedoms and rights enunciated above.<sup>13</sup> These include Article 4 of the CERD which reads:

“States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- (a) shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- (c) shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.”

#### **2.4. Lund Recommendations, Venice Commission**

The international standards on political rights have been further elaborated in terms of guidelines in the text of the “Lund Recommendations on the Effective Participation of National Minorities in Public Life.”<sup>40</sup> The purpose of the Lund Recommendations is to encourage and facilitate the adoption by states of specific measures to alleviate tensions related to national minorities and thus to serve the ultimate conflict prevention goal of the High Commissioner on National Minorities of the OSCE. The Recommendations attempt to clarify the content of minority rights and other standards generally applicable in the situation in which the HCNM is involved. Lund Recommendation No. 7-9 are particularly useful for facilitating increase of national minorities in the electoral and political process.<sup>41</sup>

The basic premises of the Lund Recommendations are:



- States will respect and implement their human rights obligations, in particular, the freedom from discrimination;
- the object of human rights instruments is to ensure the full and free development of the individual human personality under conditions of equality;
- the object of good democratic government is to serve the needs and interests of all who live and reside under it; and
- good democratic government will allow, encourage and support all those who are the subject of its decisions to participate in the making of those decisions.

- Lund Recommendation No. 7 reads:

**“Experience in Europe and elsewhere demonstrates the importance of the electoral process for facilitating the participation of minorities in the political sphere. States shall guarantee the right of persons belonging to national minorities to take part in the conduct of public affairs, including through the rights to vote and stand for office without discrimination.”**

- Lund Recommendation No. 8 reads:

**“The regulation of the formation and activity of political parties shall comply with the international law principle of freedom of association. This principle includes the freedom to establish political parties based on communal identities as well as those not identified exclusively with the interest of a specific community.”**

- Lund Recommendation No. 9 reads:

**“The electoral system should facilitate minority representation and influence.**

- **Where minorities are concentrated territorially, single member districts may provide sufficient minority representation;**
- **Proportional representation systems, where a political party’s share in the national vote is reflected in its share of the legislative seats, may assist in the representation of minorities;**
- **Some forms of preference voting, where voters rank candidates in order of choice, may facilitate minority representation and promote inter-communal co-operation;**
- **Lower numerical thresholds for representation in the legislature may enhance the inclusion of national minorities in governance.”**

- Lund Recommendation No. 10 reads:

**“The geographic boundaries of electoral districts should facilitate the equitable representation of national minorities.”**

The European Commission for Democracy Through Law (Venice Commission) at its 57<sup>th</sup> meeting in April 1992 CHECK, adopted a resolution, containing provisions that where minorities are not represented, the state must consider the introduction of measures to facilitate representation. Similarly to Lund Recommendation, the Venice Commission stated that a fairer representation of minorities results not so much from the application of rules

peculiar to minorities as from the implementation of general rules on electoral law, albeit adjusted, where required, to increase the chances of success by candidates from minority groups.<sup>42</sup>

Venice Commission recommendation reads:

**“[a]ll States to take measures to ensure that their political structures are based on the full participation of all citizens, regardless of racial, ethnic, linguistic or religious background, as well as on the principles of individual freedom and basic human rights for all, in order to promote dynamic and harmonious inter-ethnic relations;”<sup>43</sup>**

## **2.5. The OSCE and the CoE on Political Representation of the Roma**

Political representation of the Roma appears in policy recommendation of the OSCE and the Council of Europe in each Roma specific document adopted throughout the 1990s. OSCE commitments, essentially political, are not legally binding, yet, mechanisms of interaction within OSCE, such as for example the OSCE Human Dimension goes much further, linking human rights and rights of national minorities with the institutional and political system of a state. The distinction is between “legal” and “political” and not between “binding” and “non-binding”.

First explicit concern on the situation of Roma was raised in the concluding document of the Human Dimension meeting in Copenhagen, June 29 1990. Paragraph 40 reads:

*“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 recognise the particular problems of Roma (gypsies).”<sup>44</sup>*

Within the frame of discussion of issues of national minorities, the OSCE member states again reaffirmed their concern with the situation of Roma in a Report of the CSCE Meeting of Experts on National Minorities in Geneva in 1991. Chapter VI, par. 1 and 2 reads:

*“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.”<sup>45</sup>*

In the following Human Dimension Conference, which took place in Moscow, October 3, 1991, the State concluded that: “[state parties] recognize that effective human rights education contributes to combating intolerance, religious, racial and ethnic prejudice and hatred, including against Roma, xenophobia and anti-semitism.”<sup>46</sup>

First affirmation of programs for improving situation of Roma was reaffirmed a year after during the Summit meeting in Helsinki. The Helsinki Declaration of July 10, 1992 states:

*“[The Participating States] will consider developing programmes to create the conditions for promoting non-discrimination and cross-cultural understanding which will focus on human rights education, grass-roots action, cross-cultural understanding and research. Reaffirm, in this context, the need to develop appropriate programmes addressing problems of their respective nationals belonging to Roma and other groups traditionally identified as Gypsies and to create conditions for them to have equal opportunities to participate fully in the life of society, and will consider how to co-operate to this end.”<sup>47</sup>*

On the following OSCE Summit in Budapest in December 1994, a decision was taken to create an office within ODIHR that would deal with issue of Roma and Sinti and more importantly connected this decision with a commitment to provide sufficient resources. The Concluding Document dated December 6, 1994 reads:

*“The participating States decide to appoint within the ODIHR a contact point for Roma and Sinti (Gypsies) issues. The ODIHR will be tasked to: act as a clearing-house for the exchange of information on the implementation of commitments pertaining to Roma and Sinti (Gypsies); facilitate contacts on Roma and Sinti (Gypsies) issues between participating States, international organisations and institutions and NGOs; maintain and develop contact on these issues between CSCE institutions and other international organisations and institutions. To fulfil this task, the ODIHR will make full use of existing resources. In this context they welcome the announcement made by some Roma and Sinti (Gypsies) organisations of their intention to make voluntary contributions. The participating States welcome the activities related to Roma and Sinti (Gypsies) issues in other international organisations and institutions, in particular those undertaken in the Council of Europe.”<sup>48</sup>*

During the Ministerial meeting in Oslo in 1998, the Ministerial Council on Enhancement of the OSCE’s operational capabilities issued a decision regarding Roma and Sinti, which de facto decided enhanced OSCE’s role in the process; secondly, that the Contact Point should deal solely with matters concerning Roma and Sinti and finally tasked the Permanent Council with devising appropriate ways to ensure adequate resources to implement this decision.<sup>49</sup>

As of Budapest meeting the OSCE pronouncement on the situation of Roma became explicit, naming problem areas. In addition, Roma rights are mentioned explicitly, pointed out in the context of wide prejudice and hatred against national minorities. The Istanbul Summit Declaration of 1999 reads:

*“We deplore violence and other manifestation of racism and discrimination against minorities, including Roma and Sinti. We commit ourselves to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect. We underline the importance of careful attention to the problems of the social exclusion of Roma and Sinti. These issues are primarily a responsibility of the participating States concerned. We emphasize the important role that the ODIHR Contact Point for Roma and Sinti issues can play in providing support. A further helpful step might be the elaboration by the Contact Point of an action plan of targeted activities, drawn up in co-operation with the High Commissioner on National Minorities and other active in this field, notable the Council of Europe.”<sup>50</sup>*

In Istanbul Roma became a concern of security in a Charter for European Security, paragraph 20 reads:

*“We recognize the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve full equality of opportunity, consistent with OSCE commitments, for persons belonging to Roma and Sinti. We will reinforce our efforts to ensure that Roma and Sinti are able to play a full and equal part in our societies, and to eradicate discrimination against them.”<sup>51</sup>*

In the Ministerial Council meeting in Bucharest in 2001, Parties agreed in the Decision No. 7 (MC(9). DEC/7 on continuing support of the Contact Point for Roma and Sinti and tasked the ODIHR to “elaborate an Action Plan of targeted activities as mandated by the Istanbul Summit, as one of the ways the ability of the Contact Point can be strengthened to assist participating States in fulfilling their commitments to improve the situation of Roma and Sinti [...]”

In the Resolution on Roma Education in the Berlin Declaration of the OSCE Parliamentary Assembly and Resolutions adopted during the eleventh annual session in Berlin on July 10, 2002, Parties agreed to develop anti-discrimination legislation and welcomed the Finnish initiative to set up a democratically elected European Roma Consultative Forum that can articulate and transmit the voice of Romani individuals and communities.”

Similarly, the mission of the Council of Europe is aimed at enlarging community sharing same values and ideas. Regarding the political representation of Roma, the most instructive are the CoE Recommendation 1203 of 1992 and the Recommendation 1557 of 2002. The Recommendation 1557 reads:

*“Member states of the Council of Europe should encourage Roma to set up their own organisations and participate in the political system as voters, candidates or members in national parliaments. **Incentives should be provided to mainstream political parties to include Roma on their electoral lists, in electable positions (emphases added).** States are encouraged to devise and implement policies aiming at the full participation of Roma in public life, and at all levels of administration, as well as the strengthening of democratic Romani constituencies. Romani communities, organisations and political parties should be given the full opportunity to take part in the process of elaborating, implementing and monitoring programmes and policies aimed at improving their present situation.”<sup>52</sup>*

Instructive is also Article 2(2) of the Framework Convention on National Minorities, stating: “Persons belonging to minorities have the right to participate effectively in ...public life” and Article 15, which reads: “Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.”

## **2.6. Domestic National Minority Provisions**

In representative democracies political rights are considered constitutional rights and provisions are specified in country’s Constitution and further relevant legislation, such as on election, political parties, associations, minority law, etc.

The 1992 Constitution of the Czech Republic (Constitutional Law of the Czech National Council) emphasizes that all political decisions shall stem from the will of the majority, expressed by means of free vote, and most consider the protection of minorities

(art. 6). The Charter of Basic Rights and Freedoms, passed by the then still existing Czechoslovak parliament on January 9, 1991, has been made part of the Czech constitutional order (art. 3). The charter forbids discrimination on grounds of membership in an ethnic or national minority and guarantees the free choice of nationality, it prohibits to influence this choice or to exercise any form of pressure aimed at the suppression of someone's national identity (art. 3). It states further that someone's national or ethnic identity must not be used to the detriment of this person (art. 24). The charter also grants comprehensive rights to minorities, including the rights to develop their own culture, the right to communicate and to receive and disseminate information in their own language, and the rights to form ethnic associations (art. 25). Additional rights which are granted but which remain subject to further legal specification are the right to education in one's mother tongue, the right to use one's mother tongue in public, and the right to participate in the handling of affairs concerning national and ethnic minorities (art. 25).

Newly adopted Minority Law (2001) guarantees members of national minorities the right to active participation in cultural, social and economic life, especially with regard to matters concerning national minorities at the municipal, regional and national levels, a right which is to be executed through the Council for National Minorities and Committees for National Minorities. However, the right applies to minorities which meet the ten percent threshold in a given municipality or region. Committees for National Minorities have been established in thirty-two municipalities, four regions and in the cities of Brno, Liberec and Ostrava.

The Constitution of the Slovak Republic of September 1992 includes a number of minority relevant provisions. Slovak is declared the official language of the Slovak Republic, while the use of other languages in official communications is subject to further simple legislation (art. 6). Fundamental rights are guaranteed to anyone regardless of nationality or ethnic origin, and no person is to be denied legal rights, discriminated against, or favored on these grounds (art. 12). Membership in any national minority or ethnic group must not be used to the detriment of individual (art. 32). Citizens who are members of national minorities or ethnic groups are guaranteed equal opportunities. Specifically mentioned are rights to promote cultural heritage, to receive and disseminate information all of which is subject to further simple legislation. In addition, to the right to learn official language, members of national minorities or ethnic groups are also guaranteed the right to be educated in a minority language, the right to use a minority language in official communications, and the right to participate in decision-making in matters affecting the national minorities and ethnic groups. These provisions are restricted by a regulation that determines that the exercise of these rights must not threaten the sovereignty and territorial integrity of the Slovak Republic or discriminate against other citizens (art. 34).

Roma participate primarily at advisory level, yet there are no formal mechanisms to enable Roma to participate in local, regional or national decision-making bodies other than electoral law. No special provisions facilitating representation of national minorities are put in practice.

The Polish Constitution determines Polish as the country's official language but states simultaneously that this shall not infringe national minority rights resulting from ratified international agreements (art. 27). Equality before the law is guaranteed and discrimination

for any reason what so ever forbidden (art. 32). National and ethnic minority have the freedom to maintain and develop their language, traditions, customs, and culture, and the right to establish educational, cultural and religious institutions to protect their identity, and the right to participate n the resolutions of matters connected with their cultural identity (art. 35). Loyalty and concern for the common good are declared to be the duty of every citizen of Poland (art. 82).

There are no formal mechanisms to enable the participation of Roma in decision-making bodies at the local, regional and national levels. Participation in elections is provided by the Act on Electoral Law to the *Sejm* and the Senate of the Republic of Poland. Art. 134 exempts election committees of registered organisations of national minorities from the requirement that they obtain at least five percent of the total number of votes validly cast nation-wide in order to be considered in the process of allocating seats between constituency lists of candidates for MPs.

### III. THE CASE AT HAND: POLITICAL REPRESENTATION OF ROMA

In contrast to the growing number of racially motivated attacks against Roma and foreigners, political participation/ representation of Roma grew substantially after 1989. The first Romani political party the Roma Civic Initiative, established on 10 March 1990 and civil society associations added to the organisation of political life of Roma. First Romani MPs were elected into three representative bodies: Federal Assembly, Czech and Slovak National Council on the electoral lists of the Civic Democratic Forum, the Public Against Violence and the Communist Party in the first democratic elections hold on June 8 and 9, 1990. The electoral success, which some Romani leaders ascribed to the revolutionary euphoria, politically turned out very positively for Roma. Karel Holomek, Romani activists and Romani MP in the Czech National Council between 1990 and 1992 remembers early days in a following way: “Until 1992, within the general euphoria in Czech and Slovak society Roma were given chance to take an active part in policy formation and politics. Roma themselves were very enthusiastic and they participated in public life.”<sup>53</sup> In the words of a Romani MP in the Slovak National Council, Anna Koptová: “The change of principles in policy making towards Roma in 1991, laid bases of ethno-cultural development of the Roma.”<sup>54</sup>

Elected Romani representatives took active part on formation of policy towards Roma at the level of the Czech and Slovak as well as the Federal government. The Federal government made clear that it attempts to give as much as possible access to policy formation to Romani representatives and the forming Romani movement. Unification of a number of Czech Romani initiatives and NGOs under the umbrella organisation the Roma National Congress in 1991 created a united presentation of Romani interest vis-à-vis the mainstream politics and added coherence to the Romani political scene. Similarly in Slovakia, NGOs and political parties, although established later then in the Czech Republic, unified under an umbrella organisation of the Roma National Congress and made an attempt to present themselves as a unified voice vis-à-vis the government.

Between 1990 and 1994 eleven Romani political parties were founded in Slovakia:

- Roma Integration Party in Slovakia (RIPS)
- Democratic Movement of Roma in the Slovak Republic (DMRSR)
- Party of Slovak Roma (PSR)
- Romani National Party (RNP)
- Party of Romani Democrats in Slovakia (PRDS)
- Roma Democratic Union Party in Slovakia (RDUPS)
- Roma Civic Initiative (RCI)
- Roma Social Democratic Party in Slovakia (RSDPS)
- Union – of the Roma Civic Initiative in Slovakia (URCIS)
- Romani Congress of the Slovak Republic (RCSR)
- Labour and Security Party (LSP)

In 1996 another Romani party – Roma intelligence for Coexistence (RIC) and conflicts within the party led to establishment of Roma Initiative of Slovakia (RIS). In 2001, yet another party, Roma Integration Coalition was registered (RiCo).

Diversity of Romani political organising is certainly a quality, the Roma political scene in Slovakia has not been short of. Several attempts to unify diversified Romani parties took place in 1992, with the Roma National Congress (RNC), then again in 1993 with establishment of Association Council of the Roma in Slovakia (ACRS) and then again in October 2000 with establishment of an umbrella organisation the Romani Parliament (RP). Finally, unification of political parties the Roma Integration Coalition (RICc), the Roma Social Democratic Party (RSDP) and the Roma Civic Unity (RCU) resulted into a joint organisation the Political Movement of Roma in Slovakia (PMRS) in May 2002.

### **3.1. Romani Parties and Candidates in the Electoral Process**

In the election in June 1992, new mainstream parties, such as Civic Democratic Party, Civic Democratic Alliance, Christian Democratic Union – Czech Popular Party and the Social Democratic Party in the Czech Republic refused to nominate Romani candidates on their party lists. In the Czech Republic, one Roma appeared on the candidate list of the Communist Party and took a seat in a Parliament until 1996. In Slovakia in the election in 1992, Romani candidates appeared in party lists of the Social-democratic party of Slovakia and the Communist Party of Slovakia but were not elected. The same time, two Romani political parties, which stood in the election, the Roma Civic Initiative and the Labor and Security Party failed to get enough votes.<sup>55</sup> While the Roma Civic Initiative got about 0.6% of votes, Labor and Security Party got 0.97% of votes. Total number of 30% of Roma in Slovakia voted for Romani political party (Mann 1994).

In Slovakia Parliamentary election in 1994, only one Romani political party stood up for election, the Roma Civic Initiative. Some Romani candidates stood up at the electoral party lists of the Slovak Democratic Left and Democratic Union. RCI, financially supported by the Movement for Democratic Slovakia, which aimed at taking votes away from the Slovak Democratic Left and Hungarian Coalition, gained only 0.67% of vote, however, its leader, Ján Kompuš was given a position in the Council for Nationalities and after establishment of the detached Plenipotentiary office for the Roma, became his deputy with an office in Košice (Jurová 1999).

Between 1992 and 1997 in the Czech Republic Romani policy formation, and any discussion between the state administration and the Romani political elite on policy formation discontinued. In Slovakia, similar development took place between 1992 and 1998. In addition, growing level of nationalism and racial hatred added ideology of paternalism and viewing Roma as the root cause of the situation in subsequent policy making. In Poland, creation of Romani NGOs and political parties took a slower pace and the Romani leaders have not raised political participation of the Roma in politics until 1997 when with worsening socio-economic situation and growing level of racially motivated violence Romani leaders demanded attention from the government and made an effort to build a partnership with the Ministry of Interior and Education on the Roma policy making. In Poland, no political party of the Roma was established during the 1990s. However, the Roma in Poland have participated in the trans-national Romani movement, namely the World Romani Congress, Roma National Congress and the International Romani Union (Stankiewicz 2002: interview).



Between 1992 and 1997 lowering criminality and increasing order and protecting interest of the so-called “moral citizen” became the objective of any policy formation towards Roma at municipal, regional or national level. Moreover, policy objective of migration prevention was picked up by some policy makers at the municipal as much as the national level and aimed directly at the Roma. Interestingly, Romani policy making within the Council of Europe was first put under the Migration Committee MG-S-ROM in 1992. In Poland, the government took only one clear initiative, namely institutionalised segregated education for Romani children in the first half of 1990s in the Malopolska province.

Since the mid of January 1998, Romani politicians strove to unite Romani political parties in Slovakia. But after several unsuccessful negotiations, the Romani leaders parted ways. In the 1998 parliamentary elections no Romani political party ran independently. Shortly after the elections it seemed that the objective of merging Romani political parties into a single Romani coalition stood a better chance than ever before. However, further developments, and especially quarrels for positions within the Roma Intelligence Party, made it clear that the Romani political scene was not quite ready for a “Romani coalition“ yet. Romani party the Roma Intelligence for Coexistence signed pre-election agreement with the Slovak Democratic Coalition, whose leader Ladislav Fízík hoped that in case of victory Romani experts from the Roma Intelligence for Coexistence will be able to work on policy formation with the government. Despite modified strategy and clear preference for Romani candidates standing for office on the mainstream political party lists, none Roma was elected to the office. The Roma Civic Initiative cooperated with the Movement for Democratic Slovakia, which put Ján Kompuš on 61<sup>st</sup> place on the candidate list, and József Ravasz on 88<sup>th</sup> place on the candidate list aimed at having at least one elected representative in the Parliament. Ján Kompuš died tragically in a car accident prior the election.

In the Parliamentary election in 1998, in the Czech Republic one Romani candidate stood on a party list of the Union of Liberty, and became MP until 2002.

In the municipal elections in Slovakia in December 1998, Roma stood mostly on candidates' lists of the Roma Civic Initiative and the Roma Intelligence Party, and ran as independent candidates, but they also appeared on candidates' lists of the Movement for Democratic Slovakia, Slovak Democratic Coalition, Slovak Democratic Left, Communist Party of Slovakia and the Party, Hungarian Coalition and the Association of Slovak Workers. Altogether, 254 Romani candidates ran for deputies' posts and seven candidates ran for mayoral positions. In the end, a total of 56 Roma were elected as deputies and six Romani candidates became mayors of municipalities or city districts.

At the beginning of September 1999, representatives of 14 Roma political parties signed a joint agreement establishing the Coalition Council of Romani Political Parties. In October 2000, 14 Roma political parties and 37 Roma non-governmental organizations signed an agreement on a joint strategy for the 2002 parliamentary elections. The agreement was the most remarkable achievement so far in Romani political unification. It states that all Roma political parties will team up behind the RCI, the oldest and most consolidated Romani political party in Slovakia.

In the Parliamentary election 2002 in Slovakia, two candidates from the Roma Intelligence of Slovakia appeared at the candidate lists of the Movement for Democratic

Slovakia, though despite a promise they would be placed in the first forty, Alexander Patkoló, leader of Roma Intelligence for Coexistence appeared at non-electable 75<sup>th</sup> place on the electoral list of the Movement for Democratic Slovakia. Romani candidates stood up for office on the electoral list of Democratic Party-Democratic Union at 38<sup>th</sup> and 77<sup>th</sup> place, though the party shortly before the election passed its candidacy in favor of Slovak Democratic Christian Party (Majchrák 2002). In addition, Roma Civic Initiative and Political Movement of Roma in Slovakia stood up independently in the election. None of the Romani candidates were elected.

Two parties representing the Roma, the Political Movement of Roma in Slovakia, and the Roma Civic Initiative of the Slovak Republic participated in this election. Neither Roma party gained a significant share of the vote; RCISR received 8,420 votes (0.29%), and PMRS 6,234 (0.21%). In none of the country's 79 districts did the combined Roma parties' vote exceed 4%. It is notable that Roma membership on electoral commissions at all levels was higher than in previous elections, indicating heightened attention to one of the building blocs leading to greater political involvement.

In the Czech Parliamentary election 2002, some pre-election attempts have been made to promote Romani candidate on political party lists. However, most of the parties with high electoral potential, including Green party argued either that proposed Romani candidates are controversial personalities or that the non-Romani electorate is not ready for electing a Romani candidate to the Parliament. According to Romani leaders reference has been made to racist inclinations of the Czech electorate.

*"I have contacted several political parties and offered my candidacy, requesting to be put on the electoral list on a front place in the general election in 1998 and 2002. I trusted that experience of a former MP and my active participation in public life at the Ngo and policy-making level would make me an attractive candidate for the political mainstream. Yet, I was wrong and to my great surprise, the Social Democrats as well as the political parties on the right of the political spectrum, [...], showed me red card, and I remained seated in the back seat of NGO politics with occasional participation in the 'debate club' of Council of Roma community affairs [...]"<sup>56</sup>*

Romani candidates succeeded in local election and presently there are about fifteen deputies in local municipalities across the Czech Republic. Similarly to previous years, the Roma Civic Initiative failed to obtain enough votes in the national election and its competition in the election contest has been marked with an agreement with the Republican Party to appear in a TV shot, which portrayed Roma in a racist way. The RCI was promised financial payment for appearance in the TV shot.

In the 2002 elections, both in the Czech Republic and Slovakia, Roma combined strategies. In the Czech Republic, the Roma Civic Initiative ran an electoral list in a single electoral district in Moravian-Silesian region, though won about 532 votes, which makes 0.01% of votes. Roma appeared as candidates at the electoral lists of political parties with lower electoral potential, though, those did not make it over the 5% electoral threshold.

However, Roma were more successful with the local elections, in the Czech Republic Roma were elected on mainstream parties electoral ticket in Ostrava, Frydek Mistek and Liberec. In Slovakia in local election in December 2002, several local representatives were

elected on electoral tickets of mainstream parties. There has been no Romani MP in the Polish *Sejm* or local municipality anywhere in Poland during the 1990s.

### 3.2. Roma Policy in the Political Parties Programmes and Electoral Campaigns

In the 1990s, no serious discussion on political representation of Roma took place inside mainstream political parties in the Czech Republic, Poland and Slovakia. Slovak and Czech politicians conceptualised Romani policy through objectives of the crime prevention, migration flows control and increasing level of order in the society. While in the Czech Republic, only extreme-right wing parties have had explicit policy stand on the Roma, in Slovakia, political parties have addressed policy towards Roma in their electoral programmes, taking especially the social and educational policy perspective. In the 1992 elections, the Hungarian Christian Democratic Movement raised issues of Roma in a frame of schooling policy and fulfilment of rights of national and ethnic minorities. In the 1994 Slovak election, only the Slovak Democratic left briefly mentioned Roma policy in its documents. In the Parliamentary election in 1998, Slovak Democratic Left, Movement for Democratic Slovakia and the Hungarian Coalition Party mentioned Roma in their electoral programs. Here again, the biggest attention to the Romani issues was paid by the Slovak Democratic Left, which viewed the Romani issues as “an internal problem of the national minority, which is trying to find its identity and further possibilities of their fulfilment in education, culture, language and social improvement.” The Movement for Democratic Slovakia’s electoral program of 1998 touched in two points on the Romani issues. Having a clear anti-Hungarian context it says that many Roma declare Hungarian nationality – therefore it is “necessary to rise national consciousness of the Roma, so they are proclaiming freely their own nationality.” The second point touches upon the Roma indirectly, proposing lowering social benefits of “citizens, which are inadaptable.”<sup>57</sup> The Slovak Hungarian Coalition touches upon the Roma in its electoral program under the heading of chapter on the social policy, saying that it is necessary to include Roma in policy-making and implementation. In sum, since 1998, mainstream Slovak political parties addressed issues of Roma in a more concrete way, proposing solutions based mainly on social policy approach.

In the 2002 Slovak Parliamentary election a new populist party, the Alliance of a New Citizen paid biggest attention to the Roma. ANC has summarised previous Roma policy efforts as insufficient and made following suggestions:

- Centralise financial sources on Roma policy implementation;
- Create a centre for the Roma policy implementation in Eastern Slovakia;
- Create a state system of missionary work among Roma;

The policy proposal on missionary work takes a model in the Israeli *kibbutzim* from the 1960s with an attempt to rebuild Romani settlements to the *kibbutzim* model, where the Romani missionary would control upbringing of children centrally. In the program description of the Romani missionary, the political party specifically requested that: “the character and other qualities of Romani missionaries include ability to live for a long term (with family) in a highly stressful conditions of the Romani settlement risky environment, in infectious environment (hepatitis, AIDS, syphilis, flees and louses), in criminal environment, in a segregated Romani community, without privacy, with risks of exposure to cancerous thoughts including radical Islam and with a long-term low quality of life.” The proposal also

carries further stereotypes such as declarations that the communication with Roma is most successful through music etc.<sup>58</sup>

The Slovak Hungarian Coalition promised in the electoral program to address Roma issues with active participation of Roma themselves. The Social Democratic Alliance addressed Romani issues only partially in the chapter on social policy addressing broader group of disadvantages poor (women, elderly, youth, unemployed etc.) The Movement for Democratic Slovakia raised again its concern about “inadaptable citizens” in relation to social benefits and promised larger competencies to the local municipalities to decide over social benefits. On a similar note, the Slovak National Party and the Slovak Democratic Christian Union proposed payment of social benefits in material goods. Most repressive policy is proposed by the political party *Smer* (Direction), which proposed to address the “irresponsible growth of Romani population in Slovakia” through “dissemination of information on health” and “qualified social work actively influence lowering number of Roma.”<sup>59</sup>

In sum, in Slovakia, unlike in the Czech Republic all political parties participating in the electoral process, included Roma policy as a relevant point in their electoral and party programs. The political discourse has gradually developed from efforts for elimination of Roma “large numbers” through modification of social policy (the Movement for Democratic Slovakia) and its more extreme form of active lowering of number of Roma and fostering the segregationist pattern of Romani settlements and segregation within Romani family, such as central upbringing of children by Romani missionaries (*Smer*, the Alliance of a New Citizen) to active involvement of Roma on “solving their own problems” (the Slovak Democratic Left, the Slovak Coalition and all Hungarian parties). Neither the left nor the right of the Slovak political spectrum views Romani issue as an issue concerning the whole Slovak society. Most of the Slovak mainstream political parties included Romani candidates on their electoral lists, however, due to placement of Romani candidates on very last places in an electoral list none of them made it through to the Parliament since 1992.

In the Czech Republic, mainstream parties have not conceptualised Romani issues in any national election since the June election in 1992. Neither they touched upon the Romani policy explicitly nor implicitly in electoral or party programs. The Czech mainstream parties have shown combination of refusal and acceptance of Romani candidates on their electoral lists. Since the 1990 election, Roma have had their elected representatives in the Czech Parliament until 1996. Between 1996 and 1998 there was no MP and then again one Romani MP was elected to the In 2002, mainstream parties took a strategy not to offer place to the Romani candidates on their electoral lists. The Social Democratic Party and the Green party refused Romani candidates, while the Civic Democratic Party and Union of Liberty have neither discussed the issue with the Romani representatives nor considered such strategy as a good move. In the Czech Republic as much in Poland, extreme right-wing parties are the only one with explicit policy stand on issues of diversity and the Roma.<sup>60</sup>

### **3.1. Roma Advisory Bodies: Positives and Flaws**

#### Czech Republic

##### *Positive Aspects*

Throughout the 1990s, political participation of Roma has developed firstly through activity in the non-governmental sphere and Romani MPs and secondly within advisory bodies to the government on issues of Roma or broadly on issues of national minorities and human rights. During the 1990s several Roma took a position at the lower ranks of the administration within Ministries in the Czech Republic.

Advisory structures and involvement of Roma from outside the government, mostly from the NGO resource, and their subsequent role as consultants in the process of policy formation is de facto fulfilment of OSCE and CoE recommendations from 1998, 1999 and 2000. Here, perhaps, the Czech government's advisory body the Inter-Ministerial Commission of Romani Community Affairs (from December 2001 known as the Council for Roma community affairs) established in 1997, represents the first example. While advisory bodies increase optically presence of the Roma in the process of discussing different policy option, there are limitations to what can be achieved with advisory role of the Roma.

In a frame of regular meetings of advisory bodies, Roma have been given space for adding input on policies of their concern and meet deputy minister or clerks from relevant Ministry, assigned to the issue of Romani policy development, to voice agreement, opposition to existing policy and/ or suggest alternative measures. Agenda has been also flexibly up-dates to issues of concern. For example, when the issue of usury in Matiční street in Ústí nad Labem, became a real threat to Roma living there, the advisory body devoted one meeting to discussing possible, legitimate and legal steps against such pathological behaviour (Zpráva o činnosti Rady March 21, 2001). In addition, the Commission prepared a briefing for the deputy Prime Minister Pavel Rychetský.<sup>61</sup> In the press conference that followed, suggested steps were presented to media by one of the most informed field workers on the issue of usury. In fact, media outputs at the end of Council/ Commission sessions became a tradition, and useful tool for positive influencing of larger public. In addition, Roma policy is being also discussed in the frame an advisory Council of National Minorities and Council for Human Rights focusing on issues of national minorities and equal rights and freedoms. There are special authorities in each ministry, mainly working board in competence of Minister of Employment and Social Affairs and Roma employed in Ministry of Interior, Education and Culture.

#### *Negative Aspects*

The role of advisory bodies - preparation and reviewing policies on the Roma for consideration by the government and ensuring state endowment focused on creating conditions for integration of Roma into society - have been confused with Roma community desired political representation. Frustrations and disillusionment built up in the Romani communities.<sup>62</sup> Romani Civic Initiative as well as the Committee of Roma Regional Representatives (an umbrella body uniting the Roma) always demanded control over selection of Romani members of the Commission/ Council.<sup>63</sup> Dissatisfaction with the advisory only role of the Commission/ Council came up especially during the process of standartising of the status of Inter-Ministerial Commission of the Romani Community Affairs. To what extent the Council/ Commission and its Roma members are the highest representatives of Roma community in the Czech Republic was discussed in depth and took some resonance in a internet discussion group based at the Council's web site.

The Council has no means to force local administration to implement the government Romani policy. Most pronounced example of resistance of local authorities is the segregationist policy of the municipality in Ústí nad Labem- Neštětice, which decided to build a wall to segregate Romani and non-Romani inhabitants. However, this pattern is only the top of the iceberg. While the Council for Roma Community Affairs might discuss segregationist attempts of mayors of Czech cities, it has very limited means to challenge decisions of local administration. According to my interviews with Roma assistants and advisors, who have been employed at the level of districts and municipalities to act as a support for communication between the local administration and the Romani community reported, that by now, some cities, reportedly – Ostrava, Přerov, Šternberk, Brno – while engaging in positive dialogue with the government, continue in segregationist practice in housing. Moreover, with the state administration reform and diminishing of existence of districts, Romani advisors and assistance, who were based at the level of districts were supposed to be transferred to local (neighbourhood) administration level. Here, some local authorities argued that they do not have a budget to employ Romani advisor/ assistant. While most of the advisors were re-employed, this has been another stance where the Council for Romani Community Affairs, does not have any mean to support its policy implementation and relies solely on good will. Moreover, certain type of bullying, so called “mobbing” of Romani assistance and advisors by local administration occurred in several Czech cities. The method of “mobbing”, aims to achieve that the Romani assistant leaves the job on his/her own request. Method of long-term ignorance no human communication other than work related makes the Romani assistant/ advisor feel not welcomed and adds tension to the working relationship. This type of bullying by local administration bureaucrats should become subject of high concern, because it is evident, that this type of behaviour is aimed at getting rid of the Romani assistants.

#### *Improving Implementation at the Local Level*

Solutions to the issue of lack of implementation of the Romany policy strategy were sought for some time. According to my interviews, significant support was given to the establishment of so called “Roma Agency” an implementing organ of state policies, which would be able to engage on deeper level with the local administration. Plans to engage Roma and local administration jointly at local level were discussed at lengths (Zápis 2002). At first, the Czech government rejected the plan in early December 2002, it adopted the plan in March 2003 with the updated Concept of Roma integration (Governmental Resolution 243 from March 12, 2003). With the Roma Agency system, Roma will be given greater stake in active promotion of implementation at the local level, it will also allow quicker reaction to painstaking and emergency situations. The Roma Agency will also draw bureaucrats to the process of policy implementation and help to create active partnership with the Romany assistants or advisors. In sum, with the Roma agency the centre of policy implementation moves from the central government to the level of regions, which will allow to more specific, qualified and active approach in Concept implementation.

#### Slovakia

In Slovakia, the Post of the Government’s Plenipotentiary for Roma Affairs and the Council of the Government on National Minorities and Ethnic Groups were established in

1999.<sup>64</sup> As the above discussion illustrates, policy toward Roma in post-Communist Slovakia has been marked by considerable discontinuity not only between successive governments, but also within the term of a single government. Rather than apply a program consistently, Slovak bureaucrats have repeatedly drafted what they present as new policy priorities and called for new pilot projects, which reflect those priorities. Consequently, while the Dzurinda government may (regardless of its motivations) be making a genuine effort to improve the situation of Slovakia's Romani population, the Elaborated Strategy of the Government of the Slovak Republic for Solving the Problems of the Romani National Minority may come as too little, too late.

The discontinuity characteristic of Slovakia's policy toward its Romani population is particularly evident in the creation of special offices for the Roma's special problems. As noted above, the Office of the Government Plenipotentiary for Solving the Problems of Citizens Who Need Special Care created by the Mečiar government began as an attempt to silence human rights organizations and to head off building social unrest in Slovakia's Romani population. Additionally, the first Government Plenipotentiary, Branislav Baláž, accomplished little other than to participate repeatedly in the drafting of new policy priorities, which were never implemented. Moreover, the Movement for Democratic Slovakia made use of the Office of the Government Plenipotentiary and its incumbent to broker an arrangement with Romani political parties in which the two Romani candidates included on the Movement for Democratic Slovakia ballot were assigned positions which made their election unlikely.

Disappointing initial expectations, the Dzurinda government's first Plenipotentiary for Solving the Problems of Citizens Belonging to the Romani Minority, Vincent Danihel, seems to have accomplished only slightly more than his predecessor. While policy documents issued during Danihel's tenure in office reflect a consistency in priorities lacking under the Mečiar governments, this seems to be the entire result of Danihel's two years on the job. According to one of Danihel's staff, an interest in advertising the putative achievements of the Office at the expense of the quality of information on Slovakia's Romani population. Characterizing Stage I of the Government Strategy for Solving the Problems of the Romani National Minority as a "gigantic leap forward," my informant claimed that relations between Roma and non-Roma are generally positive, albeit less so in Eastern Slovakia than in Western Slovakia. Insofar as most of the Romani population of the Slovak Republic resides in Eastern Slovakia, this claim would be trivial even if it were true. My informant's claim about similar levels of Romani integration in Slovak- and Magyar-populated areas of the Slovak Republic reflects a similar detachment from the actual situation of Roma in the country. Finally, the status of the Office of the Plenipotentiary was certainly not helped by Danihel's May 2001 dismissal on suspicion of embezzlement, or by the frequent conflicts between Danihel and Deputy Prime Minister for Human Rights, Minorities, and Regional Development Pál Csáky, which culminated in Danihel alleging that his immediate superior had misused funds from the World Bank.

The discontinuity characteristic of Slovakia's policy toward its Romani population is particularly evident in the creation of special offices for the Roma's special problems. As Appointed in June of 2001, the new "Government Plenipotentiary for Romani Communities", Klára Orgovánová, arguably accomplished more in her first six months than did her predecessor in more than two years on the job. A Romani expert on Roma of some

international renown, Orgovánová unveiled a plan to open a branch office in Košice in the first months following her appointment to the position. Another innovation is Orgovánová's introduction of an internship program in the Office of the Government Plenipotentiary for young Romani activists. Perhaps most encouraging given her predecessor's lack of contact with the Romani population, however, are Orgovánová's trips to Romani settlements and her meetings with local authorities both Romani and non-Romani. Nonetheless, the long-term effects of Orgovánová's efforts depend in large part on a measure of continuity thus far absent between elections, as well as on her ability to deal with Deputy Prime Minister Csáky, whom many in Slovakia view as concerned with Slovakia's Magyar minority at the expense of Slovakia's other minorities.

### Poland

In Poland, two advisory bodies on issues of national minorities operate within the Ministry of Interior and Administration and Roma are in consultative relationship with the State administration on formation of Roma policy.

Although the Czech and Slovaks existed in a joint state for more than seventy years, and each adopted nearly the same formal structures for their respective Roma policy making or advisory bodies, the structures and processes in those organisations differ in ways largely consistent with the ratings of each country on the three dimensions: Individualism/Collectivism, Power Distance and Uncertainty Avoidance. When comparing those two bodies, it became clear that culture plays a role in Roma policy making process by influencing, to some degree, the structure and functioning of the Roma policy advisory bodies in a particular state.<sup>65</sup> The Council for Roma Community Affairs in Prague is now a multilevel and multi-sectional body. The Council consist of a hierarchy in which the Deputy Prime Minister is at the apex of the organisation. The Council of chaired by Plenipotentiary of the Government on Roma Community Affairs and Human Rights. From working pairs structures between one deputy minister and one Roma, which was repeatedly criticised for its mal function, the Council moved towards a model of issue focus groups. Likely the Roma advisory body in Prague, the Roma advisory body in Bratislava is a multilevel and multisectional organisation.

The first point of note is how strikingly similar the Slovak advisory body is to the Czech advisory body. This is not surprising, considering that, as one member of the Slovak Commission on Roma Community Affairs put it, the Slovaks "are following the same general plan of organisation that the Czech have adopted." This perception is supported by another former member of the Plenipotentiary Office, who stated that: "the structure we now have in this advisory body reminds me of the Czech Commission on Romani Community Affairs from 1997-2001." Slovak Romani advisory body also consists of hierarchy in which the Deputy Prime Minister is at the apex of the body, and the body is chaired by the Plenipotentiary for Roma Affairs.

Frustrations, which build up around the issue of appointments of Romani members of advisory bodies should not be surprising. Since political activism and participation of Roma in public life has been to shifted solely to activism in the third sector between 1992 and 1997 in the Czech Republic and 1992-1999 in Slovakia, constituency, which Romani leaders build



in Romani communities, through activism in third sector made them feel that indeed they should have voice in selection process of members of advisory bodies.<sup>66</sup>

### 3.1.1 Political Rights in Government Policy Documents

The Czech government adopted two framework policy documents, the ‘Report on the Situation of the Romani Community in the Czech Republic and the Government Measures Assisting its Integration into Society in 1997’ (hereafter Report) and the ‘Concept of the Government policy towards members of the Romani community, supporting their integration into society’ (hereafter Concept) in 2001.<sup>67</sup> While the Report does not work with a category political representation, and carries socio-cultural perspective, the Concept, specifying three approaches to Roma affairs – human rights, nationality, and the wider socio-cultural perspective – touches upon presence of Roma in public life through the nationality approach and to some extent human rights approach. Neither the Concept nor the Report considers exclusion or absence of the Roma in political life and do not conceptualise steps for increasing presence of the Roma in public life.

The practice of Roma policy implementation in the Czech Republic shows, that the socio-cultural approach prevails. Needless to say, all activities within this approach, coordinated by the Council for Romani Community Affairs, have contributed to improvement of overall socio-cultural situation of Roma in the Czech Republic. The program of social field-workers, Romani assistants, Romani advisors, and educational grants to Romani students are excellent example of implementation of the Concept from the socio-cultural perspective. Yet, no consideration or research has been given to implementation of the Lund Recommendations on effective participation of national minorities in public life. The Concept states, that

*“Because of their oppressive social situation many Roma avoid the issue of their affiliation to national minority; government policy on the other hand, must address the plight of this category of socially marginalized Roma, and generally focuses on social matters (employment, social welfare, and housing) rather than specifically national minority concerns (the development of culture and language, national minority education).”<sup>68</sup>*

Yet, grants from the Council on Roma Community Affairs to cultural and high educational institution with Roma focus, the Museum of Romani Culture in Brno and the Roma Studies at Faculty of Arts at the Charles University go beyond the socio-cultural underlined orientation of the Concept and role of the Council for Roma Community Affairs. Hence, steps towards increasing implementation of Lund Recommendation could also be undertaken, if there was political will to do so.

The Law on National Minorities adopted in 2001, defines specific rights of national minorities, including collective rights as defined in the Chapter III of the Charter of Fundamental Rights and Freedoms and the Geneva Convention on the Protection of National Minorities.<sup>69</sup> According to the Concept, the specifically nationality issue of the Roma minority in the Czech Republic should be overviewed by the Council for National Minorities. Yet, activities of the Council for National Minorities do not include efforts to develop policy proposal on increasing presence of minorities in public life, and limit its activity on giving grants to cultural project and events, such as festivals and minority press or publication. In this way, as cited in the Concept, it “can strive to preserve and develop their

independence, language and culture.”<sup>70</sup> Moreover, the Council for Nationalities brings together national minorities living in the Czech Republic, though there is lack of cross group solidarity. Each national minority takes care of representing its own interests.

The Government considers anti-discrimination measures as “essential element in its attempts to build up the rule of law of a democratic society based on respect for human rights,” not only as far Roma are concerned, but also other national minorities, migrants, asylum seekers and foreign nationals.<sup>71</sup> The EU Race Equality Directive next to the need to adopt comprehensive instruments to safeguard against discrimination is acknowledged in the Concept.

The Slovak government adopted three framework documents of policy towards Roma. In 1991, Resolution No. 153/ 1991, entitled *Principles of Government policy towards Roma* laid out areas for improving the situation of Roma. Subsequent adoption of a policy paper drafted by the Ministry of Labour, Social Affairs and Family, issued in April 1996, and entitled *“The Resolution of the Slovak Government to the Proposal of the Activities and Measures in Order to Solve the Problems of Citizens in Need of Special Care”* rejected approach identified in the 1991 Resolution and reframed policy towards Roma as an issue of social policy.<sup>72</sup> In 1999, the Slovak government adopted redrafted policy towards Roma ‘Strategy I’ of the Government of the Slovak Republic for the Solution of the Problems of the Roma National Minority and the Set of Measures for Its Implementation Stage I outlining areas of action. However, those do not include area of political rights. Subsequently Stage II of the Strategy adopted in 2000 a package of concrete measures, does not include any measures for increasing presence of Roma in legislature or executive. Following updates on priorities of the Slovak government on issues of Roma community, especially plans of action of the Commission for Romani Community Affairs and Council for National Minorities and Ethnic Groups does not include political rights objective.

The Polish government, primary concept for addressing the issues of Roma in Poland is the “Pilot Government Programme for the Roma Community in the Malopolska province for the years 2001-2003”, familiarly called Malopolska Programme, adopted in 2001.<sup>73</sup> Geographically limited to the Malopolska province, it addresses areas of life of Roma residing in the province, using primarily social policy approach. The Programme does not address the issue of increasing presence of Roma, in Poland a recognized ethnic minority, in public life. The Program is coordinated by the Ministry of Interior and Administration. Although Roma are appointed as consultants on the programme, no institutionalisation in a form for example an advisory body has taken place.

In the Report to the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention of the Council of Europe for the Prevention (sic) of National Minorities, the Polish government reports that during the process of preparation of the report, the government consulted national and ethnic minorities, who “submitted number of postulates going beyond the issues addressed in the Convention. These include mainly matters concerning: education, access of minorities to the mass media, ensuring more persistent politics of the state and self government authorities, guaranteeing the development of culture and maintenance of minority identity at a safe level, bigger access to the public funds, strengthening of the spirit of tolerance and intercultural dialogue, enriching the knowledge about minorities living in Poland, and

increasing the possibilities of representation of minorities in eligible offices and authorities” (emphases added).<sup>74</sup>

In fact, above specified requests from the grassroots do fall under the Convention. Political representation, for example fall under the Article 4 under Section II of the Convention and Article 15 of the Convention, which specify obligation of state parties to promote full equality in political representation and creating effective participation of persons belonging to national minorities.

In sum, while the Czech ‘Concept’ acknowledges the need to strengthen political representation of Roma, the Slovak ‘Strategy’ and Polish ‘Programme’ do not acknowledge a need for increase of political representation of Roma. The Slovak policy document has not conceptualised implementation of the Lund Recommendations and has not considered any other way to address the absence of political representation of the Roma. Polish policy document limits it focus only on supporting Roma civil society initiatives.

### 3.2. Romani Voter and Romani Candidate: Political Awareness of the Roma

Recent UNDP-RSC-ILO study of five countries (the Czech Republic, Slovakia, Hungary, Bulgaria and Romania) revealed that Roma often feel that their interests are not well represented. The lowest level of administrative unit represents the highest level of perception of inclusion and representability. To the question “Do you think your interests are represented well enough?” on average 13.7% chose “yes” for national level representation and 20.2% - at municipal level. In the Czech Republic and Slovakia the figures turned out slightly higher, around 25% chose yes for community level in both countries. Representation at the municipal level shows 22% for Slovakia and 27% for the Czech Republic. Representation at the national level offers more diverse picture. While in the Czech Republic 22% thought that Roma interests are represented, in Slovakia only 6% thought that their interested are being represented.<sup>75</sup>

Are your interests represented well enough? (%)		
	CZ	SK
National level	23.0	6.0
Municipal level	27.0	22.0
Level of Community	29.0	27.0

Table 1:Representation of Interests (adapted from a table listed in the UNDP-RSC-ILO study “Towards Diversity with a Human Face”, 2002)

Another question asked in the survey interestingly correlates with the representativity results. To the question “On whom can Roma rely for support?”, In the Czech Republic 20% mentioned the government, while in Slovakia, only 6.6% were of the same opinion.<sup>76</sup>

Correlation of results is a lesson. While in the Czech Republic, balance between representation of interest among three levels of governance is even, in Slovakia, Roma have minimal trust in central administration.

On whom can Roma in your country rely for support (%)		
	CZ	SK
The government itself	20.0	6.6

Table 2: Support of Roma (adapted from a table listed in the UNDP-RSC-ILO study “Towards Diversity with a Human Face”, 2002)

Roma in politics in OSCE space in 2000	Numbers
Members of Parliament	5
Mayors	20
Local representatives	400

Table 4: Political representation of Roma in 2000 across OSCE states. Source: ODIHR<sup>77</sup>

As we can see from the UNDP-RSC-ILO study, the political awareness of Roma is relatively high. While the electoral participation in the Czech Republic is much below average, the participation in Slovakia is close to the average for majority. In Slovakia, high participation of voters in election has been a significant sign in past two elections. The tendency to trust other political party the Romani in Slovakia contrasts with more or less even trust between Romani and other political party in the Czech Republic. Knowledge about the local division of power also turns higher in Slovakia. The same time, organising on ethnic principle has a bigger significance in Slovakia.

Dimension of political awareness (%)		
	CZ	SK
Stated name of the Mayor	29.9	80.0
Trust Roma party	13.4	17.4
Trust other party	13.3	35.7
Voted in the last election	29.1	64.3

Table 3: Political awareness of Roma (Source: UNDP-RSC-ILO study “Towards Diversity with a Human Face”, 2002)

Romani political organising has often been critically analysed as lacking coherence, leadership and ability to unity behind an electoral winning strategy. Especially with reference to Slovakia, high number of political parties has been pointed out as politically unsound and lacking certain level of development (UNDP-RSC-ILO 2002; Vašečka 2003; Puliš 2003). While one cannot deny high number of Romani political parties in Slovakia, one should also take into consideration political turmoil, the Slovak political system went through the 1990s (ODIHR 1998; ODIHR 2002). The electoral law has been amended thirteen times since 1990, which according to the ODIHR recommendations does not contribute to increasing political stability. Hence, the Roma politics in Slovakia is also next to its internal incoherence possible to analyse in relation to the system within which it operates. Moreover, ever since the fall of communism high level of Romani political organising always resulted in a form of internal unification vis-à-vis the government. Despite large number of

organisations, Roma in the Czech Republic and Slovakia were able to unite under the umbrella organisations and represent Roma in this way.

#### **4.2 Good Political Representation of the Roma: Some Suggestions**

States that have well designed democratic political institutions are more successful at managing conflict and resolving political grievances particularly those that relate to national minorities. Accordingly the design of the political institutions and the electoral system, in particular, performs an important role in managing conflict and providing a peaceful outlet directing the interests that may otherwise fuel conflict into effective participation in public life. This is particularly so in societies in which there are competing ethnic groups. If an electoral system does not address the real needs of a society and the social formations within it, it will not only lead to political and administrative difficulties but may, itself, be the cause of conflict. It follows therefore that an important practical application of the Lund Recommendations is to firstly review the existing electoral system and to improve the design, if necessary, to achieve that objective.

Electoral systems can be specifically constructed to address the particular needs in a society. This is because they prescribe how votes are translated into seats. The choice of system can lead to different outcomes on the same number of votes. For example an electoral system based on constituencies will often lead to a different result from a system of strict proportional representation. This may, in certain circumstances make the critical difference between a party assuming and losing power. It will also determine the level of representation of parties especially representative of minorities. The choice then of the most appropriate system becomes a critical one. But, electoral systems alone do not solve potential ethnic conflict. The electoral system must be viewed as one of a multiplicity of interlocking mechanisms which, taken together, will have the effect of accommodating national minorities and ensuring their effective participation in public life. By way of illustration, reserved seats for a particular community may ensure them representation, but, unless the underlying processes and mechanisms, such as funding, eligibility, training and education are provided, that representation may have little influence.

Accordingly, while the electoral system may ensure minority representation in the legislature, there remains no guarantee that the minority represented in the legislature will be accorded any material role in the parliament or in government structures. Representation is often not enough. It needs to be supported by other measures. For example in Parliament, the minority may be accorded key seats in parliamentary committees that concern the interests of national minorities or special procedures may be established to deal with minority vetoes in respect of minority issues. In government structures, the proportional allocation of civil service positions may be a mechanism that may be considered to give real meaning to minority participation in public life. These kinds of supporting measures all contribute to turning what would otherwise be a formal minority of seats in Parliament into meaningful participation of a national minority in public life. There may also be a perception of tokenism in an allocation of seats to a national minority without those seats constituting a platform for a meaningful influence on the decisions that affect that minority. That perception undermines the legitimacy of the State's measures to accommodate the minority, allowing ethnic entrepreneurs to attack and thereby undermine the accommodation accorded to the minority by the State. The key means of making a difference is construed as

expressing new or different views and perspectives on issues in the legislature and this implies the need for an assembly that has real discussion where those listening are open to responding to the perspectives that they hear. By implication the group MPs must themselves be willing to respond to the perspectives they hear, particularly if we assume that more than one group needs the air its perspectives (Roma, women etc.).

The Czech Republic, Slovakia and Poland have been viewed as ethnic conflict free societies, however when it comes to the Roma, the opposite is the case. Racially motivated attacks against the Roma and in return foundation of Romani self-defence commandos have been bothering all three countries since 1989. To little attention has been paid to the issue by politicians. Presence of the Roma in the legislature would add weight to the symbolic membership of the Roma in respective societies. Extreme right wing forces have been trying to force an idea of Roma being foreigners in their countries and sadly, especially in the first half of the 1990s mainstream politicians picked up on these arguments as their own. While electoral system redesign might be one of the possibilities, much easier seems to be the inclusion of Romani candidates on the electoral lists of mainstream parties and their active involvement in political life of the party, but also the Parliament.

With the early 1990s picking on the argument as Roma being foreigners and the escalation of a protest cycle by Roma representatives and human rights advocacy by Romani activists, left Roma still very much at the ranks of civil society, social movement type of organising, not included in the political mainstream. In the words of Rumyan Russinov, the chair of the Roma Participation Program of the Open Society Institute, who speaks from a position of a Romani activist: “the Romani movement itself is exhausted and we no longer can carry policy change on the level of civil society [...] we need broader inclusion, not at the policy level, but at the political level. (Russinov 2002: interview).” Inasmuch Roma remain to be excluded from the political mainstream, political parties are absent to conceptualising issues such as diversity, role of human rights, importance of inclusion to all, which are all discussions, flourishing at the civil society level, yet, reaching the state administration only to the point of advisory bodies. Should debate on the Roma and diversity or immigration occur, it is usually initiated by right-wing or nationalist parties. Other mainstream parties react to racist nationalist statements, though fail to positively influence the public on issues of diversity, human rights and immigration, because their position is always negative to the right-wing argument and their position confused.

Bigger involvement of the Roma within political parties would also benefit implementation of Roma policy at the local level. To date, Romani issues are viewed as a matter of social policy and a matter of the Council for Roma Community Affairs of the government. Within the decentralised states, any advisory body at the level of government has low potential to force local administration to implement Roma policy.

#### IV. DYNAMICS OF CHANGE: UNDERSTANDING THE POLICY OPTIONS

Policy science distinguishes between voluntary, mixed and compulsory instruments of public policy.<sup>78</sup> Different instruments involve varying degrees of efficiency, equity, legitimacy and support, which affect their appropriateness for a particular situation.<sup>79</sup> Moreover, cultural norms and institutional arrangements may accord greater legitimacy to some instruments than others. Thus it is possible that in liberal democracies citizens and policy – makers may prefer instruments that are less coercive than other equally effective or efficient alternatives.<sup>80</sup> I will identify policy option on increasing political representation in legislature and discuss its pro and contra. There is number of strategies on increasing presence of Roma in public life, which remain unexplored in practice.

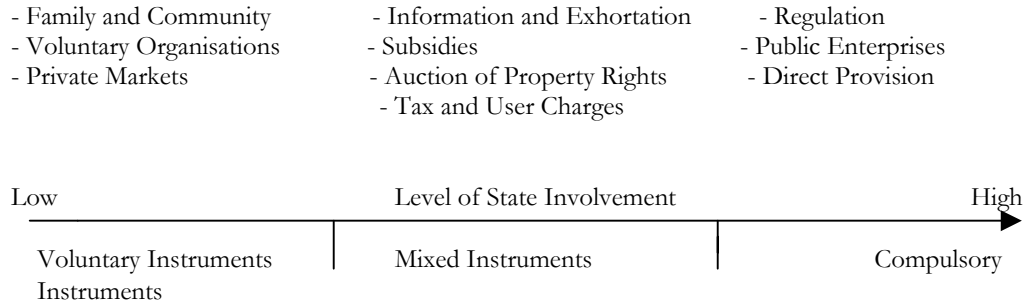
The characteristic feature of voluntary instruments, which is very much present *status quo* in the political representation of Roma, is when governments decide deliberately that they will do nothing ('non-decision') about a recognized public problem, because they believe that it can be done by private or voluntary sector. While voluntary instruments are important tools in implementing economic and social policy change, political representation, within the specific Czech, Slovak and Polish context so far, has not reached the desired increase in representation in legislative and executive bodies. However, ethnically heterogeneous societies offer the possibility of utilizing the positive sides of intra and inter ethnic competition. Voluntary instruments carry also a beneficial virtue of spill over in its positive contribution to promoting community spirit, social solidarity and political participation.<sup>81</sup>

Mixed instruments, combine the features of compulsory and voluntary instruments. The range is between minimum, such as information dissemination to maximum, such as punitive taxing of undesirable activity.<sup>82</sup> A passive instrument would be a dissemination of information about the need for equal representation of national minorities to political parties, leaving it up to them to decide on changing behaviour in a desired manner. However, it does not include altering the attractiveness of the choice through offer of rewards or imposition of sanctions. Middle level mixed instruments, represents subsidy, tax reward or tax as user charge.

Under compulsory instrument policy science understands direct regulation, public enterprises or direct provision.<sup>83</sup> Lester Salamon's distinction between expenditure and non-expenditure categories of policy furthers the discussion during the policy making process.<sup>84</sup>

■ Figure 1.

### A Spectrum of Policy Instruments



*Source: Howlett, M., Ramesh, M. (1995)*

#### 4.1. Voluntary Instruments

Voluntary instruments are simple tools in implementing policies and they are preferred in many societies, because of their const-efficiency, consistency with the cultural norms of individual freedom and support for community ties.<sup>85</sup> Policy on increasing presence of Roma in legislature could use three voluntary instruments: (1) Information dissemination, (2) Intra and Inter-ethnic competition and (3) Implementation of existing norms.

##### 4.1.1 Information dissemination

Dissemination of information is a passive instrument, providing information to individuals and parties with the expectation of changing their behaviour in a desired manner. The advisory bodies on issue of national minorities, in the Czech Republic, Poland and Slovakia have not yet sufficiently developed policy on promotion of political rights of national minorities. While the policy framework defined in Czech Concept of Roma integration assigns responsibility for national minority rights to the Council for National Minorities, within the dynamic of largely socio-cultural policy implementation, the focus on political rights of national minorities has not been given priority. Law on National Minorities adopted in 2001, does give an opportunity to national minorities to form advisory bodies at the local level.

In Poland and Slovakia formulation of implementation of political rights of national minorities has not been given great attention by the advisory bodies on national minority and ethnic groups issues. Existing advisory councils could initiate information dissemination to political parties about political rights of national minorities. The second stage of information dissemination could take a form of a discussion between parties, advisory bodies and Roma on the need of increasing level of inclusiveness of political parties towards issues pertaining Roma and national minorities.



#### 4.1.2 Intra and inter-ethnic Competition

Ethnic-conflict prevention theory and practice recognises non-regulated intra and inter ethnic competition as a relevant instrument for increasing peaceful political representation of national and ethnic minorities in public life. Conditions necessary for achieving such state is multi-ethnic society, where political alliances are sought across ethnic divide. For example Macedonians view Roma as a non-problematic group and a political ally in competition with Albanians for majority in Parliament. Similarly in Hungary's national election 2002, Social Democratic Party put a Romani candidate on an electable position on the electoral list. In Slovakia, Roma have been viewed as a potential pool of voters by the Hungarian parties in as much by the Movement for Democratic Slovakia etc. However, in compare to Hungary, where the Social Democratic Party made a genuine effort to include Roma in the electoral process, Roma are place on non-electable positions.

In Poland, ethnic Poles account for 97.6% of the total population. Consequently, inter-ethnic political competition cannot play a major role in relation between mainstream parties and the Roma. Despite the absence of inter-ethnic political competition, however, Poland has built a reputation of favorable treatment of its Romani population. However, this reputation is ill deserved. Although the Romani population of Poland is very small, accounting for 0.13% of population, gravity and frequency of racially motivated attacks and discrimination often go unreported.<sup>86</sup>

Although Bohemians and Moravians were counted separately in the Czech census, many members of both groups regard the distinction between them as sub-ethnic or regional, and the Bohemian-Moravian division is not reflected in the Czech Republic's party system. Moreover, Bohemians (81.2%) and Moravians (13.2%) together account for 94.4% of the population of the Czech Republic, leaving little room for political competition between either or both of these groups and any other ethnic group. Nonetheless, the Romani population of the Czech Republic is more integrated than is the Romani population of the Slovak Republic.<sup>87</sup> As in Poland, the small size of the Romani population (0.3% officially, 1.4% according to a 1989 government estimate of the Czech Republic may well play a role in the measures taken to integrate it.

If the small size of the Romani population seems to go far in accounting for the political integration of Roma in Poland and the Czech Republic, the opposite may be true in Hungary. In fact, the Hungarian census figure of 4% is the highest official proportion of Roma in any country in the world. Although this figure is predictably lower than unofficial estimates of the size of the Romani population, it differs less from even the highest common estimates than some official figures on Romani populations in the region differ from lower estimates. Additionally, while the relatively small difference between official and unofficial figures may itself be an indication of the degree of Romani political integration in Hungary, the success of Hungary's Romani political elite in organizing the Romani population at large and marketing it to Hungarian political parties seems also to constitute an important factor for explaining the measures taken to integrate Hungary's Romani population. Barany, on the other hand, attributes Hungary's policy toward minorities in general "at least in part" to a need "to be able to justify its growing concern about Hungarian minorities in Slovakia, Romania, and other neighboring countries".<sup>88</sup> Whatever the explanation for the political integration of Roma in Hungary, it cannot rely on inter-ethnic competition, as Magyars constitute 89.9% of the country's total population, with Roma the next largest ethnic group.

Inter- and intra-ethnic political competition does not constitute a necessary condition for the political integration/ representation of Roma. By way of contrast the Republic of Macedonia seems to indicate that inter- and intra-ethnic political competition constitute a sufficient condition for Romani political integration; faced with demographic and political pressures from the ethnic Albanian population, representatives of the scant and divided Macedonian majority have reached out to Macedonia's Romani population with minority rights. Moreover, the fact that authorities in the Socialist Republic of Macedonia as well as in both Communist and post-Communist Serbia have made efforts to prevent Roma from assimilating to an Albanian identity suggest that inter-ethnic competition might alone constitute a sufficient condition for increasing representation of Roma in mainstream political parties. Similar efforts could be seen in Slovakia. Especially the last pronouncements of the Movement for Democratic Slovakia on Roma falling "in the trap" of the Hungarian nationality indicates that intra and inter-ethnic competition could play bigger role in rising numbers of Roma in the legislature.

#### 4.2.2 Pre-electoral internal party nominations

Recruitment of candidates on electoral party lists in practice often escapes the scrutiny of democratic check and balance, as the internal rules for candidate nomination differ from party to party. Yet, in a democratic system based on a competition of political parties, there isn't any other realistic way to be elected to the legislature. In the Czech Republic, Slovakia and Poland, political parties are rather rigid structures. Nomination on candidate list results from long-term active involvement in the political party. Rarely, as research shows, are candidates nominated suddenly without prior involvement with the party. In those cases, as it was reported, the candidates have to be "real personalities." So far, political parties in the Czech Republic and Poland have not taken into account ethnic composition of their electorate. In Slovakia, political parties took some Roma on electoral lists, but those were mainly on non-electable positions. No consideration was given to placement of Romani candidate on an electoral list in electoral districts with high proportion of Roma, with the notable exception of 1998 parliamentary election in the Czech Republic, when Union of Liberty put up Monika Horáková, who won a seat in a highly Romani populated district.

In the United States, political parties, which are understood to belong to civil society, not to the state, are constitutionally banned from conducting primaries in a racially discriminatory fashion.<sup>89</sup> Consider decision in the case *Smith vs. Allwright*, which used also reference to *Seminole Tribe vs. Florida*. The ruling reads:

*"The privilege of membership in a party may be no concern of a state, but when that privilege is also the essential qualification for voting in a primary to select nominee for a general election, the state makes the action of the party the action of the state."*<sup>90</sup>

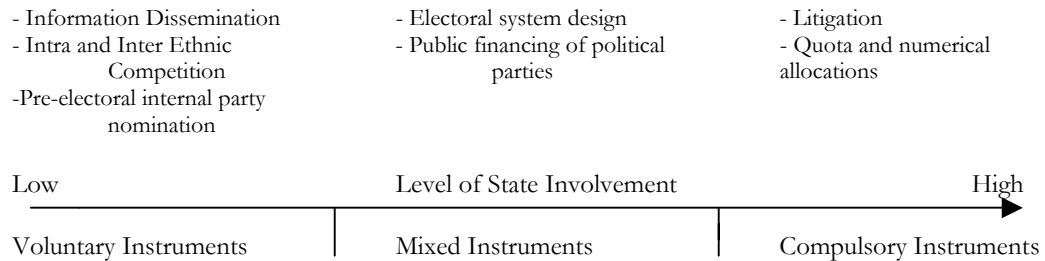
*"[...] nomination on party lists is an integral part of the elective process and a right secured by the Constitution, and this right of the citizen may not be abridged by the [state] on account of his race or colour."*

Political parties in the Czech Republic, Slovakia and Poland should consider equality of representation on electoral lists as a voluntary instrument for increasing the presence of

Roma in the Parliament. Roma represent a great pool of electoral potential. Moreover, the issue of policy formation towards minorities, Roma included has been absent from agendas of political parties.

■ Figure 2.

### A Spectrum of Roma Representation Policy Instruments



#### 4.2. Mixed Instruments

##### 4.2.1 Electoral system design

On a general level states have a considerable latitude in choosing the specific manner in which to comply with international human rights provision to political participation. They must nevertheless do so without discrimination on any ground. Furthermore, they should aim for as much representativeness as possible. In this regard the choice of electoral system may be of importance:

- Important dimensions of electoral systems, with consequences for proportionality of election outcomes are:
- The electoral formula (or system);
- The electoral district magnitude;
- Use of electoral thresholds;
- Ballot structure;
- The drawing of electoral constituency boundaries;

Electoral systems can be categorised as<sup>91</sup>:

- Plurality-majority systems;
- Semi-proportional systems;
- Proportional systems;

While advocates of consensual democracy often favor proportional representation (PR) over other electoral systems, some scholars have also observed that majority or plurality systems (FPP) are potentially capable of providing fair representation of geographically concentrated minorities.<sup>92</sup>

The Czech Republic, Slovakia and Poland have proportional voting system using List Proportional Representation (List-PR). The political party presents a list of candidates to the

electorate, voters vote for a party and parties receive seats in proportion to their overall share of the national vote by calculating the electoral district magnitude.

Electoral threshold in the Czech Republic, Slovakia and Poland is 5% for political parties and 7% for coalitions of parties. In Poland however, the lists of national minorities are exempted from the 5 to 7% threshold imposed on other lists or parties.

Another significant factor, which has an influence in the representation of candidates is the ballot structure. An open list, which is used in all three countries, means that the party can list its candidates in any order, but the voters preferences determines their intra-party ranking. The practice, however, tends to put the minority candidates, such as national minorities and women to the bottom of the lists in order to attract minority voters, and favour typically male candidates from majority population.

Relatively few states provide for special political representation of persons belonging to national minorities. In many states the political representation of minority groups is achieved through the application of the ordinary electoral laws, which do not distinguish between persons belonging to national minorities and other citizens. In comparing various dimensions of electoral systems the most important ones for proportionality of election outcomes and, thus, for minority representation in the legislature appear to be the electoral formula (or system), the district magnitude and the electoral threshold. The so-called effective electoral threshold is often seen as the strongest single explanatory variable in regard to proportionality or disproportionality of election outcomes. Generally speaking, proportional representation, together with a high district magnitude, tends to favour ethnic and linguistic minorities, in particular small and dispersed minorities. On the other hand, if the minorities are sufficiently numerous and geographically concentrated they may also gain representation with a plurality-majority voting system (TRS). A characteristic that distinguishes various proportional representation systems from each other as for the political representation of national minorities is whether they use closed party lists, where the party determines the rank order of candidates, or open party lists, where the voters are able to influence which of the candidates are elected via personal voting. Open lists generally favour minorities.

In light of the potential compatibility of these contentions about institutional design, the best way to explore the link between the political integration of minorities, minorities' representation in parliament, and the electoral systems of Slovakia, the Czech Republic and Poland is through an examination of the geographical distribution of minorities in both countries, the main features of Slovak, the Czech Republic and Poland electoral systems, and the representation of minorities in Slovak, Czech and Polish parliaments. The simplest of the objects of examination is the geographical distribution of minorities: in Slovakia, the Czech Republic and Poland members of the country's largest ethnic minority reside predominantly in ethnic enclaves.<sup>93</sup>

The establishment of an electoral district in the former Yugoslav Republic of Macedonia to enable the election of a representative of the Roma community is an example of a good practice. This district, Shuto Orizari, encompasses the largest concentration of Roma in Europe.

Proportional representation (list PR) systems, where a political party's share in the national vote is reflected in its share of the legislative seats, may assist in the representation of

minorities. Under this system, each party submits a list of candidates to the electorate and voters therefore vote for a party as opposed to an individual candidate. It also has a seat in a further constituency through alliances with other parties. This system has a number of clear advantages:

- it delivers highly proportional election results. The number of votes won are proportional to the number of seats gained.
- it is relatively invulnerable to gerrymandering, mal-apportionment and other forms of manipulation of results by the manipulation of electoral boundaries.
- it is relatively simple for both voters and electoral officials.
- because of its high levels of proportionality, list PR systems are often favoured as being the most likely to ensure the representation of even small minorities.

It should be noted that *list PR* may have the effect of entrenching ethnic politics, rather than work to encourage inter-ethnic alliances. Because parties can rely exclusively on the votes of members of their own community for their electoral success, there is little incentive for them to accommodate on ethnic issues. The use of compulsory multi-ethnic lists in which parties are legally compelled to include multi-ethnic representatives on their party lists is a further mechanism that can be employed to ensure that rather than creating purely ethnic parties, that the groupings are assimilated into “regular” party politics.

The advantages of *PR systems* are as follows:

- they faithfully translate votes cast into seats won, and thus avoid some of the more destabilising and “unfair” results thrown up by plurality - majority electoral systems;
- they facilitate minority party access to representation;
- they encourage parties to present inclusive and socially diverse lists of candidates;
- they make it more likely that the representatives of minority cultures or groups are elected;
- they make it more likely that women are elected;
- they restrict the growth of “regional fiefdoms”; and they make power sharing between parties and interest groups more visible.

The disadvantages are as follows:

- the lack of accountability and responsiveness between elected politicians and voters;
- the fact that ethnic leaders can be elected exclusively by members of their own group, thus replicating, rather than breaking down, social divisions in the legislature;
- the concentration of power at the centre of the political party in the hands of leaders who may be responsible for the compilation of party lists;
- the problem of government formation and stability in cases of multi-party coalitions;
- in cases of multi-ethnic candidacy there may be instances where “token” national minority representatives are included in party “lists” which may give a false impression of representation and inclusion.

## 4.2.2 Public financing of political parties

In the Czech Republic political parties may receive three types of financial contributions from the state:

- A yearly contribution for each party that obtained at least 3% of the votes in the last election;<sup>94</sup>
- A yearly contribution for each mandate received;<sup>95</sup>
- A one-time contribution to each party, which received at least 1.5% of the valid votes.<sup>96</sup>

Parties are required to submit an annual financial report to the Parliament.<sup>97</sup> The requirements for reporting donations are detailed and the financial reports are available to the public. Penalties for improper or non-reporting are suspension or, eventually, dissolution of a party.

### 4.2.2.1 Subsidies

Subsidy refers to all forms of financial transfers to individuals, firms and organisations from government or from the individuals, firms or organisations under government direction.<sup>98</sup> The purpose of such transfer is to financially rewards a desired activity, thereby affecting social actor's estimates of costs and benefits of the various alternatives.

The principle of public financing of political parties is based on the amount of vote cast in the election. Needless to say that subsidies come from the taxpayers money, it becomes even more alarming, that national minorities, including Roma do not get represented in the Parliament.

Principle of public financial support for political parties, which was explained by the Constitutional Court of the Czech Republic, as being really a support for political activities should benefit all citizens equally. Those are relational conditions, which describe how an individual should be treated by genuine political community.<sup>99</sup> It is that condition that insist on universal suffrage and effective elections and representation, even though it does not demand that these be the only avenues of collective decision...<sup>100</sup> Yet, political parties have unlimited space to decide who will get in and who stays out. Therefore an acknowledgement of the need of proportionate representation of Roma, but also women and other national minorities on electoral party lists would increase respect for citizens' taxes and the principle of equality in general, in the words of the Constitutional Court, the support of legitimate political activities. Otherwise, the taxes of those who remain underrepresented in the Parliament (women, Roma, other national minorities, disabled etc.) should be lowered and the Law on the public funding of political parties substantially modified.

Modification of the Law on public financing of political parties could also include additional subsidies, reflecting the number of Roma nominated on the electoral lists. Moral membership involves reciprocity: a person is not a member, unless he/she is treated as member by others, in other words a conception of communal democracy explains the

underlying intuition, that a society in which majority shows contempt for needs and prospects of minority, is illegitimate and unjust.<sup>101</sup>

#### 4.2.2.2 Tax

A tax is a legally compulsory payment to the state by person, private or public entity. The main purpose is to raise revenues for government financing and expenditure, though it can also be used as a policy instrument to induce a desired behaviour or discourage an undesirable behaviour. In contrast to subsidy, which is a positive incentive and works by rewarding a desired behaviour, taxes can be applied as a negative incentive (or sanction), which penalizes an undesired behaviour.<sup>102</sup> Similarly to subsidies, taxes for undesired behaviour could apply on political parties. Amendment to Law on financing political parties, penalising ethnically disproportionate electoral lists would have to come prior the introduction of this measure.

### 4.3. Compulsory Instruments

#### 4.3.1 Litigation

Rights have costs and liberty depends on taxes.<sup>103</sup> To take a lesson from the Civil Rights Movement in the US: The legacies of black civil rights policy were complex and varied. One important legacy was the creation of new institutional “homes” (to borrow Chris Bonastia’s term) for rights advocates to have positions of real policymaking power.<sup>104</sup> Most important here were the Equal Employment Opportunity Commission, the Department of Health, Education and Welfare’s Office for Civil Rights and the Department of Labor’s Office of Federal Contract Compliance. All were created to enforce rights laws for blacks, and all attracted employees who supported equal opportunity rights. Though they usually kept black rights as their priority, this was not uniformly true. The EEOC played a crucial role by implicitly designating four ethno-racial groups, plus women, as America’s official minorities to be given special attention and included in affirmative action. These sites of rights advocacy allowed the designated groups to concentrate their lobbying efforts to a sometimes very receptive audience, usually out of the public view.

In one of the versions of the Czech Concept on Roma Integration included the proposal to create Office for Racial, Ethnic and National Equality, which would monitor implementation of rights as defined in the laws of the Czech Republic and international law adopted by the Czech Republic. However, the Concept was not passed in this version. Nevertheless, litigation is still a possible avenue to walk on. Number of international instruments, part of the domestic legal order could be used. Examples of litigation about equal suffrage in the US or at the European Court for Human Rights in Strasbourg offer a good lead to follow.<sup>105</sup>

Consider also the case *Ignatane v. Latvia* and *Podkolzina v. Latvia* Judgement of April 9, 2002 where the Human Rights Committee and the European Court of Human Rights determined a violation respectively of Article 25, International Covenant on Civil and Political Rights and Protocol 1-3 of the European Convention for Human Rights. The Individuals were removed from the candidate lists, after it was decided that they did not possess minimum official language qualification. Electoral systems must both reflect fairly faithfully the opinions of the people, and channel currents of thought so as to promote the

emergence of a sufficiently clear and coherent political will. In this respect consider a decision in the case of *Mathieu-Mohin and Clerfayt* from 1989.<sup>106</sup>

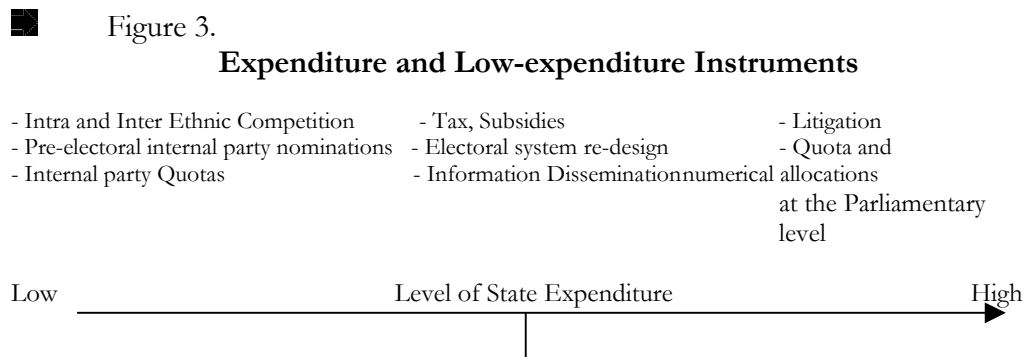
### 4.3.2 Quota system and numerical allocations

Quota and numerical allocations of seats for national minorities are applied in practice in Romania, yet, the technicality of presence of Romani MPs in the Parliament does not ensure effective integration in terms of political belonging. Here again, the principle of reciprocity, teaches us that the people are not viewed as part of a whole, unless they do participate in such manner. Special measures based on group rights have been identified by Romani activists as not effective in securing political integration within the system, and only enlarging the gap between majority society and minorities. Similarly, the governments' attitude towards this measure is negative. The Czech government firmly rejects such approach in the Roma policy document.

However, internal party quotas could serve the purpose in the same way as the acknowledgement of the moral responsibility deriving from the public financing of political parties.

### 4.4. Increasing public wealth

Convergence theory tells us, that fulfilment of rights and improvement of integration of minority groups on general increase the wealth of the nation. Reaching the full implementation of political rights of Roma, namely increasing inclusiveness of the process of nomination of Romani candidates on electoral lists of political parties could be very costly, if political parties do not recognise the responsibility placed at them by definition of the representative democracy and by the reality of public funding for political parties. Romani candidates running for office on party lists is not a resource-concentrated action. It is possible that such step may be taken even where financial resources are very limited or hardly available at all.



Source: Sobotka (2002)

Most of the political parties argue that they could not possibly put Roma on electoral lists, since their preferences would be substantially lowered. While not normally identified with the rational choice approach, James Q. Wilson offered a lasting contribution to the



study of policy development that generally conforms to rationalist premises of people behaving according to their self-interest. Wilson argued that the politics of public policy can be understood with reference to perceptions of how widely or narrowly a policy's costs and benefits are distributed.<sup>107</sup> In Wilson's theory, a policy perceived to narrowly target a beneficiary but distribute costs widely is usually in for smooth sailing in politics. Wilson termed this kind of politics "client politics" and contrasted it with other combinations, such as policies with diffuse benefits but concentrated costs. In client politics, the beneficiary greatly cares about the policy and supports its passage and maintenance, while the majority who pays for it does so on such a small per capita basis that there is little resistance or opposition. The costs are just too little to bother with. The opposite scenario, "entrepreneurial politics," is much more difficult, where the concentrated costs go to a small group that is therefore motivated to fight, while the broad class of beneficiaries who share in the policy's benefits are less motivated to mobilize for passage or maintenance.

Though Wilson's theory is broad and includes a role for perceptions to go along with its rationalist premises, in the present case it is the perceptions and not the rationalism that are doing most of the work. Purely rational politicians should have *always* treated minority politics as client politics. Instead they ignored or oppressed most of the groups later defined as minorities. To take again an example from the US Civil Rights Movement, even in the 1965-75 period, when they suddenly behaved differently, not all groups won benefits, and for those that did, the picture still does look like client politics—many of the policies were not demanded by the "clients." Politicians simply anticipated that they would like them, and pushed them through based on this perception.

## CONCLUSION

Improving political representation of Roma in the Czech Republic, Slovakia and Poland is the ultimate future for these countries, should they care for increasing integration of Roma within the countries. Large proportion of migration of the Roma, as relevant studies show is caused, next to the human rights breaches and low social-economic standard, by a feeling of "not being welcomed" and a deep feeling of "not belonging." Under-represented groups, such as Roma, should pursue a strategy of reaching critical mass in each party that will make a real difference, rather than in the Parliament as a whole. Such as spread has greater consistent influence than being concentrated in one party, because it would allow Romany MPs to actively participate in number of parliamentary committees and councils, crucial in the procedure of adopting laws. While a goal of critical mass within each party will be a distant goal for many groups at present striving for threshold presence in the Parliament and will for many mean that their presence in Parliament is larger than their proportionate presence in the total population. However, arguments for proportionate or mirror presence are based upon statistical neatness rather than impact. In societies where Roma have such a small proportionate presence would provide too few MPs to have any chance of impact but the intent of presence is to take a difference for the group so a larger presence is needed.

Advisory bodies on Roma policy making are heavily influence by cultural attributes of each country. They transformation into bodies operating on level of regions or districts and future involvement of local Roma and local administration staff is necessary for improving implementation of the Roma policy documents. Yet, even with the best policy implemented and large proportion of local bureaucrats involved Roma wont become other then a subject

of state social policy, which won't facilitate full integration of the Roma in their home countries. Their inclusion in politics, namely mainstream political parties and inclusion of the theme of diversity and or Romany issues on electoral and party agendas are a necessary step for ensuring full integration. So far, as policy scientists argue, policy becomes politics, we have seen a long term effect of Roma being understood as subject for special attention of specialised bodies and social policy. After more than ten years of transition to democracy it is time to challenge the political discourse on its silence on issues of Roma and diversity.

For the future of Europe it is more rather than less likely that issues of diversity, minority politics, inclusion of Roma (but also other groups) will become salient. The Czech Republic, Slovakia and Poland and the political parties in the countries with the exception of extreme rights have not addressed the issue with responsibility it deserves.

## **VI. RECOMMENDATIONS**

To the Contact Point for Roma and Sinti Issues, ODIHR/ OSCE:

1. Consider developing a mechanism of training of political parties on human rights and implementation of Lund Recommendation on Effective Participation of National Minorities in Public Life and International Legal Instruments.
2. Consider developing a mechanism of workshops between Romani political parties and mainstream parties.
3. Support creation of civic and voter education programs targeting the Roma community to increase political participation by the Roma minority.

To the government of the Czech Republic:

1. Consider strengthening socio-political approach in Roma policy implementation.
2. Ensure that cooperation between the Council for Roma Community Affairs and the Council for Nationalities improves in the area of increasing number of Roma in public life.
3. Ensure fulfilment of political rights.
4. Design, run and coordinate information campaign of Roma in public life, and relevance of anti-discrimination principle in participation of national minorities in the electoral process.
5. Assign tasks to Council for Nationalities to develop a document addressing political parties to increase candidates with diverse background on their electoral party lists.
6. Initiate public discussion on the involvement of minorities in politics and legislature with particular attention to Roma minority.
7. Civic and voter education programs targeting the Roma community should be instituted to increase political participation by the Roma minority.

To the government of Slovakia:

1. Consider increasing number of electoral districts.
2. Consider strengthening socio-political approach in Roma policy.
3. Ensure application of anti-discrimination principle in fulfilment of political rights of national minorities.

4. Design, run and coordinate information campaign of Roma in public life, and relevance of anti-discrimination principle to political participation of national minorities.
5. Assign tasks to Council for National Minorities and Ethnic Groups and the Inter-Ministerial Commission for Romani Affairs to develop a document addressing political parties to increase candidates with diverse background on their electoral party lists.
6. Initiate public discussion on the involvement of minorities in politics and legislature with particular attention of Roma minority.
7. Civic and voter education programs targeting the Roma community should be instituted to increase political participation by the Roma minority.

To the government of Poland:

1. Create an advisory body to the government on issues of Roma minority.
2. Facilitate public debate on involvement of Roma in public life and their election to legislature.
3. Design, run and coordinate information campaign of Roma in public life, and relevance of anti-discrimination principle to political participation of national minorities.
4. Assign task to develop a document addressing political parties to increase candidates with diverse background on their electoral party lists.

To political parties:

1. Implement principle set in the Lund Recommendations, by Venice Commission, ICCPR, ECHR, CERD, the Framework Convention on the Protection of National Minorities and constitutional provisions of equal participation.
2. Consider that your party is funded partly from taxes of all taxpayers, increase fairness of representation of those citizens, belonging to national minorities.
3. Consider and implement principle of reciprocity without discrimination.
4. Consider quota or numerical allocations on electoral lists in Roma highly populated electoral districts.

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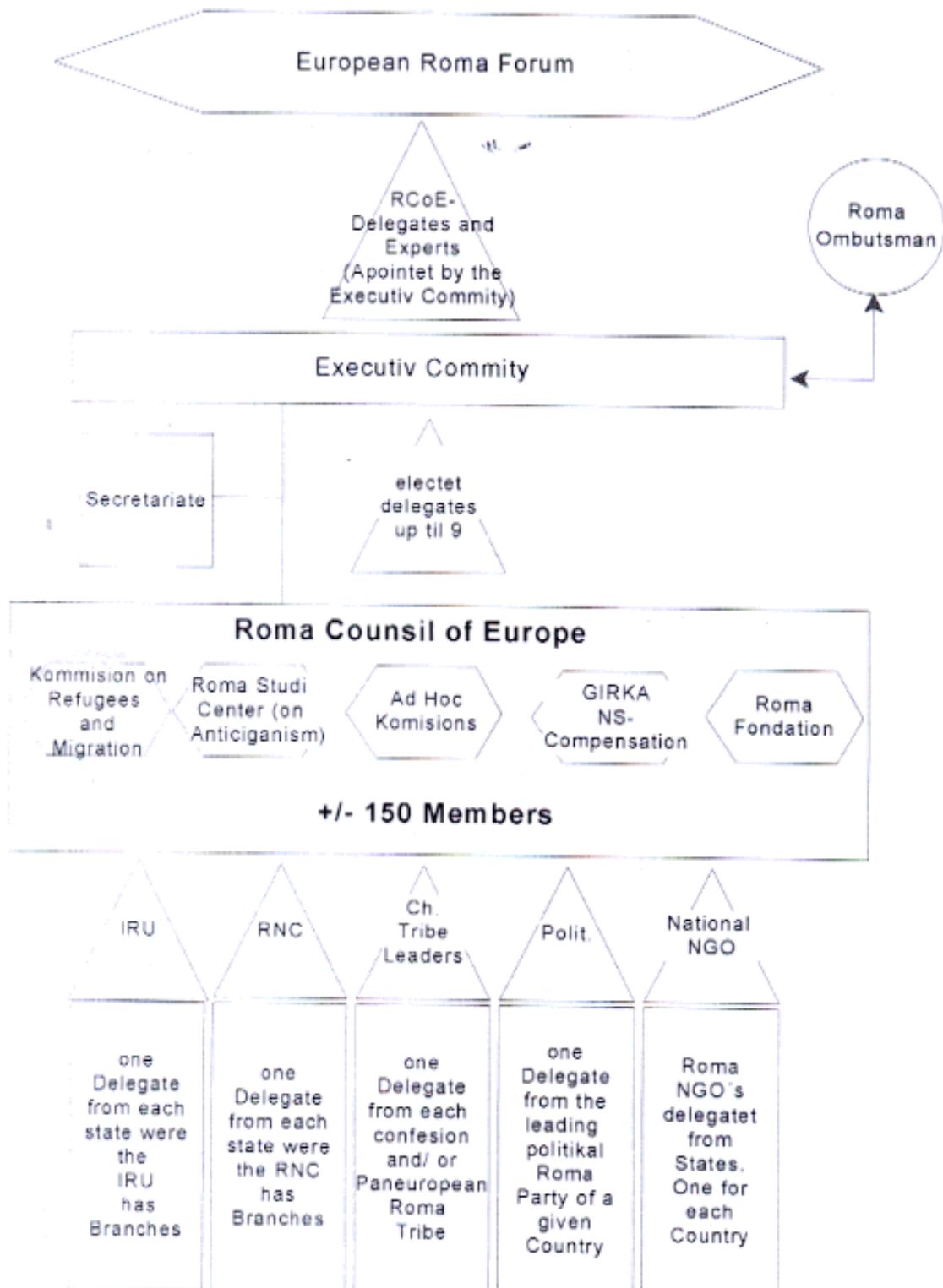
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## **Appendix 1:**



Source: Kawczinski proposal of the structure of the Roma Forum, II Roma World Congress, Klímová (2002)

- 1 Global Trends 2015: A Dialogue About the Future With Nongovernment Experts available at <http://www.cia.gov/cia/publications/globaltrends2015/index.html> ; U.S. Statement on National Minorities and Roma at OSCE Human Dimension Implementation Meeting, September 20, 2002 available at <http://www.osce.org> ; Recommendation 1557 (2002) available at <http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta02%2FEREC1557.htm>; Report on the Situation of Roma and Sinti in the OSCE Area available at <http://www.osce.org/hcnm/documents/recommendations/roma/index.php3> April 7, 2000; Roma (Gypsies) in the OSCE Region: Report of the High Commissioner on National Minorities available at <http://www.osce.org/hcnm/documents/recommendations/roma/roma93.html> ; Statement of HCNM on his Study of the Roma in the OSCE Region September 23, 1993 available at [http://www.osce.org/news/generate.php3?news\\_id=2322](http://www.osce.org/news/generate.php3?news_id=2322) ; Mr M. Van der Stoep High Commissioner on National Minorities of the Conference on Security and Cooperation in Europe, OSCE Human Dimension "Seminar on Roma in the OSCE region", Warsaw September 20, 1994, available at <http://www.osce.org/hcnm/documents/speeches/1994/20sep94.html> ; Address by Max van der Stoep OSCE High Commissioner on National Minorities to the Supplementary Human Dimension Meeting on Roma and Sinti Issues, Vienna September 6, 1999 available at <http://www.osce.org/hcnm/documents/speeches/1999/06sep99.html>
- 2 Recommendation 1557 (2002)
- 3 Concept of Governmental Policy Towards Members of the Roma Community Supporting Their Integration into Society adopted June 14, 2000;
- 4 Ministry of the Interior and Administration, "Pilot government Programme for the Roma community in the Malopolska province for the years 2001-2003", Warsaw, February 2001, <http://www.msia.gov.pl>
- 5 Strategy of the Government of the Slovak Republic for Solving the Problems of the Romani National Minority and the Set of Measures for its Implementation – Stage I adopted by the Dzurinda government on 27 September 1999.
- 6 The political process or political opportunity approach associated with Doug McAdam's Political Process and the Development of Black Insurgency (Chicago: University of Chicago Press, 1982), now the dominant social movement social movement theory, is designed to explain emergence and decline of social movement organizations. A recent look at outcomes is Marco Giugni, Doug McAdam and Charles Tilly, *How Movements Matter* (Minneapolis: University of Minnesota Press, 1999).
- 7 See, for example, J. March and J. Olsen, *Rediscovering Institutions: The Organizational Basis of Politics* (New York: Free Press, 1989); Clemens, *People's Lobby*; Robin Stryker, "Rules, Resources, and Legitimacy Processes: Some Implications for Social Conflict, Order and Change," *American Journal of Sociology* 99(1994): 847-910; Michele Lamont, *The Dignity of Working Men: Morality and the Boundaries of Race, Class and Immigration* (Cambridge, MA: Harvard University Press, 2000); Ronald L. Jepperson, Alexander Wendt, and Peter J. Katzenstein, "Norms, Identity, and Culture in National Security," in Peter J. Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996); pp. 33-78.
- 8 For work dealing with the concept of frames in social movements, see Doug McAdam, John D. McCarthy, and Mayer N. Zald, "Introduction," in Doug McAdam, John D. McCarthy, and Mayer N. Zald, eds., *Comparative Perspectives on Social Movements* Cambridge University Press, 1996, pp. 1-22. Also see Tarrow, *Power in Movement* and David A. Snow, E. Burke Rochford, Jr., Steven K. Worden and Robert D. Benford, "Frame Alignment Processes, Micromobilization, and Movement Participation," *American Sociological Review* 45(1986): 787-801.
- 9 Jeffrey Haydu, "Counter Action Frames: Employer Repertoires and the Union Menace in the Late Nineteenth Century," *Social Problems* 46(1999): 313-331; Donald A. Schön and Martin R. Rein, *Frame Reflection: Toward the Resolution of Intractable Policy Controversies* (New York: Basic Books, 1994).
- 10 Francesca Polletta, "It Was Like a Fever...: Narrative and Identity in Social Protest," *Social Problems* 45(1998): 137-159; Francesca A. Polletta, "Contending Stories: Narrative in Social Movements," *Qualitative Sociology* 21 (1998): 419-446; Patricia Ewick and Susan Silbey, *The Common Place of Law* (Chicago: University of Chicago Press 1998).
- 11 Work in this vein includes Erik Bleich, "From International Ideas to Domestic Policies: Educational Multiculturalism in England and France," *Comparative Politics* 31, 1, October 1998: 81-100; Martha Derthick and Paul J. Quirk, *The Politics of Deregulation* (Washington, D.C.: Brookings Institution, 1985); the essays included in Sven Steinmo, Kathleen Thelen and Frank Longstreth, eds, *Structuring Politics* Cambridge University Press, 1992), especially Margaret Weir, "Ideas and the Politics of Bounded Innovation," pp. 188-216 and Desmond S. King, "The Establishment of Work-Welfare Programs in the United States and Britain: Politics, Ideas and Institutions," pp. 217-250.
- 12 In political science, see Rogers M. Smith, *Civic Ideals* (New Haven: Yale University Press, 1997); Rogers M. Smith, "Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in America," *American Political Science Review* vol. 87 (1993): 549-566; and Desmond S. King, *Making Americans* (Cambridge, MA: Harvard University Press, 2000). In sociology, see Edward Shils, *Tradition* (Chicago: University of Chicago Press, 1981).
- 13 We have many sociological and historical studies of disadvantaged American groups that fought for and received new rights guarantees in the period, but this work usually concentrates on specific groups, such as blacks or women, but usually does not examine the linkages between groups and the larger process. An exception is Hugh Davis Graham's *The Civil Rights Era: Origins and Development of National Policy* (New York: Oxford University Press, 1990). Social movement scholars have begun to explore the links between the social movement organizations of the various groups, but have not looked at policy and legal development regarding these links. See Sidney Tarrow, *Power in Movement* (New York: Cambridge University Press), 1994, pp. 129-30; 156-57; Doug McAdam. "Initiator' and 'Spin-Off' Movements: Diffusion

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Processes in Protest Cycles," in *Repertoires and Cycles of Collective Action*, edited by Mark Traugott (Durham, NC: Duke University Press, 1995); pp. 217-39; p. 226; and David S. Meyer and Nancy Whittier, "Social Movement Spillover," *Social Problems* 41(1994): 27-98; Debra C. Minkoff, "The Sequencing of Social Movements," *American Sociological Review* 62(1997): 779-799.

14 Article 3 (1), Framework Convention on National Minorities: "Every person belonging to a national minority shall have the right freely to choose to be treated as such and no disadvantage shall result from the exercise of the rights which are connected to that choice."

15 Skolkay, Andrej, *A Catalyst of Hate Speech in Slovakia and Slovenia*, CPS, Budapest 2002

16 Tarrow, *Power in Movement*, p. 129.

17 *Ibid.*, pp. 156-57.

18 *Ibid.*, p. 98.

19 ROUNDTABLE: STRATEGIES FOR IMPLEMENTING MINORITY RIGHTS OF ROMA AND SINTI, OSCE Human Dimension Implementation Meeting Warsaw, 19 November 1997, p. 2

20 OSCE/ODIHR Supplementary Human Dimension Meeting, Roma and Sinti Issues, Vienna, 6 September 1999 available at <http://www.osce.org>

21 OSCE/ODIHR Supplementary Human Dimension Meeting, Roma and Sinti Issues, Vienna, 6 September 1999 available at <http://www.osce.org>

22 Address by Max van der Stoep to the OSCE/ ODIHR Supplementary Meeting on Roma and Sinti Issues, Vienna, September 6, 1999

23 Address by Max van der Stoep to the OSCE/ ODIHR Supplementary Meeting on Roma and Sinti Issues, Vienna, September 6, 1999

24 Address by Max van der Stoep to the OSCE/ ODIHR Supplementary Meeting on Roma and Sinti Issues, Vienna, September 6, 1999

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26 Address by Max van der Stoep to the OSCE/ ODIHR Supplementary Meeting on Roma and Sinti Issues, Vienna, September 6, 1999

27 ODIHR workshop on Romani political participation, Prague, 30 November - 1 December 2000

28 ODIHR workshop on Romani political participation, Prague, 30 November - 1 December 2000

29 ODIHR workshop on Romani political participation, Prague, 30 November - 1 December 2000

30 Romani Representation and Leadership at National and International Levels, Krakow, Poland, March 2001

31 Romani Representation and Leadership at National and International Levels, Krakow, Poland, March 2001

32 Klimova, Ilona, Briefing on II Roma World Congress, 2002 (unpublished fieldnotes)

33 Klimova, Ilona, Briefing on II Roma World Congress, 2002 (unpublished fieldnotes)

34 Klimova, Ilona, Briefing on II Roma World Congress, 2002 (unpublished fieldnotes)

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36 The Court has until now always ruled out the application of Article 3 of Protocol No. 1 to assemblies which 'exercise no legislative power. *Comm. 6745/74 and 6746/74, W., X., and Z v. Belgium*, decision on 30 May 1975, yearbook 18, pp. 237-243

37 *Comm. 5155/71, X. V. United Kingdom*, decision of 12 July 1976, DR 6, p. 13 at pp. 13-14; 10650/83 *Clearfayt, Legros and others v. Belgium*, decision of 12 July 1983, CR 33, p. 212 at p. 217; *Booth-Clibbon and other v. United Kingdom*, decision of 5 July 1985, DR 43, p. 236 at p. 248

38 Although possessing powers conferred on them by law, they do not exercise legislative power within the meaning of the Belgian Constitution; 10650/ 83 (*Clearfayt*), *ibid.*

39 In particular, 'despite the significant scope of their functions, 'the metropolitan county councils set up on 1972. Thus the Commission dismissed an application concerning abolition in 198 of elections to these councils: *Booth-Clibbon*, *ibid.*

40 The Lund Recommendation on the Effective Participation of National Minorities in Public Life and Explanatory Note, The foundation on Inter-Ethnic Relation, September 1999

41 Lund Recommendation 1999, available at <http://www.osce.org/hcnm>

42 Inter-parliamentary Union's Universal Declaration on Democracy: [www.ipu.org](http://www.ipu.org)

43 Resolution on the Organisation and Functioning of Democracy and the Expression of Ethnic Diversity as a means of Ensuring the Stability of all States, Economic Development, and Better use of the Peace Dividend for the Benefit of the Third World, Inter-Parliamentary Union, April 11, 1992

44 OSCE Human Dimension Commitments: A Reference Guide, OSCE/ ODIHR, 2001, p. 104

45 OSCE Human Dimension Commitments: A Reference Guide, OSCE/ ODIHR, 2001, p. 104

46 OSCE Human Dimension Commitments: A Reference Guide, OSCE/ ODIHR, 2001, p. 104

47 OSCE Human Dimension Commitments: A Reference Guide, OSCE/ ODIHR, 2001, p. 104

48 OSCE Human Dimension Commitments: A Reference Guide, OSCE/ ODIHR, 2001, p. 283

49 Document reads: "Bearing in mind the existing OSCE commitments regarding Roma and Sinti, and Recalling the decision taken by the Budapest Summit to appoint within the ODIHR a Contact Point for Roma and Sinti (Gypsies) Issues, 1. Decides to enhance the capability of the OSCE regarding those issues by strengthening the existing ODIHR Contact Point for Roma and Sinti Issues. Among its priorities will be: · to enhance the OSCE's interaction with the governments of the participating States, with representatives of Roma and Sinti communities, as well as with international organizations, initiatives and NGOs relevant to Roma and Sinti issues, and in particular to secure further mutual reinforcement of co-operation with the Co-ordinator for Roma in the Council of Europe with a view to avoiding duplication of effort, including the establishment of regular consultations with those organizations, initiatives and NGOs in order to develop synergies and common approaches designed to facilitate full integration of Roma and Sinti communities into the societies they live in, while preserving their identity; · to enhance co-operation among OSCE institutions and mission/field presences with respect to Roma and Sinti, if applicable; · to develop, on the basis of input from participating States, the OSCE institutions, and in particular the HCNM, Roma and Sinti communities, NGOs, and international organizations and other institutions and initiatives, a work programme which should include, inter alia, seminars, workshops and clearing houses;



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to collect information from the participating States on legislative and other measures related to the situation of Roma and Sinti with a view to making it available to the OSCE community, as well as to other interested international organizations, and to elaborating additional reports on the situation of Roma and Sinti in the OSCE area. 2. Further decides that the Contact Point should deal solely with matters concerning Roma and Sinti. 3. Tasks the Permanent Council with devising appropriate ways to ensure adequate resources to implement this decision.

50 OSCE Human Dimension Commitments: A Reference Guide, OSCE/ ODIHR, 2001, p. 105

51 OSCE Human Dimension Commitments: A Reference Guide, OSCE/ ODIHR, 2001, p. 105

52 Recommendation 1557 (2002); <http://assembly.coe.int>

53 Karel Holomek, 2000. Interview with the author. Brno. Czech Republic.

54 Koptová, Anna and Schmidt, Stephanie. 2001. The Truth about Roma? Košice: Dobrá Romská vila Kesaj. P. 15

55 Labour and Security Party, although listed among Romani parties, has not been solely ethnic Romani.

56 Former Czech Romani MP, interview with the author, Budapest, January 2003.

57 In 1993, the former Prime Minister and the head of the Movement for Democratic Slovakia in a speech delivered at a party conference, declared similar argument, saying that Roma are inadaptable and grow in large numbers and therefore it is necessary to ensure that they don't outnumber white Slovaks. Hence I make a direct link here between the wording used in the electoral program of the party and the Roma.

58 Exerpts cited from the political party ANO (Alliance of New Citizen).

59 With recent scandal over the sterilisation of Romani women in Slovakia, the repressive tone of the electoral program of Smer remains alarming.

60 For example in the Czech Republic it was the Association for the Republic – Republican Party of Czechoslovakia; Jan Vik, the Parliamentary Deputy of the party stated in October 1993: “We can't wait for the country to be flooded by crime. At age three, a Gypsy will see his drunk father, his prostitute mother, and all we try to do for him will prove in vain. His parents tell him the best way of life is stealing.” Cited in Folkeryd, Fredrik and Swanberg, Ingvar, Gypsies (Roma) in the post-totalitarian states, The Olof Palme International Center, Stockholm, 1995, p. 29; Polish parties Self-Defence and Peasant's party often made public anti-semitic and anti-Romani pronouncements. Also, there is some evidence that these parties have had links with Skinhead organisations, which directly target Roma in Poland.

61 Informace pro mistopredsedu vlady CR JUDr. Pavla Rychetskeho, Urad vlady CR, Odbor pro lidska pravam C.j.: 8.164/01-KRP

62 Discussion group on functioning of the Czech Council of Romani Community Affairs, available at the <http://www.vlada.cz>

63 Zprava o cinnosti Rady, May 24, 2001

64 Resolution 292/1999 from April 14, 1999 government founded the Council for National Minorities and Ethnic Groups; Resolution 34/ 1999 from February 10, 1999, the post of the Government Plenipotentiary for Roma Affairs was established. In September the new status was approved, establishing also Inter-departmental Commission on Romani Community Affairs

65 For more on cultural influences in policy making see Sobotka, Eva. 2003. Cultural Influence on Roma Policy Making: Czech and Slovak Advisory Bodies. Available at [www.policy.hu/sobotka](http://www.policy.hu/sobotka)

66 Koptová 2001: 18-26; Holomek, Karel. 2003. Interview with the author, Budapest, January 2003; Hotvathová-Holomková, Jana. 2001. Misery of Romani representatives. Pravo 16 Jan. 2001.

67 686/1997 and 599/ 2000; there are number of other policy document adopted by the Czech Roma policy; ADD

68 The Concept of Roma Integration IV, 1.4., p.2

69 The Concept of Roma Integration IV, 1.3., p. 1

70 The Concept of Roma Integration IV, 1.3., p. 1

71 The Concept of Roma Integration IV, 3.1., p. 8

72 The resolution of the Government of the Slovak Republic to the Proposal of the activities and measures in order to solve the problems of citizens in need of special care [Uznesenie vlády SR k návrhu úloh a opatrení na riešenie problémov občanov, ktorí potrebujú osobitnú pomoc, na rok 1996] from April 30, 1996, Ministry of Labour, Social Affairs and Family, Government of the Slovak Republic

73 Document available at [http://www.mswia.gov.pl/pdf/program\\_eng.pdf](http://www.mswia.gov.pl/pdf/program_eng.pdf)

74 Report to the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention of the Council of Europe for the Prevention (sic) of National Minorities, Part V: Final Remarks, Warsaw 2002, p. 52

75 Towards Diversity With A Human Face: Roma Issues in Central and Eastern Europe from sustainable human development perspective, UNDP-RSC/ ILO, April 2002, p. 47

76 Ibid., p. 45

77 ODIHR workshop on Romani political participation, Prague, 30 November - 1 December 2000

78 Howlett, Michael, Ramesh, M. (1995). Studying Public Policy: Policy Cycles and Policy Subsystems (1955). Oxford University Press

79 Salamon and Lond, The Tools Approach: Basic Analytics in Salamon (ed.) Beyond Privatization: 41

80 Howlett, Michael, Ramesh, M. (1995). Studying Public Policy: Policy Cycles and Policy Subsystems (1955). Oxford University Press, p. 83

81 Howlett, Michael, Ramesh, M. (1995). Studying Public Policy: Policy Cycles and Policy Subsystems (1955). Oxford University Press, p. 85

82 Ibid.p. 91

83 Ibid., p. 82, see also Hill, Michael, The Policy Process in the Modern State, Harlow: Prentice Hall, 1997; Colebatch, H.K., Policy, Minneapolis: University of Minnesota Press, 1998

84 Salamon, Lester, M. Rethinking Public Management: Third-party Government and the Changing Forms of Government Action, Public Policy 29, 1981, pp. 255-75.

85 Howlett, Michael, Ramesh, M. (1995). Studying Public Policy: Policy Cycles and Policy Subsystems (1955). Oxford University Press, p.83

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86 Limits to Solidarity: Roma in Poland After 1989, ERRC Country Reports, September 2002; [www.errc.org](http://www.errc.org)

87 see, for example, Council of Europe 1999a; European Roma Rights Center 2001c; Guy 2001a; Lemon 1996a; 1996b; Open Society Institute 2001a; Secretariat of the Council for National Minorities of the Government of the Czech Republic 1999; Sobotka 2001b; Trifunovska 2001

88 Barany 2002: 323

89 Holmes, Stephen, Cass R. Sunstein, *The Cost of Rights: Why Liberty Depends on Taxes*, W.W. Norton & Company: New York, London, 1999, p. 92

90 *Smith v. Allwright*, 321 U.S. 649 (1944); *Terry v. Adams*, 345 U.S. 461 (1953)

91 The three types of voting systems can further be divided into nine sub categories: 1. Plurality-majority voting systems a, First past the Post; b, Block Vote or Multiple Vote; c, Two-Round System; d, Alternative Vote 2. Semi-proportional voting system a, The Parallel System; b, Single Non-Transferable Vote 3. Proportional voting systems a, The Mixed Member Proportional; b, List Proportional Representation; c, The Single Transferable Vote

92 Lijphart, Arend. 1977. *Democracy in Plural Societies: A Comparative Exploration*. New Haven: Yale University Press; Rae, Douglas. 1967. *The Political Consequences of Electoral Laws*. New Haven: Yale University Press; Reynolds, Andrew, and Ben Reilly. 1997. *The International IDEA Handbook of Electoral System Design*. Stockholm: International Institute for Democracy and Electoral Assistance.

93 Demographic distribution of Roma in Slovakia. For more see *Zoznam obcí, v ktorých občania SR, rómskej národnosti tvoria najmenej 20% obyvateľstva v zmysle výsledkov sčítania obyvateľov domov a bytov z 26. mája 2001* available at [www.government.sk](http://www.government.sk)

94 The amount is CZK 6,000,000/year (€ 200,000). For each additional 0.1% of votes, the party receives CZK 200,000 (€6,600). The total amount of this contribution is limited to CZK 10,000,000 (€333,000). Act on Association in Political Parties and Movements, Section 19a.

95 The amount is CZK 900,000 (approximately € 30,000) per mandate. *Idem*.

96 The amount is CZK 100 (approximately € 3) per vote. *Idem*.

97 Act on Association in Political Parties and Movements, Section 18.

98 Howlett, Michael, Ramesh, M. (1995). *Studying Public Policy: Policy Cycles and Policy Subsystems* (1955). Oxford University Press, p.92

99 Dworkin, Ronald, *Freedom's Law: Moral Reading of the American Constitution*, in Myers, Sondra (ed.), *The Democracy Reader*, New York: International Debate Education Association, 2002, p. 231

100 Dworkin, Ronald, *Freedom's Law: Moral Reading of the American Constitution*, in Myers, Sondra (ed.), *The Democracy Reader*, New York: International Debate Education Association, 2002, p. 231

101 Dworkin, Ronald, *Freedom's Law: Moral Reading of the American Constitution*, in Myers, Sondra (ed.), *The Democracy Reader*, New York: International Debate Education Association, 2002, p. 232

102 Holmes, Stephen, Cass R. Sunstein, *The Cost of Rights: Why Liberty Depends on Taxes*, W.W. Norton & Company: New York, London, 1999; see also

103 Holmes, Stephen, Cass R. Sunstein, *The Cost of Rights: Why Liberty Depends on Taxes*, W.W. Norton & Company: New York, London, 1999

104 Chris Bonastia, "Why Did Affirmative Action in Housing Fail During the Nixon Era? Exploring the 'Institutional Homes' of Social Policies," *Social Problems*, 47(2000): 523-42.

105 *Ignatane v. Latvia* No. 884/1999 decision 31 July 2001 and *Podkolzina v. Latvia* Judgement of April 9, 2002;

106 Case of *Mathieu-Mohin and Clerfayt* (1989) Series A No. 113, para. 54

107 The theory is elaborated in James Q. Wilson, *Political Organizations* (New York: Basic Books, 1973), chapter 16, Wilson, *American Government: Institutions and Policies* (Lexington, MA: D.C. Heath, 1980), part IV, and Wilson, "The Politics of Regulation," in James Q. Wilson, ed., *The Politics of Regulation* (New York: Basic Books, 1980), pp. 366-72.