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***Theory and Practice:  
Roma in the Southern Balkans***

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## I) Preface

The present work is an attempt to compare the actual status of Roma in the Southern Balkans. This essay is primarily concerned with four countries: Albania, Bulgaria, Macedonia, and Greece. Greece is the only non post-communist country to be considered. Taking into account the scarcity of relevant data available in the English language, as well as the disparities from state to state in respect to minority policies, this comparative presentation can only be contextualized within a concrete set of questions. What is the official status (if any) of the Roma in each one of these states? In practice, how is this status in terms of central governmental policies reflected in certain sensitive areas, such as education, employment, political representation and the media? In brief, the core of this work is a two-level comparison between the national and transnational dimensions.

The selection of the four countries is not at all accidental. Greece is an exceptional case: it is the only state in the region without a communist past and; the only state with a long-lasting Western type of market economy; and the only state that has obtained membership in the European Union. In comparison to the other three countries, Greece is not experiencing the “shock” of a transition period. Macedonia constitutes another interesting case. This country is a newly established state entity, emerging from the breakup of the former Yugoslavia. However, due to its past and its multi-ethnic composition, Macedonia (at least symbolically) provides minority recognition at a much higher level than the other three countries. However, putting symbolism aside, in practice the situation of Roma in Macedonia is not so different. In this respect, the gap between theory and practice is more perceptible. Bulgaria is also an ethnically diverse country, but not to the same extent as Macedonia. What makes Bulgaria interesting is the relatively small gap between the official status of Roma and their everyday reality. Although Bulgaria’s legal provisions are less “outspoken” still, on the practical level efforts are made towards an overall improvement of the status of Roma in the country. Finally, Albania is probably the country suffering most from the traumatic transition period. After 46-year of total isolation, passing through a phase of anarchy and political turmoils, Albania is not only the poorest country in Europe, but also the country with the least tradition of institutionalized vindication of minority rights.

What seems to be the most significant common denominator in all of these countries is that besides the Roma, there exist a number of other ethnic, religious, cultural, and linguistic minorities within their territories. Firstly, the status of Roma at the national level is compared between the four countries. Secondly, a comparison between the status of the Roma and that of the other internal minorities can also be made. Finally, as background to the presentation of the actual situation of the Roma in the Southern Balkans, in the first section of this work, a brief examination of the countries’ communist past is provided.

## II) Introduction

### *II.a) Who are the Roma? From India to Europe*

The mysterious puzzle of the history of the Roma was partly “filled in” by linguists who discovered similarities between the Romanes and the Indian languages. Through linguistics, it became possible to de-construct and reconstruct the past of the Roma. Based on these findings, Roma came to Europe from India. They reached the continent in various waves and in different periods.<sup>1</sup> The biggest number of them had followed the victorious advance of the Ottomans towards Europe. Roma first reached the territories of today’s Armenia and Greece and from there, they were scattered all over the continent. In the eyes of the indigenous populations of the Balkan peninsula, the simultaneous arrival of the Roma and the Ottomans led to their correlating the Roma with the new invaders. This correlation became the starting point of all negative stereotypes that has followed the Roma ever since.<sup>2</sup> In fact, the discrimination of Roma, in all spheres of social economic and political life, dates back to the years of the Ottoman Empire. Even today, discrimination against the Roma seems to be the rule and not the exception. It is not within the scope of the present work to get deeper into historical details, nevertheless, the following is a minimalist outline of their hardships throughout history: in the Danubian Principalities, Roma were enslaved; under the Austro-Hungarian Empire and Nazi Germany, they were persecuted; under communism, Roma were subject to various assimilationist policies. In sum, since their arrival in Europe, Roma have been the most disadvantaged ethnic group in the continent.

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<sup>1</sup>“The first Roma/Gypsy groups reached Europe from the East in the 14th and 15th centuries. At this time, they still remembered their homeland, as testified by numerous documents dated between 1422 - 1590, a period during which their Indian roots were gradually obscured by legends of Egyptian origins” [Jean-Pierre Liegeois, Nicolae Georghe, *Roma/Gypsies: A European Minority* (Minority Rights Group, 1995): 7]

<sup>2</sup>John Kolsti, Crowe David, eds., *A History of the Gypsies of Eastern Europe* (New York: M.E. Sharpe, Inc., 1991): 4

## *II.b) The immediate past. Roma under communism*

Roma life, under the communist regimes in the Southern Balkans, was much different from nowadays. The fall of communism had its own positive as well as negative effects for the Roma populations in the area. In reality, there seems to be no “black or white” approach on this particular issue.<sup>3</sup> Moreover, complementary to the transition period from communism to market economy, a number of variables make the situation of Roma in Central and Southeast Europe unique. Compared to the Western part of the continent, Roma are in greater number, and have a long-lasting presence in the region.<sup>4</sup> Needless to say that within Central and Eastern Europe the picture is not uniform. Plenty of variations exist at the national level as well.<sup>5</sup>

With the exception of the former Yugoslavia, minority policies followed by the communist regimes throughout the Southern Balkans were quite similar. Attempts to assimilate the Roma were made in all the countries in the Southern Balkans. Bulgarian communists, in the beginning, did not take action against internal minorities, including the Roma. The First Constitution of the Peoples’ Republic of Bulgaria in 1947, provided for national minorities education in their vernacular.<sup>6</sup> Between 1944 - 1948, Roma identity was very much favored by the Bulgarian communist regime. A Roma cultural association, theatre, and newspaper existed in 1946. Moreover, efforts were made to increase Roma representation in the Communist Party on local and municipal level, as well as in the National Assembly.<sup>7</sup> However, Bulgaria implemented the mainstream assimilationist policies in the wider region of Eastern Europe. Already in the 1950s, all Roma associations and cultural institutions were dissolved. Despite the fact that it was in the interest of the Bulgarian communists to hinder the assimilation of the Roma by the Turkish minority, the regime did not reconsider its position: the old rule never came back into force. On the contrary, through a series of restrictive and assimilationist policies the regime denied the existence of the Roma identity, culture, and lifestyle:<sup>8</sup> “A decree of 1958 [n. 258] prohibited Gypsies from travelling. (...) Gypsy quarters were torn down and families were accommodated in scattered apartment blocks. From 1969 segregated schools were set up to give thousands of Gypsy children primary education and direct

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<sup>3</sup>Jean-Pierre Liegeois, Nicolae Georghe, *Roma/Gypsies: A European Minority*: 5, 21. Also, Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria* (USA: Helsinki Watch, 1991): 15 - 16, Project on Ethnic Relations, *The Romanies in Central and Eastern Europe. Illusions and Reality. Stupava, Czechoslovakia April 30 - May 2, 1992* (USA: Project on Ethnic Relations, 1992): 14 - 15, Project on Ethnic Relations, *Countering Anti-Roma Violence in Eastern Europe. The Snagov Conference and Related Efforts* (USA: Project on Ethnic Relations, 1994): 4 and, Project on Ethnic Relations, *Prevention of Violence and Discrimination Against the Roma in Central and Eastern Europe. Bucharest, Romania, March 21-22, 1997* (USA: Project on Ethnic Relations, 1997): 1

<sup>4</sup>Project on Ethnic Relations, *Prevention of Violence and Discrimination Against the Roma in Central and Eastern Europe. Bucharest, Romania, March 21-22, 1997*: 3

<sup>5</sup> Jean-Pierre Liegeois, Nicolae Georghe, *Roma/Gypsies: A European Minority*: 21. Also, Project on Ethnic Relations, *Countering Anti-Roma Violence in Eastern Europe. The Snagov Conference and Related Efforts*: 9, Hugh Poulton and Minority Rights Group International, *Minorities in Southeast Europe: Inclusion and Exclusion* (London: Minority Rights Group, 1998): 21

<sup>6</sup>Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*: 35

<sup>7</sup>Center For Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Bulgaria* (unpublished draft report): 5

<sup>8</sup>Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*: 8,

them towards apprenticeships and technical diplomas; speaking Romani at these schools was forbidden. Gypsy customs, traditions and, cultural institutions were also prohibited. At the same time the government undermined the ability of the Gypsies to preserve their individuality by closing down and expropriating their newspapers and associations. In the early 1970s it sought to legislate this large minority (perhaps 3-4% of the total population) out of existence.”<sup>9</sup>

The change in the minority policy of the country became far more explicit in the Constitution of 1971. Unlike the 1947 Constitution, it avoided the term “national minorities” and instead, replaced the phrase with “citizens of “non Bulgarian origin.”<sup>10</sup> In essence, the 1971 Constitution turned out to be far more restrictive and less tolerant than the 1947 one: “The 1971 Constitution granted citizens of non-Bulgarian origin the right to study their own language (article 45, paragraph 7) but not to study other topics in their own vernacular. Classes have never been taught in Romani in Bulgaria’s schools, nor have optional Romani language classes been offered.”<sup>11</sup> In practice the Bulgarian state, through a series of assimilationist tactics, made obvious efforts to discourage internal minorities from preserving and expressing their distinct ethnic and religious identity. The culmination of these tactics was the so-called “name-changing” campaign, aiming mainly at the Muslim population of the country; Pomaks, Roma and Turks. The core of this campaign consisted of both systematic propaganda and pressure on individuals with Muslim/Turkish names to change them for more “Slavonic” ones. The campaign ended up ungracefully for Bulgaria, with a massive exodus of thousands of ethnic Turks leaving the country in search of asylum in Turkey and a general outcry against the Bulgarian state. As early as 1960’s, Roma and Pomaks had been victims (in reality, primary victims) of this name-changing campaign. It became publicly known only after the exodus of the Bulgarian Turks from the country. Until that time, it was believed that the “name changing” campaign was imposed only upon the Turks.<sup>12</sup>

In Albania, Enver Hoxha did not waste time in experimenting with various policies. From the very beginning, he tried to impose a strict assimilationist policy as an attempt to homogenize the Albanian population. Needless to say, collective rights were far from being a real issue in Albania. Minority rights were denied under the false argument that discrimination of minority members in Albania did not exist, as all individuals were equal before the law.<sup>13</sup> With the possible exception of the Greek minority in Southern Albania, and to a much lesser extent the Macedonians, “equality in fact” as opposed to “equality in law” was de facto denied to all ethnic minorities in the country.<sup>14</sup> Indeed, not only “equality in fact” but the whole existence of ethnic minorities within the Albanian territory was de facto denied, at least till 1989.<sup>15</sup> The methods used by the Albanian state were similar in all the communist regimes: banning of all religious practices and suppression of cultural pluralism.<sup>16</sup> These measures, together with the strict prohibition

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<sup>9</sup>Angus Fraser, *The Gypsies* (Oxford: Blackwell Publishers, 1992): 281

<sup>10</sup>Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*: 8

<sup>11</sup>*Ibid.*, 5

<sup>12</sup>*Ibid.*, 8, 10. About the name-changing campaign also, Angus Fraser, *The Gypsies*: 281

<sup>13</sup>ERRC, *No Record of the Case. Roma in Albania* (ERRC, 1997): 9. Also see the argumentation of the Albanian State in the Council of the League of Nations: Permanent Court of International Justice, “Minority Schools in Albania” in Tibor Varady’s *Law and Ethnicity* course reader (Budapest: Central European University, 1998): 234

<sup>14</sup>Regarding “equality in law” and “equality in fact”, “Minority Schools in Albania”: 231 - 265

<sup>15</sup>Petra Kovacs, *The Invisible Minority. Roma in Albania* (unpublished manuscript 1996): 10

<sup>16</sup>ERRC, *No Record of the Case. Roma in Albania*: 9

to travel out of the country, affected all the Albanian citizens, let alone the Roma who were mainly nomads. Rather exceptionally,<sup>17</sup> the Albanian communist regime did not take any measure exclusively against the Roma citizens of the country.

The Macedonian Roma, during the communist period, can only be examined within the framework of the former Yugoslavia. The 1946 Constitution, under article 21, stipulated equality before law of all citizens of the Federal People's Republic of Yugoslavia, regardless of nationality, race and creed. In addition, article 13 of the same Constitution guaranteed national minorities "the right to and protection of their own cultural development and free use of their own language."<sup>18</sup> "The 1946 Constitution built its federal republic system around the major nationalities - Croat, Macedonian, Montenegrin, Serb and Slovene - which provided the nucleus for five of the country's six republics."<sup>19</sup> The wording of the 1946 Constitution symbolized what Tito's regime was aiming at: the creation of a common Yugoslav identity. All Slavs living in the Yugoslav Federation (with the exception of Bulgarians who had a neighboring kin state) were given the status of "constituent nations". Albanians, Turks and Hungarians (non-Slavic ethnic groups also with neighboring kin states) were recognized at a lower level as "nationalities". Roma found themselves in the third category. They were among the minorities of the Federation.

However, through the official censuses, it appears that Roma had in fact attained a certain level of recognition. Like all citizens of Yugoslavia, Roma were given a free choice to declare their ethnicity. In both 1948 and 1953 censuses in Macedonia, 19.500 and 20.462 Roma were respectively registered as such.<sup>20</sup> Particularly in Macedonia, Roma acquired the status of an officially recognized ethnic group in 1971: "Faik Abdi, the representative from Suto Orizari in the Macedonian parliament, was able to push through an amendment to the Macedonian Constitution in 1971 that upgraded the status of the Rom to an officially recognized ethnic group. While this did not put them on par with the Republics' Albanian and Turkish nationalities, it did afford them the use of the Romani national flag, and gave them certain cultural rights that included publications in Romanes and time on radio and television."<sup>21</sup> As a nationality they were formally recognized in 1981. However, in practice this recognition came much later: "the acquisition of Roma nationality status came at a difficult time for Yugoslavia, when struggling with a plethora of economic, political and social problems that seemed particularly menacing after the death of Tito on May 4, 1980. Ridden by growing ethnic unrest, particularly in Kosovo, Gypsies found that their newly won status was not uniformly accepted throughout the country. Only Bosnia-Herzegovina and Montenegro came to recognize the Gypsies as a nationality in their republic's constitutions, while the constitutions of Yugoslavia's other four republics continued to identify them as an ethnic group."<sup>22</sup>

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<sup>17</sup>The Albanian Prime Minister, Mehmet Shelu, in the 1960s, unsuccessfully tried to ban Roma from entering urban cities [Center For Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Albania* (unpublished draft report): 4]

<sup>18</sup>David Crowe, *A History of the Gypsies of Eastern Europe and Russia*, (London: I. B. Tauris, 1995): 222

<sup>19</sup>Ibid., 222

<sup>20</sup>Ibid., 222, 223

<sup>21</sup>Ibid., 226

<sup>22</sup>Ibid., 227 - 228. Also, Angus Fraser, *The Gypsies*: 282 - 283 and Zoltan Barany, "The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state", *Ethnic and Racial Studies*, 18, n. 3 (July 1995): 520

Although Roma in the former Yugoslavia were in a much more privileged situation, compared to the Roma in Albania and Bulgaria,<sup>23</sup> they were not unaffected by the communist ideals and the party's efforts to homogenize the Yugoslav population: "The spirit of 'Yugoslavness' that swept the country in the 1950's carried with it a strong theme of assimilation, particularly for groups such as the Gypsies, who had no official status."<sup>24</sup>

In respect to Roma, Macedonia itself proved to be a unique case within the former Yugoslavia: "The partisan victory was welcomed by many Rom, since Tito gave brief consideration to the creation of 'a Gypsy autonomous area in Macedonia' as a compensation for their 'fanatical commitment to the partisan cause'. Though this idea never bore fruit, it did pave the way for considerable Rom development in the new Yugoslav state, particularly in Macedonia. A Macedonian Gypsy literary awakening began in 1946 that centered around a new generation of Roma poets whose works dealt with the plight of the Gypsies. Within a few years, Gypsy writers, with the support of the new Macedonian Roma association, Phralipe (Brotherhood), formed the literary organization, Fraternite. Phralipe also sponsored a theater company that performed throughout Europe. In 1948, Gypsies were also elected to seats in the 'Skopje city council.'"<sup>25</sup> The "Yugoslav legacy" of Macedonia had, to a great extent, determined its policy towards the Roma after the breakup of the Federation and the proclamation of the Republic's independence. Complementary to this "qualitative" presence, the "quantitative" presence of Roma in the territory of Macedonia must have had its own significant share in the minority policies followed by Macedonia's independence: "Suto Orizari, which some Rom have 'half-seriously called the Romani state', became the nucleus of a Gypsy community located within a 50-mile radius of Skopje that had an estimated population of over 40.000 by 1977, with 23.000 in Suto Orizari. These figures would swell to 80.000 by the mid-1980s. According to Faik Abdi, a Rom deputy in the Macedonian legislature, the new Rom settlement was 'the only place where Gypsies are not a minority.'"<sup>26</sup>

Compared to the aforementioned states, Greece is a different case. It is the only country in the region that did not experience communism. The presence of Roma in Greece dates back to the 11th and 13th century. Based on this data it is safe to talk about a minimum presence of Roma, in the Greek territories, of approximately 700 years. However, with

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<sup>23</sup>The fact that the former Yugoslavia was a multi-ethnic and multi-cultural state had a great impact on this relatively loose - in respect to minorities - policy, followed by the communist regime. The following are some indicative examples of this looser tactic towards the Roma: "The Yugoslav press also seemed more sensitive to the Gypsies and began to honor their request to use Rom instead of Cigan. A biography of Tito appeared in Romany in 1978, and two years later, the Nasa Kniga publishing house of Skopje brought out the first Romany grammar to be entirely written in the Romani script and orthography. The original printing of 3.000 copies sold out quickly. In 1981, 'the world's largest anthology of Gypsy poetry was published in Belgrade', while Radio Tetovo in Macedonia and Radio Belgrade (Studio 'B') began to do daily half-hour programs in Romani. Eighty Rom associations evolved throughout this period, while Yugoslav Gypsies such as Slobodan Berbeski and Abdi Faik were prominent leaders in the World Romani Congress" [David Crowe, *A History of the Gypsies of Eastern Europe and Russia*: 226 - 227]

<sup>24</sup>Ibid., 224

<sup>25</sup>Ibid., 222

<sup>26</sup>Ibid., 225

the exception of the Muslim Roma in Western Thrace,<sup>27</sup> the majority of Roma acquired their Greek citizenship only in the mid-1970s. Until then, Roma had been seen and treated as “aliens of Gypsy descent”.<sup>28</sup> They had special identification documents, which needed to be renewed every two years.<sup>29</sup> This belated recognition (despite the 1954 United Nations resolution on the naturalization of the Roma)<sup>30</sup> impeded their integration into the Greek society and caused their future marginal position in the social, political and economic sphere. Up to 1975, Roma in Greece had in fact no political, civil and legal rights. Consequently, their participation in political parties, cultural associations, trade unions, their presence in the educational area and the media were non-existent at that time. The absolute lack of any tradition of collective, institutionalized vindication of rights within the Roma communities in Greece explains, the actual “representation deficit” of the Roma in the Greek society.

### *II.c) Population*

The number of Roma in Albania can only be estimated. As Roma have never been included in the official censuses,<sup>31</sup> there are a variety of independent sources and estimations regarding their number. This is partly attributed to the increasing immigration of Albanian Roma to neighboring countries, namely Greece and Italy, especially after the dissolution of Yugoslavia, the political and economic crisis that followed the fall of communism in Albania,<sup>32</sup> as well as the recent Kosovo crisis. Taking into account the fact that a significant number of Roma “remained ‘hidden’ in the figures of other ethnic groups counted in the 1989 census”,<sup>33</sup> it is easy to explain the difficulty in reaching a consensus over the actual number of Roma in Albania. In fact and, compared to the rest of the countries, in Albania there exists the biggest discrepancy between the two extreme figures given for the country’s Roma population: 1.300 - 120.000.<sup>34</sup> The real figure must be somewhere between 100.000 and 120.000,<sup>35</sup> out of a total population of 3.182.417

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<sup>27</sup>Efstratios Zeginis, *I Musulmani Atsigani tis Thrakis* [The Muslim Roma of Thrace] (Thessaloniki: Institute for Balkan Studies, 1994): 20 - 21. The Muslim Roma of Western Thrace were under the protection of the Treaty of Lausanne, signed in 1923 between Greece and Turkey, which regulated the exchange of populations as well as the status of the remaining minority populations in both countries.

<sup>28</sup>Dimitris Dousas, *Rom ke Filetikis Diakrisis. Stin Istoria, tin Kinonia, tin Kultura, tin Ekpedeysi ke ta Anthropina Dikeomata* [Rom and Racial Discriminations. In History, Society, Culture, Education and in Human Rights] (Athens: Gutenberg, 1997): 62

<sup>29</sup>Efstratios Zeginis, *I Musulmani Atsiganoi tis Thrakis*: 20 - 21

<sup>30</sup>Dimitris Dousas, *Rom ke Filetikis Diakrisis. Stin Istoria, tin Kinonia, tin Kultura, tin Ekpedeysi ke ta Anthropina Dikeomata*: 62

<sup>31</sup>ERRC, *No Record of a Case. Roma in Albania*: 7

<sup>32</sup>Hugh Poulton, *Minorities in Southeast Europe: Inclusion and Exclusion*: 32. Also, ERRC, *No Record of a Case. Roma in Albania*: 73

<sup>33</sup>Center For Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Albania*: 5

<sup>34</sup>*Ibid.*, 5. Based on the same data, the lowest number (1.300) was found in a 1996 report of the Albanian Helsinki Committee and the higher figure (120.000) in the 1994 Minorities at Risk Project of the Center for International Development and Conflict Management at the University of Maryland.

<sup>35</sup>Minority Rights Group International estimates the number of Roma in Albania at between 90.000 - 100.000 [Jean Pierre Liegeois, Nicolae Georghe, *Roma/Gypsies: A European Minority*: 7]. Also: ERRC, *No Record of the Case. Roma in Albania*: 89

according to the 1989 census.<sup>36</sup> The majority of the Albanian Roma live in the outskirts of the main Albanian urban centers and less in the countryside.<sup>37</sup>

In Bulgaria, the estimated figures about the Roma living in the country seem to be less controversial. Out of an overall population of 8.487.317, based on the 1992 census, the registered number of Roma by ethnicity was 313.396.<sup>38</sup> A great number (310.425) declared Romani as their mother tongue. According to other sources (Tomova, Marushiakova and Popov) the number of Bulgarian Roma fluctuates somewhere in between 600.000 and 800.000.<sup>39</sup> Minority Rights Group International accepts this estimation (700.000-800.000).<sup>40</sup> Also in the case of Bulgaria, the existing discrepancies between official (313.396) and unofficial (800.000) data reflect the general tendency among a great number of Roma who officially declare themselves as anything but Roma.<sup>41</sup> Nevertheless, there seems to be a consensus over the relatively high number of Roma in Bulgaria who declare themselves as such,<sup>42</sup> especially when taking into account the total population of the country as well as the situation in other European countries: “Though the data attributes a share of between 3.7% and 10% of the official Bulgarian population to the Roma minority, as percentage of the overall population, the Roma in Bulgaria represent one of the largest Roma minorities in the world.”<sup>43</sup> Roma population is more or less “harmoniously” distributed, all over the country, in both urban and rural areas.<sup>44</sup> The great majority of them, as a result of the Bulgarian governments’ successful policies to ban travelling in the 1950s, are sedentary.<sup>45</sup>

In respect to Greece, based on rough estimations, there are approximately 300.000-350.000 Roma, constituting the biggest ethnocultural minority of the country. A large number of them arrived in Greece from Turkey after the exchange of populations in 1923. The rest come from families that have been living for centuries in the territories of today’s Greece. By tradition, Greek censuses do not make any reference to ethnic affiliation, language and religion. The last census in Greece, with questions on religion and language, took place in 1951.<sup>46</sup> This deliberate omission forms part of the official minority policy of the state for a long time. “The [Greek] Government formally recognizes only the Muslim minority specified in the 1923 Treaty of Lausanne. It refuses to acknowledge formally the existence of any other ethnic groups, principally Slavophones, under the term ‘minority.’”<sup>47</sup> Taking into account the “elliptical” character

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<sup>36</sup>ERRC, *No Record of the Case. Roma in Albania*: 7

<sup>37</sup>*Ibid.*, 8

<sup>38</sup>Emil Cohen, Krassimir Kanev, “Religious Freedom in Bulgaria”, *Soul Wars: Human Rights, Evangelism and Proselytism in Eastern Europe* (Emory University, 1998): 3

<sup>39</sup>ERRC, *Profession: Prisoner. Roma in Detention in Bulgaria* (ERRC, 1997): 16

<sup>40</sup>Jean-Pierre Liegeois, Nicolae Georghe, *Roma/Gypsies: A European Minority*: 7

<sup>41</sup>Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*: 9 - 10

<sup>42</sup>ERRC, *Profession: Prisoner. Roma in Detention in Bulgaria*: 16

<sup>43</sup>*Ibid.*, 16

<sup>44</sup>In 1992, 52% of the Roma population was urban and 48% rural. Throughout the century, a steady migration of Roma from the villages towards the urban centers has taken place. [Ilona Tomova, *The Gypsies In The Transition Period* (Sofia: International Center For Minority Studies and Intercultural Relations, 1995): 28]

<sup>45</sup>Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*: 4

<sup>46</sup>Dimitris Dousas, *Rom ke Filetikes Diakrisis. Stin Istoria, tin Kinonia, tin Kultura, tin Ekpedevsi ke ta Anthropina Dikeomata*: 55

<sup>47</sup>U.S. Department of State, *Greece Country Report on Human Rights Practices for 1997* (Bureau of Democracy, Human Rights, and Labor, January 30, 1998), available at

of the official censuses and the “hidden identity” phenomenon - mainly witnessed in the area of Western Thrace where Roma live together with ethnic Turks and Pomaks - the exact number of Roma in Greece can only be approximated. According to the General Secretariat for Adult Education (GSAE), a governmental agency, the Romani population for 1997 was estimated between 150.000 and 200.000 out of a total of 10.000.000.<sup>48</sup> In 1996, the same source had come up with a number much closer to the latest unofficial estimates: 300.000.<sup>49</sup> Findings of independent sources show that the number 300.000 is closer to reality. Minority Rights Group-Greece claims that the number of Roma in the country can possibly exceed 300.000, reaching 350.000.<sup>50</sup>

Macedonian Roma seem to be the most perplexing case. Apart from the variety of estimations and the hidden identity parameters,<sup>51</sup> there are additionally two elements that make Macedonia special in this respect. There are “at least two groups which do not claim the Romani identity, are not recognized by Roma as such, but which are regarded by non-Roma as Gypsies.”<sup>52</sup> In the 1991 census, a group of 3.307 people from the southwestern part of the country, declared themselves “Egyptians”. “In addition to the ‘Egyptians’, the ‘Krci’ (‘Christians’) of eastern and central Macedonia are viewed as Gypsies by non-Roma but do not regard themselves as Roma and are often not accepted as Roma by Roma.”<sup>53</sup> Moreover, following the dissolution of the Former Yugoslavia, there is an undefined number of stateless people living nowadays in Macedonia, a significant number of which, are Roma.<sup>54</sup> It turned out that a considerable portion of Roma, who had been living for years in Macedonia, never bothered to register themselves formally as residents of the republic since there was no such pressing need within the Yugoslav Federation.<sup>55</sup>

Nevertheless, the impact of the Yugoslavian dissolution on this issue, had it not been for certain provisions of the Act on Citizenship of the Republic of Macedonia (in effect since November 11, 1992), would have been far less felt among the Roma population of the

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[http://www.state.gov/www/global/human\\_rights/1997\\_hrp\\_report/greece.html](http://www.state.gov/www/global/human_rights/1997_hrp_report/greece.html), last checked on June 13, 1999. About the official minority policy of the Greek state, Greek Helsinki Monitor, *Report on Greece to the 1998 OSCE Implementation Meeting. Minority Rights (28 October 1998)*, available at <http://www.greekhelsinki.gr/english/reports/ghm28-10-1998.html>, last checked on June 22/6/1999

<sup>48</sup>U.S. Department of State, *Greece Country Report on Human Rights Practices for 1997*

<sup>49</sup>U.S. Department of State, *Greece Country Report on Human Rights Practices for 1996* (Bureau of Democracy, Human Rights and Labor, January 30, 1997), available at [http://www.state.gov/www/global/human\\_rights/1996\\_hrp\\_report/greece.html](http://www.state.gov/www/global/human_rights/1996_hrp_report/greece.html), last checked on June 13, 1999. For the year 1997, estimations made by non-official sources fluctuate between 250.000 and 300.000 [U.S. Department of State, *Greece Country Report on Human Rights Practices for 1997*]

<sup>50</sup>Minority Rights Group-Greece, *Report on Greece to the 1998 OSCE Implementation Meeting. Roma Rights (29 October 1998)*, available at

<http://www.greekhelsinki.gr/english/reports/ghm29-10-1998.html>, last checked on June 13, 1999.

The numbers given by Jean-Pierre Liegeois and Nicolae Georghe, in *Roma/Gypsies: A European Minority*: 7, are in accordance with the official 1997 data, namely 160.000-200.000.

<sup>51</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia* (ERRC, 1998): 35

<sup>52</sup>Ibid., 34

<sup>53</sup>Ibid., 34

<sup>54</sup>Ibid., 28

<sup>55</sup>Ibid., 21. For an analysis on the status of Roma within former Yugoslavia, Ibid., 22. Also Angus Fraser, *The Gypsies*: 282 - 283

country. Although article 3 of Act of Citizenship stipulates that Macedonian citizenship can be acquired by origin, birth within the territory of the Republic, naturalization or international treaty, article 27 of the same Act poses a set of conditions, which make the acquisition of citizenship more than problematic. Applicants for citizenship have to be in the position to prove 15 years of residence in Macedonia, to have a steady source of income and good health.<sup>56</sup> In respect to its requirements, the Act “typical of European legislation in its rejection of birth on the territory of a country as sufficient for the acquisition of citizenship”,<sup>57</sup> is far from the international standards. Starting with the fifteen-year permanent residence, this provision is beyond the naturalization requirements stipulated by Article 6, paragraph 3 of the New European Convention on Nationality. According to the convention, a state party should not require citizenship applicants more than ten years of permanent residence. What is ironic in this case is that Macedonia, not only had signed this Convention, (November 6, 1997) but also participated actively in its preparation.<sup>58</sup> In addition, the possible exclusion of physically or mentally ill individuals from citizenship is in clear breach of Article 7 of the International Covenant on Civil and Political Rights.<sup>59</sup>

In the case of Roma, the difficulty to acquire the Macedonian citizenship mainly lies on the requirements of a permanent source of funds, the 500 USD administration fee and the fifteen years of residence.<sup>60</sup> The high unemployment rate among the Roma population in Macedonia does not give them the latitudes to claim a steady income. Moreover, precisely due to their difficulty in finding jobs, many Roma had to leave the country in search of better life. A great number of them were still in Germany when the Macedonian state (inadequately) announced the procedure. As a result, many Roma were deprived from the opportunity to apply for citizenship before the deadline. Besides all these legal and practical restrictions, Roma claim that the law is not equally applied in their case. “In 1996, Human Rights Watch reported a number of allegations of rejections of applications for citizenship by Roma who fulfilled all of the requirements set forth in the law. Similar cases were reported to the European Roma Rights Center during field research in August 1997.”<sup>61</sup> Unlike stateless Roma in Macedonia, Roma citizens of Macedonia can be estimated much more easily. However, discrepancies between the speculated figures do exist: Minority Rights Group International estimated the overall number of Roma at between 220.000 and 260.000.<sup>62</sup> Romani leaders have also come up with a similar

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<sup>56</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation in Macedonia*: 20-21, 25. More about the impact of restrictive citizenship laws in the political and economical sphere, in Minority Rights Group, *Constitutional Law and Minorities* (London: Minority Rights Group, 1987): 9. Also, Hugh Poulton and Minority Rights Group International, *Minorities in Southeast Europe: Inclusion and Exclusion*: 30

<sup>57</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation in Macedonia*: 18

<sup>58</sup>Ibid., 22. Also, U.S. Department of State, *The Former Yugoslav Republic of Macedonia Country Report on Human Rights Practices for 1998* (Bureau of Democracy, Human Rights, and Labor, February 26, 1999), available at [http://www.state.gov/www/global/human\\_rights/1998\\_hrp\\_report/macedoni.html](http://www.state.gov/www/global/human_rights/1998_hrp_report/macedoni.html), last checked on June 13, 1999

<sup>59</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation in Macedonia*: 5

<sup>60</sup>Hugh Poulton and Minority Rights Group International, *Minorities in Southeast Europe: Inclusion and Exclusion*: 31

<sup>61</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation in Macedonia*: 27. Also, U.S. Department of State, *The Former Yugoslav Republic of Macedonia Country Report on Human Rights Practices for 1998*

<sup>62</sup>Jean-Pierre Liegeois and Nicolae Georghe, *Roma/Gypsies: A European Minority*: 7

speculation: 150.000 - 250.000.<sup>63</sup> However, according to the most recent census (1994) which took place in Macedonia, the number of Roma in the country is 43.707, namely 2.2% of the total population (1.945.932).<sup>64</sup> Roma communities are found all over the country, but mainly close to the urban centers.

From this general overview on the demographic data in each country, it is evident that in all states of the Southern Balkans there is a substantial Roma minority. Another common characteristic is the existence of discrepancies between the official figures and the estimations made by independent sources-- non-governmental organizations and scholars, --with Albania being the most indicative case. The explanation for such discrepancies is due to group dynamics: "Minority groups generally have an interest in claiming the largest possible number of members, because larger numbers, normally, mean greater political power, whereas governmental authorities often favor lower figures for minorities, to emphasize the 'national' character of the state and to de-emphasize the multi-ethnic nature of society."<sup>65</sup>

In addition, in three of the four countries (Albania, Bulgaria, Macedonia) Roma declare their ethnic affiliation in the official censuses. In this respect, Greece constitutes the exception. In this respect, there are differences among the three countries. Albanian census, unlike Macedonian censuses and the latest Bulgarian one, did not include Roma as a separate category. During the last 1989 census, Roma came into the category of 'others' together with the Vlachs and other minorities."<sup>66</sup> Finally, in all four countries, the "hidden identity" phenomenon is present (although difficult to be measured in practice). This phenomenon substantially affects the official demographic data.

### **III) Legal and Constitutional Recognition and Protection**

#### *III.a) Theoretical Framework of Minority Recognition and Protection*

Worldwide historical experience has repeatedly shown that implementation of ethnic rights is easier said than done. In some cases, it is not even easy to be said. A large number of states, all over the world, avoid even entering into such a debate, arguing that, as long as the diptych equality in law and prohibition of discrimination is enforced, the discussion of ethnic rights is not necessary. The range of possibilities in addressing and implementing ethnic rights is confined within the limits of individual rights. The very same range may significantly expand if we take into account the arguments made by the

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<sup>63</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia*: 33. Also, Zoltan Barany, "The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state": 517

<sup>64</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia*: 33 - 34

<sup>65</sup>Project on Ethnic Relations, *The Romanies in Central and Eastern Europe. Illusions and Reality. Stupava, Czechoslovakia April 30 - May 2, 1992*: 17 - 18

<sup>66</sup>Center For Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Albania*: 5. Also, ERRC, *No Record of the Case. Roma in Albania*: 7

advocates of collective rights. What decisions will be made and what rights will be finally granted became a political issue, subject to negotiations and compromises made by the respective parties within the context of the International Law.<sup>67</sup> States can choose from a wide set of policies in order to respond to minority claims.

This set of policies comprises two diametrically opposite extremes (minority recognition by the Constitution and absence of any recognition at all) but also a number of intermediate solutions: recognition through bilateral agreements, separate laws, administrative measures or judicial recognition of private institutions representing the interests of minority groups.<sup>68</sup> The last two types constitute implicit recognition of minority groups and go one step further from both the complete absence of any recognition and the mere recognition of individual rights: “general constitutional provisions forbidding discrimination based on race, national or ethnic origin, religion or language cannot be interpreted as constituting a recognition of ethnic, religious or linguistic minorities. The same applies to official statistics concerning the composition of the population of various countries. (...) Although such statistics prove the existence of such groups, it does not appear that, in themselves, they enable one to conclude that the State has granted such groups *a recognition with legal significance* [my italics].”<sup>69</sup>

The most common examples of recognition through administrative measures include state policies concerning education - language use in particular - and/or provisions for positive discrimination for certain groups. Positive discrimination can be understood in terms of special quotas for minority groups in certain sensitive areas such as political representation at all or some levels, representation in the media, administration, education, employment, and housing. However, since quite frequently this type of discrimination is seen as a privilege given only to some individuals or, as an adoption of lower standards, the term acquired a second meaning.. Positive action implies a set of measures for the creation of conditions for equal participation in all the aforementioned areas. Namely, “creating conditions for the competing ones to have equal opportunities. (...) This can be achieved through positive action, for instance, one can organize a number of forms of additional preparation for prospective applicants to universities so that they could be enrolled at an equal basis and in the same competition.”<sup>70</sup> For the purposes of this presentation, positive discrimination is counted in both ways.

The debate on ethnic rights should always be seen in the context of group dynamics, in this case the aims and relations of the majority and the minority groups. Roughly speaking, there are three possible alternatives in the majority/minority setting:

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<sup>67</sup>Project on Ethnic Relations, *The Romanies in Central and Eastern Europe. Illusions and Reality. Stupava, Czechoslovakia April 30 - May 2, 1992*: 7

<sup>68</sup>Francesco Capotorti, *Studies on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities* (New York: United Nations, 1974): 12, 13, 96. Also, and in particular for the variations of recognition of the Roma, Jean-Pierre Liegeois and Nicolae Georghe, *Roma/Gypsies: A European Minority*: 21

<sup>69</sup>Francesco Capotorti, *Studies on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*: 13

<sup>70</sup>Statements made by Dimitrina Petrova, Executive Director of the European Roma Rights Center (ERRC) in the Newsletter of Human Rights Project, *Roma Rights in Focus*, n. 10, special edition, 1998: 21

segregation, assimilation and integration. The last option is considered to be the happy medium between the two other (extreme) options.<sup>71</sup>

Integration, in practice, implies the following:

- a) minority representation and participation (on an equal or proportionate basis) into the state institutions,
- b) recognition, acceptance and maintenance of differences between groups and individuals and,
- c) establishment of certain separate minority institutions functioning in a complementary and not parallel way to the common and compulsory ones.<sup>72</sup>

When this set of conditions is recognized by law, there is “formalized pluralism.”<sup>73</sup> In the cases where “groups are not recognized as such, but instrumental arrangements are made effectively to give a say to the groups, without specifically designating them, then there is “ ‘informal’” pluralism.”<sup>74</sup> The term “pluralism” by definition is closer to the integrationist model: “a policy ‘which aims at uniting different ethnic groups in a relationship of mutual interdependence, respect and equality, while permitting them to maintain and cultivate their distinctive ways.’ In a complex multi-ethnic society, such a policy symbolizes both diversity and unity. Pluralism may require, depending upon circumstances, some element of separation between ethnic groups. (...) Pluralism requires a large measure of freedom within the state for minorities in the interests of real, rather than formal equality.”<sup>75</sup>

Forceful maintenance of differences through completely separate institutions and, without minority representation and participation in the state political establishments, constitute the so-called segregationist model of interethnic relations. Apartheid is the most extreme reflection of this model in reality. On the contrary, failure to recognize, accept and maintain the differences, prohibition of minority institutions, imposition of the political, economic and cultural standards of the dominant group to the minority, constitute elements of the assimilationist model. Failure of recognition, acceptance and maintenance of the differences in practice means formal equality before the law, in other words “where group members have rights it is in their individual capacities.”<sup>76</sup> In reality, equality before the law and the non-discrimination principle, when not accompanied by other constitutional or legal provisions or by administrative measures, serve assimilationist purposes.<sup>77</sup>

For a broader and more critical evaluation of the minority state policies, it would be useful to draw parallels between the status and type of recognition (if any) of the rest of the minorities present in a country. Are there differences in which the various minorities are being seen and treated by the state? Are there any criteria applied for these

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<sup>71</sup>Nevertheless, it should be stated that integration is not always seen in this light. A number of minority leaders - among them some Roma as well - have argued that integration should not be highlighted by governments and non-governmental organizations as the desired result. Roma should be free to choose between voluntary integration and non-integration.

<sup>72</sup>Patrick Thornberry and Minority Rights Group, *Minorities and Human Rights Law* (London: Minority Rights Group, 1991): 8

<sup>73</sup>Minority Rights Group, *Constitutional Law and Minorities* (London: Minority Rights Group, 1987): 6

<sup>74</sup>*Ibid.*, 6

<sup>75</sup>Patrick Thornberry and Minority Rights Group, *Minorities and Human Rights Law*: 8

<sup>76</sup>Minority Rights Group, *Constitutional Law and Minorities*: 7

<sup>77</sup>*Ibid.*, 7

differentiations and on which (legitimate) basis? Minority recognition through bilateral treaties is an interesting case in point. The existence or absence of additional provisions, ensuring that minorities which were not mentioned in the agreement enjoy the same level of protection as the rest of the population, constitute a significant parameter that should be taken into account.<sup>78</sup> The non-recognition of the Roma in particular, in relation to the recognition of other internal minorities (through constitution, separate laws, treaties, administrative measures), is discriminatory and “it is usually justified on the pretext that they fail to qualify under existing criteria for recognition of ‘historic’ national or linguistic minorities.”<sup>79</sup>

Again, for the purposes of a broad and critical evaluation, one should avoid superficiality, confining all interest into theory while neglecting practice. “At one end of the scale there are places where Roma/Gypsy enjoy recognition and legal status in theory but virtually never in practice and, at the other extreme a total absence of legal provision accompanied by concrete support for Roma/Gypsy communities.”<sup>80</sup>

### *III.b) From Theory into Practice. The Status of Roma in the Southern Balkans*

With the exception of Macedonia, there is no reference to the Roma in the constitutions of the countries in the Southern Balkans. The Macedonian Constitution of 1991 explicitly recognizes the Roma as one of the nationalities of the republic: “Macedonia is established as the national state of the Macedonian people in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanies and the other nationalities living in the Republic of Macedonia.”<sup>81</sup> According to the same Constitution, as well as laws with specific clauses, all nationalities in Macedonia have equal status.<sup>82</sup> Roma are also explicitly mentioned in Article 78 of the Constitution providing for the establishment of a Council of Inter-Ethnic Relations.<sup>83</sup> The latter is a consultative body comprising, on an equal basis,<sup>84</sup> representatives of all major Macedonian nationalities and having the authority to collect information on minority issues and concerns. Based on this information, the Council is

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<sup>78</sup>Minority Rights Group, *New Approaches to Minority Protection* (London: Minority Rights Group International, 1995): iv

<sup>79</sup>Jean-Pierre Liegeois, Nicolae Georghe, *Roma/Gypsies: A European Minority*: 21

<sup>80</sup>*Ibid.*, 21

<sup>81</sup>Constitution of the Republic of Macedonia, available at <http://www.b-info.com/places/Macedonia/republic/Constitution.html>, last checked on October 15, 1998

<sup>82</sup>Zoltan Barany, “The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state”: 521

<sup>83</sup>In particular, Article 78 states: “(1) The Assembly establishes a Council for Inter-Ethnic Relations. (2) The Council consists of the President of the Assembly and two members each from the ranks of the Macedonians, Albanians, Turks, Vlachs and Romanies, as well as two members from the ranks of other nationalities in Macedonia. (3) The President of the Assembly is President of the Council. (4) The Assembly elects the members of the Council. (5) The Council considers issues of inter-ethnic relations in the Republic and makes appraisals and proposals for their solution. (6) The Assembly is obliged to take into consideration the appraisals and proposals of the Council and to make decisions regarding them.” [Constitution of the Republic of Macedonia]. Also, ERRC, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia*: 7 - 8

<sup>84</sup>Two members of each nationality [Zoltan Barany, “The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state”: 521]

empowered to make the appropriate recommendations to the Macedonian Parliament.<sup>85</sup> Besides these constitutional references, there is no separate minority law in Macedonia.<sup>86</sup> However, a series of legislative measures, in addition, recognize, guarantee and protect the rights of the Macedonian Roma. The inclusion of Roma representatives in diverse bodies at local and national level, especially in bodies dealing with minority issues.<sup>87</sup>

Just like all groups in the country are recognized under the term “nationality”, Roma enjoy collective rights as stipulated by Article 48 of the Macedonian Constitution: “(1) Members of nationalities have a right to freely express, foster and develop their identity and national attributes. (2) The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of the nationalities. (3) Members of the nationalities have the right to establish institutions for culture and art, as well as scholarly and other associations for the expression, fostering and development of their identity. (4) Members of the nationalities have the right to instruction in their language in the primary and secondary education, as determined by law. In schools where education is carried out in the language of a nationality, the Macedonian language is also studied.”<sup>88</sup> In addition, “official use of ethnic minority languages is provided in areas where ethnic minorities make up a majority of the population.”<sup>89</sup>

The wording of Article 48 implies more than a mere recognition of minority rights in comparison to Article 27 of the International Covenant of Civil and Political Rights.<sup>90</sup> The latter provides for rights on a collective basis within the following framework: rights for individuals - members of minorities - are officially recognized and granted however, the obligation for their implementation by the state is not automatic. To a great extent, this obligation depends on the minorities themselves -- governments are not obliged to provide rights for which no relevant claim has been made on behalf of the minorities. Article 28 of the Macedonian Constitution goes one step further than Article 27 of the International Covenant of Civil and Political Rights. What is the difference between the two provisions?

The wording of the two articles can shed light on this question. In the case of Article 27, the key element is the negated clause “states *shall not deny*”. In the case of Article 48, the relevant clauses are affirmative (“members of the nationalities *have the right*”). Moreover, paragraph 2 (“the Republic *guarantees*”) implies an undertaking of a commitment on behalf of the Macedonian state to not only grant but also implement the stipulated rights. In this sense, the provisions of Article 48 could be seen as directly binding to the Republic.

This obligation is also reflected in the number of mechanisms, set up on a parliamentary basis, for the monitoring and the practical implementation of these rights: “the Parliamentary Commission for Minorities, staffed by members of parliament and

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<sup>85</sup>Ibid., 521

<sup>86</sup>Ibid., 520 - 521

<sup>87</sup>Jean-Pierre Liegeois, Nicolae Georghe, *Roma/Gypsies: A European Minority*: 21

<sup>88</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia*: 90

<sup>89</sup>U.S. Department of State, *The Former Yugoslav Republic of Macedonia Country Report on Human Rights Practices for 1998*

<sup>90</sup>In particular, Article 27 stipulates: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

independent experts, examines the pertinence of policies and legislation to minorities. A parliamentary Survey Commission composed of members and legal specialists solicits and gathers requests and criticisms on minority issues from the population. This is an ad hoc body, the composition of which depends on the question whose merits it is called upon to adjudicate. Although it does not have decision-making authority, the Commission can start inquires with any parliamentary body and, in practice, its legal opinion generally decides the outcome.”<sup>91</sup>

On various occasions, Macedonia has been praised for its (exceptional by South-East European standards and especially in respect to Roma) constitutional and legal framework: “insofar as group rights and societal status are concerned, the Roma of Macedonia appear to enjoy a far more advantageous situation than do their counterparts in Greece, Bulgaria or Romania.”<sup>92</sup> Moreover, Macedonia is the only one out of the four countries having initiated affirmative action for its minorities, including the Roma . In 1995 the Macedonian government altered the affirmative action policy, regarding minority representation at the third level of education, already initiated three years ago, in 1992. Instead of a quota of 10% for all minorities, the state secured university access for nationalities on the basis of their percentage in the total population.<sup>93</sup> Minimal secured access is provided also for the enrollment of minority members at the police secondary school.<sup>94</sup>

Finally, Macedonian Roma are legally covered and protected by the various international conventions and documents that Macedonia has signed and ratified: International Covenant on Civil and Political Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified on April 10, 1997), International Convention for the Elimination of All Forms of Racial Discrimination (ratified on January 18, 1994), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified on January 18, 1997).<sup>95</sup> According to Article 118 of the Macedonian Constitution, International Law has the status of domestic law.<sup>96</sup>

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<sup>91</sup>Zoltan Barany, “The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state”: 521

<sup>92</sup>Hugh Poulton, “The Roma in Macedonia. A Balkan Success Story?”, RFE/RL Research Report, Vol. 2, No. 19, May 7, 1993: 42, found in ERRC’s, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia*: 9. “Comparatively speaking, the Roma community in Macedonia is better off than in other countries of the region. There are a number of Roma political, social and cultural organizations functioning in Macedonia, and a Roma party is represented in parliament. Roma are recognized in the constitution as a nationality, and relations with the ethnic Macedonian population are generally good” [Human Rights Watch, *A Threat to Stability: Human Rights Violations in Macedonia* (New York: Human Rights Watch, June 1996): 56]. Also, Zoltan Barany, “The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state”: 515 and David Crowe, *A History of the Gypsies of Eastern Europe and Russia*: 232

<sup>93</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia*: 87. More on Macedonia’ s affirmative policy and the reasons for its change, Zoltan Barany, “The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state”: 519

<sup>94</sup>U.S. Department of State, *The Former Yugoslav Republic of Macedonia Country Report on Human Rights Practices for 1998*

<sup>95</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia*: 43. Also, Amnesty International, *Report 1998 on Macedonia (January - December 1997)*, available at <http://www.amnesty.org/ailib/aireport/ar98/eur65.htm>, last checked on June 13, 1999

<sup>96</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia*: 43

Legal recognition of the Roma minority in Greece is quite different. Explicitly, the Greek state does not provide the Roma with a minority status. A quick glance at the Greek Constitution shows that the rights of minority members are covered within the provisions of common law and, needless to say, on an individual basis. In this light Roma, as citizens, (theoretically) enjoy general rights without any supplementary specific protection. Article 4, paragraph 1, provides for the equality of all Greek citizens before the law and Article 5, paragraph 2, clearly states that “all persons living within the Greek territory shall enjoy full protection of their life, honor and liberty irrespective of nationality, race or language and of religious or political beliefs.”<sup>97</sup>

However, Greek Roma are “implicitly” recognized as a distinct ethnocultural group through the judicial status of their cultural associations at the local, regional and panhellenic levels. The implicit recognition in this case derives from the recognition (through relevant court decisions) of private institutions representing the interests of Roma.<sup>98</sup> The “Panhellenic Cultural Association of Greek Roma” (founded in 1939), the “Roma Cultural Association, the Progress” (founded in 1990) and lastly the “Panhellenic Federation of Greek Roma Associations” (founded in 1998) are some of the most important Roma unions in Greece. The Panhellenic Federation of Greek Roma Association has 400 active individual members and is being subsidized by the Prefectural Committee of Popular Training.<sup>99</sup>

Moreover, the existence of state programs especially for Roma also implies a level of state recognition. Educational programs (though solely in the Greek language) such as the Program Against Illiteracy organized by the Secretariat of Continuing Education, the mobile school programs<sup>100</sup> and the establishment of system of identity cards for students whose parents are nomads - in order to enable their class attendance in different schools - are indicative examples.

Programs aiming at raising sensitivity of the public to the problems of Roma serves as another example : “in June [1998] the Ministry of Health and Welfare initiated several projects addressing the chronic problems of the Roma community. The projects include training courses for civil servants, policemen and teachers ‘to increase sensitivity to the problem of Roma’, development of teaching materials for Roma children and the establishment of youth centers in areas close to Roma communities. The Ministry has already established six such centers.”<sup>101</sup> Implicit recognition also applies in the case of state programs for addressing housing problems: “the Government provided funding to several other municipalities to transfer Roma settlements to new areas supplied with water, sewers and electricity. It intends to provide portable mobile housing in addition to ‘non-portable’ housing for Roma who demonstrate financial need.”<sup>102</sup> Despite the fact that these programs were announced in 1996, so far progress have only been seen on

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<sup>97</sup>Constitution of the Hellenic Republic, available at

<http://www.hri.org/MFA/syntagma/artcl25.htm#A4>, last checked on June 4, 1999

<sup>98</sup>Francesco Capotorti, *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*: 12

<sup>99</sup>Anna Lydakis, *I Tsigani stin Poli. Megalonontas stin Agia Varvara* [Roma in the City. Growing up in Agia Varvara] (Athens, Kastaniotis, 1998): 14 and reference note 141, page 104

<sup>100</sup>According to U.S. Department, for the year 1996 the number of Romani children who attended the mobile school programs was 1200 [U.S. Department of State, *Greece Country Report on Human Rights Practices for 1996*]

<sup>101</sup>U.S. Department of State, *Greece Country Report on Human Rights Practices for 1998*

<sup>102</sup>Ibid.

papers<sup>103</sup>, they do provide implicit recognition of the Roma by the Greek state. This type of recognition belongs to the category of minority recognition through special administration measures.<sup>104</sup> Compared to the recognition provided by constitutions, separate laws or bilateral agreements, recognition based on court decisions and state programs is of a less binding character.

Greece has signed a number of international agreements providing guarantees to minority members, such as the International Covenant on Civil and Political Rights (ratified in 1997),<sup>105</sup> the International Convention on the Elimination of all Forms of Racial Discrimination<sup>106</sup> and the Convention on the Prevention and Punishment of the Crime of Genocide.<sup>107</sup> Greece has also signed but not yet ratified the Council of Europe Framework Convention for the Protection of National Minorities.<sup>108</sup> Moreover, as it was already stressed, Greece is the only country in the region, enjoying full membership in the European Union. The union has officially recognized the Roma language and the Roma people as a national minority. Roma have representatives in the European Parliament and are given special financial aid through a series of programs (“Poverty”, “Helin”, “Horizon”, “Now”, “Socrates”) within the Union.<sup>109</sup>

In the Greek case, the Muslim minority in Thrace enjoys a much higher level of recognition by the state than the Roma, this can be considered discriminatory against the Roma. The Roma, besides the fact that they are far more numerous, can claim a historical presence in the country for almost 700 years. From a normative point of view, they should be granted with the same level of recognition as the Muslim minority in Thrace. It should be noted that the Muslim minority in Western Thrace is not ethnically uniform. It consists of ethnic Turks, Roma and Pomaks. Their status, on a religious and not ethnic basis, is guaranteed by the Treaty of Lausanne signed in 1923 between Greece and Turkey.

In practice, discrimination consists of the fact that Thracian Muslims, unlike Roma, have been granted preferential status by the Greek state in the sensitive area of education. “in addition to the provisions of the Treaty of Lausanne which provide that Thracian Muslims shall be taught their own language and the Islamic religion, the Greek government adopted a new law in October 1995. The provisions of the new law aim at upgrading the quality of the education available to Muslim Greeks in order to provide them with equal opportunity compare to all other Greek citizens. More precisely, economic and career incentives are offered to Christian teachers who are stationed in

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<sup>103</sup>International Helsinki Federation, *Annual Report 1997 on Greece*, available at <http://www.ihf-hr.org/ar97gre.htm>, last checked on June 13, 1999 and U.S. Department of State, *Greece Country Report on Human Rights Practices for 1996*

<sup>104</sup>Francesco Capotorti, *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*: 12

<sup>105</sup>Human Rights Watch, *World Report 1998 on Greece*, available at [http://www.hrw.org/hrw/worldreport/Helsinki-14.htm#P696\\_169425](http://www.hrw.org/hrw/worldreport/Helsinki-14.htm#P696_169425), last checked on June 14, 1999

<sup>106</sup>Patrick Thornberry and Minority Rights Group, *Minorities and Human Rights Law*: 15

<sup>107</sup>*Ibid.*, 15

<sup>108</sup>Human Rights Watch, *World Report 1998 on Greece*. Also, Greek Helsinki Monitor, *Report on Greece to the 1998 OSCE Implementation Meeting. Minority Rights (28 October 1998)*

<sup>109</sup>Anna Lydakis, *I Tsigani stin Poli. Megalonontas stin Agia Varvara*: 14. Also, Dimitris Dousas, *Rom ke Filetikes Diakrisis. Stin Istoria, tin Kinonia, tin Kultura, tin Ekpedevsi ke ta Anthropina Dikeomata*: 150, Jean-Pierre Liegeois and Nicolae Georghe, *Roma/Gypsies: A European Minority*: 22

minority schools and at the same time efforts are made to improve the qualifications of Muslim teachers. Furthermore, English language courses are being introduced at the primary school level, and physical education will henceforth be taught by graduates of the Physical Educational Teachers Training College. Article 2 of the new law is the crux of this effort. Under this article, Muslim high school graduates are given preferential treatments in terms of admission to universities and technical institutes; it was the opposite case before for the other classes of Greek citizens to obtain the preferential treatment (children of immigrants and repatriates). A quota and special examinations for admission to universities have been fixed in order to raise the educational level of the minority and to facilitate its integration in the social fabric of the country.”<sup>110</sup> In practice, despite these provisions, the Muslim Roma of Western Thrace do not enjoy a more advantageous status than the rest of the Roma population in Greece, mainly because the Muslim Roma in Thrace are having classes in Greek, Turkish but not in Romanes.<sup>111</sup>

As in the case of Greece, the legal status of the existing Romani associations implies a certain level of recognition of the Albanian Roma as a group with distinct ethnic, cultural and linguistic features in Albania. There are three national Roma organizations in Albania: “Amaro Dives”, “Rromani Baxi” and “Amaro Drom.” However, in comparison to Greece, Albania seems to have moved one step ahead. Complementary to the constitutional provision for equality before the law (Article 18 of the 1998 Constitution) and the prohibition of discrimination on the basis of gender, religion, ethnicity, language, political, religious or philosophical beliefs, economic conditions, education, social status or ancestry (paragraph 2 of Article 18), there are two additional provisions (Article 20, paragraph 1,2) referring exclusively to the rights of members of national minorities: “Persons who belong to national minorities exercise in full equality before the law the human rights and freedoms. They have the right to freely express affiliation, without prohibition or compulsion, their ethnic, cultural, religious and linguistic group that they belong to . They have the right to preserve and develop, to study and to be taught in their mother tongue, as well as unite in organizations and societies for the protection of their interests and identity.”<sup>112</sup> It should be noted however that, although the last clause of Article 20 is stipulated affirmatively, its interpretation is similar to Article 27 of the International Covenant of Civil and Political Rights. The absence of any reference to the Albanian state as guarantor of this right, in practice implies an obligation for the state to provide education in the minority language only if such a demand is expressed by the minority itself.

In reality, only the Greek and, to a much lesser extent, the Macedonian minority have been able to make use of the 1991 Draft Constitution and the 1998 Constitution provisions. Ethnic Greeks are represented in the current government and enjoy primary,

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<sup>110</sup>Abdelfattah Amor, Special Rapporteur of the United Nations Commission of Human Rights, Human Rights Questions: *Human Rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (Greece)* (United Nations Department for Policy Co-ordination and Suitable Development, November 7, 1996): 9, also available at [gopher://gopher.un.org/00/ga/docs/51/plenary/A51-542.EN1](http://gopher://gopher.un.org/00/ga/docs/51/plenary/A51-542.EN1), last checked on June 13, 1999. See also, U.S. Department of State, *Greece Country Report on Human Rights Practices for 1998*

<sup>111</sup>Abdelfattah Amor, Special Rapporteur of the United Nations Commission of Human Rights, Human Rights Questions: 18

<sup>112</sup>Constitution of Albania, November 1998, (English version) available at <http://www.urich.edu/~jpjones/confinder/Alb.oct21.htm>, last checked on June 2, 1999

secondary and, to a certain extent, university education in their mother tongue. In 1998, “the Albanian Parliament approved Greek as one of the foreign languages that may be offered as a course in any public school.”<sup>113</sup> In addition, there is a Greek chair at the University of Gjirokastra.<sup>114</sup> In addition, the Albanian state offers classes in the Macedonian language in the two districts of Pogradeci and Devolli, both at the Albanian-Macedonian border. The school texts for these classes are provided by the government of Macedonia.<sup>115</sup> Although the situation for the Greeks and, even more the Macedonians, in Albania is far from being perfect, it is still far better than that of the Roma. The latter remain “clearly the most neglected minority group” in the country.<sup>116</sup>

In addition, practical efforts made by Albania to improve its minority protection, did not improve the situation for the Roma. Based on the recommendations of Max Van der Stoep, High Commissioner for National Minorities, since 1994 an effort has been made by the Albanian state to establish mechanisms for institutionalized vindication of minority rights. An Office for Minority Affairs was set up, with the goal of being an intermediate between the Albanian state and its minorities. However, the official policy of this institution seems to be against any recognition of the Albanian Roma on an ethnic basis. Instead, Roma are seen as a social group with particular problems of solely economic nature.<sup>117</sup>

In practice this policy implies less responsibility for the state and less rights for the Roma themselves: “as a social group the Roma could be blamed for their lot, but if they were an ethnic group, the host societies would have to take some responsibility for their disadvantaged status. Second, the status of ethnic minority (or national minority, when the two are differentiated) often confers certain entitlements and rights which the status of social group does not. This was the reason that the German government, in March 1992, refused to sign an agreement recognizing a Roma minority in Germany, although the Roma have had a centuries long history there. Finally, categorizing the Roma as a social group or ‘problem’, legitimizes intrusive state interventions to deal with the ‘problem.’”<sup>118</sup>

From a human and minority rights perspective, the general situation in Albania is far from being perfect, especially to the Roma. Nevertheless, it should be noted that the Albanian state has made, since 1991, significant efforts for the better.<sup>119</sup> Among the most remarkable ones has been the abolition of the provision prohibiting the forming of

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<sup>113</sup>U.S. Department of State, *Albania Country Report on Human Rights Practices for 1998* (Bureau of Democracy, Human Rights, and Labor, February 26, 1999), available at [http://www.state.gov/www/global/human\\_rights/1998\\_hrp\\_report/albania.html](http://www.state.gov/www/global/human_rights/1998_hrp_report/albania.html), last checked on June 13, 1999

<sup>114</sup>Ibid.

<sup>115</sup>Ibid.

<sup>116</sup>Ibid.

<sup>117</sup>Interview with Mr. Albert Beja, Director of the Office for Minority Affairs in June 1996, Petra Kovacs, *The Invisible Minority. Roma in Albania*: 22

<sup>118</sup>Project on Ethnic Relations, *The Romanies in Central and Eastern Europe. Illusions and Reality*: 7

<sup>119</sup>International Helsinki Federation, *Annual Report 1998 on Albania*, available at [http://www.state.gov/www/global/human\\_rights/1997\\_hrp\\_report/albania.html](http://www.state.gov/www/global/human_rights/1997_hrp_report/albania.html), last checked on June 13, 1999

ethnically based political parties.<sup>120</sup> The new relevant 1998 constitutional provisions, under Article 9 (paragraphs 1,2) state: “political parties are created freely. Their organization shall conform with democratic principles. Political parties and other organizations, the programs and activity of which are based on totalitarian methods, which incite and support racial, religious, regional or ethnic hatred, which use violence to take power or influence state policies as well as those with a secret character, are prohibited pursuant to the law.”<sup>121</sup> At this point, it should also be mentioned that Article 64 provides for a 2.5% (in the case of parties) and 4% (in the case of party coalitions) threshold after the first round of elections in order for the minority parties to benefit from their respective multi-name list.<sup>122</sup> Although no one can exclude the possibility that this set of conditions might serve as a good pretext for the Albanian state to block minority political activities, still this new constitutional provision, compared to the previous one, leaves much more space for the creation of political parties on ethnic basis.

Finally, similar to Macedonia and Greece, Albania is legally bounded by the International Law. Article 5 of the Constitution stipulates the compliance of the Albanian state to the general principles and standards of the International Law.<sup>123</sup> Albania is a state to the UNESCO Convention against Discrimination in Education, to the Convention on the Prevention and Punishment of the Crime of Genocide<sup>124</sup> and the Council of Europe Framework Convention for the Protection of National Minorities.

Bulgaria has gone one more step further by recognizing the Roma as a minority group.<sup>125</sup> Unlike Greece and Albania, Bulgaria had included the category of the Romani ethnicity in the last census and the provisions of instruction in Romanes in some public schools. Bulgaria has recognized the Roma in a much more explicit way. The roundtable meeting in October 1998, between representatives of the Bulgarian government and Romani organizations, had also illustrated this fact. . The main purpose of this meeting was to discuss a program draft entitled: “For Equal Participation of the Roma in Bulgarian Society.”<sup>126</sup> The government was represented by Mr. V. Metodiev, Vice Prime Minister and Minister of Education, together with members of the National Council on Ethnic and Demographic Questions at the Council of Ministers and the Parliamentary Human Rights Commission. Roma leaders of political movements and more than 70 Romani NGOs represented the Roma.<sup>127</sup> The government’s welcome messages to the first nationwide Roma unification congress Kupate /Together, organized by Roma leaders, constitute another example of this much more explicit recognition. Parliament chief Jordan Sokolov was present at this congress.<sup>128</sup> In addition, a National Council of Ethnic and

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<sup>120</sup>Regarding this prohibition, reference note 163, ERRC, *No Record of the Case. Roma in Albania*: 70

<sup>121</sup>Constitution of Albania, November 1998. Also, U.S. Department of State, *Albania Country Report on Human Rights Practices for 1998*

<sup>122</sup>Ibid.

<sup>123</sup>Ibid.

<sup>124</sup>Patrick Thornberry and Minority Rights Group, *Minorities and Human Rights Law*: 13, 15

<sup>125</sup>Center For Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Bulgaria*: 1

<sup>126</sup>European Roma Rights Center, *Press Release: Round Table on the Roma Question in Bulgaria*, available at <http://www.greekhelsinki.gr/english/pressrelease/errc5-10-1998.html>, last checked on June 13, 1999

<sup>127</sup>Ibid.

<sup>128</sup>Maria Koinova, *Courting Minorities*, available at <http://anri.cz/transitions/dec98/topcourt.html#author>, last checked on June 13, 1999

Demographic Issues was founded in 1997. In reality, this Council “serves as an advisory group to the Council of Ministers and reports directly to it. In April [1998] it was announced that it [the Council] would study the state of the Roma community.”<sup>129</sup> Members of the Council include representatives from various minorities in Bulgaria, such as Turks, Jews, Vlachs, Armenians, Sarakatsans, Tatars, and Roma.<sup>130</sup> However, several complaints have already been expressed regarding the Council’s functional rather than symbolic role. The fact that one of its main objectives is stated to be the promotion of tolerance and understanding between ethnic and religious groups, together with the support of Bulgarians abroad, has raised a number of questions, if not objections regarding the incompatibility of the Council’s aims.<sup>131</sup>

The Bulgarian state is member to several International Treaties providing minority rights such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic Social and Cultural Rights, the International Covenant on Civil and Political Rights, the UNESCO Convention against Discrimination in Education, the International Convention on the Elimination of all forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide,<sup>132</sup> and the Council of Europe Framework Convention of Minority Rights.<sup>133</sup> The ratification of these conventions binds the country to the standards of International Law. It implies a level of recognition and guarantee of minority rights. With the exception of paragraph 2 of Article 36 regarding education in mother tongue, the Bulgarian Constitution does not provide for the recognition of collective rights. Also in the case of Bulgaria, the focus of the state is towards the protection of individual rights. Article 6, paragraph 2 of the Bulgarian Constitution states: “All citizens shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status.”<sup>134</sup> This lack of emphasis on collective rights in the Bulgarian Constitution is demonstrated in the area of political representation. An indicative example is the constitutional prohibition of establishing parties on ethnic or religious grounds which, unlike in Albania, is still valid in Bulgaria (Article 11, paragraph 4).<sup>135</sup>

Regarding educational policies, the situation between Bulgaria and Albania is much different. Roma in Albania have no education in their mother tongue. In Bulgaria however, the situation is getting closer to the ideals of multi-culturalism: “Romany is defined as a ‘mother tongue’ by the Constitution and “can be studied up to 4 hours per

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<sup>129</sup>U.S. Department of State, *Bulgaria Country Report on Human Rights Practices for 1998*, available at [http://www.state.gov/www/global/human\\_rights/1998\\_hrp\\_report/bulgaria.html](http://www.state.gov/www/global/human_rights/1998_hrp_report/bulgaria.html), last checked on June 13, 1999

<sup>130</sup>Maria Koinova, *Courting Minorities*

<sup>131</sup>International Helsinki Federation, *1998 Annual Report on Bulgaria*, available at <http://www.ihf-hr.org/reports/ar98/ar98bul.htm>, last checked on June 13, 1999

<sup>132</sup>Patrick Thornberry and Minority Rights Group, *Minorities and Human Rights Law*: 13, 15

<sup>133</sup>“The Framework Convention for the Protection of National Minorities of the Council of Europe was signed by President Stoyanov in Strasbourg on October 9” [International Helsinki Federation, *Annual Report 1998 on Bulgaria*].

<sup>134</sup>The Constitution of Bulgaria, available at [http://www.uni-wuerzburg.de/law/bu00000\\_.htm](http://www.uni-wuerzburg.de/law/bu00000_.htm), last checked on June 2, 1999

<sup>135</sup>U.S. Department of State, *Bulgaria Country Report on Human Rights Practices for 1998*

week as an elective in schools.”<sup>136</sup> In particular, Article 36, paragraph 2 of the Bulgarian Constitution stipulates: “citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language.”<sup>137</sup> As in the respective provision of the Albanian constitution, Bulgaria’s obligation to provide education in minority languages depends on whether the minority itself claims this right. . Also, it is unclear what exactly this obligation means in practice. Does it concern both public and private schools? A clear answer might not be found in the Constitution but the latest developments in the Bulgarian educational policy speak for themselves. Since 1992, several very concrete efforts have been made by the Bulgarian state in the area of minority relation and, in particular, Roma education: “teaching of Roma language and culture has been allowed, and in 1994, a special decree extended this right from the 1st to the 8th grade.”<sup>138</sup> Last but not least, a Roma community center has been opened in the Sofia neighborhood since August 1998.<sup>139</sup>

Finally, none of the two countries has introduced affirmative action policy for the Roma in the period proceeding the fall of communism. Affirmative action for Roma in Bulgaria was, for the first and last time, initiated by the Bulgarian communist regime: “beginning in the 1950s and continuing perhaps through the early 1970s, preference for admission to higher education was given to minorities.”<sup>140</sup>

What seems to be the main conclusion from this analysis of constitutional and legal provisions, administrative measures and recognitions of private institutions serving Roma interests, is that in all four countries Roma are enjoying at least a minimum implicit recognition. Another important conclusion, drawn from this comparative overview, is that the range of minority recognition can, in fact, vary greatly . The middle positions advocated by Francesco Capotorti’s between constitutional recognition and the absolute lack of recognition are numerous and compound. Macedonia for example is recognizing Roma on different aspects: through constitution, legislation, administrative measures and recognition of private minority institutions. In some ways, Bulgaria lags behind Macedonia, providing recognition mainly through administrative measures. Greece and Albania follow a similar pattern, although in a less explicit way. Both countries grant the Roma minimal implicit recognition by giving the Roma associations judicial status and the undertaking of certain administrative measures.

The status of Roma cannot be numerically measured and compared due to all the transnational variations mentioned before Similarly, any attempt to compare the objectives behind the minority policies of the four states is equally difficult. In general, Macedonia more or less follows the integrationist model of formalized pluralism. Bulgaria’s policy is closer to the integrationist (rather than the assimilationist) model of informal pluralism. Greece and Albania follow to a large extent a common pattern: assimilationist policies with minimal elements of informal pluralism.

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<sup>136</sup>Center For Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Bulgaria*: 25

<sup>137</sup>The Constitution of Bulgaria

<sup>138</sup>Center For Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Bulgaria*: 26

<sup>139</sup>U.S. Department of State, *Bulgaria Country Report on Human Rights Practices for 1998*

<sup>140</sup>Helsinki Watch: *Destroying Ethnic Identity: The Gypsies of Bulgaria*: 8

## IV) Putting the official status to the test

Despite the scarcity of the existing data regarding unemployment and illiteracy rates, in all of the countries of Central and Eastern Europe (including the Southern Balkans), there seems to be a general consensus among the various sources regarding the upward trend of the numbers and the overall deterioration of the situation of the Roma in the region.<sup>141</sup> The transition from communism to market economy has affected the entire population of Albania, Bulgaria and Macedonia. The impact of the transition has been even greater in the case of the Roma, especially in terms of unemployment and illiteracy rates; the increase is dramatic.

### IV.a) Employment Policies

Macedonia, for example, has an official unemployment rate of 37.1%, which is one of the highest in Europe.<sup>142</sup> Based on the same data, out of 233.892 unemployed Macedonian citizens in total, 10.865 are Roma. However, European Roma Rights Center puts this data in question and speaks of “total unemployment for Roma all over the country.”<sup>143</sup> Situation in Bulgaria is similar. In terms of numbers, Tomova mentions that in 1994, 76% of the active Roma population were unemployed.<sup>144</sup> Some sources estimate that in certain regions of the country, this rate reaches or even exceeds 90%: “the majority of the Roma worked in the big industrial plants until 1989, when they were closed. After they were closed, 94% of the Roma became unemployed.”<sup>145</sup> Those Roma who worked in the primary sector, namely in the cooperative lands, did not have a better destiny. A law passed in 1991, ordered the return of arable land to its former owners, left the big majority of rural Roma population without any income.<sup>146</sup> Moreover, a significant number of them has been “discouraged from claiming land to which they are entitled under the law disbanding agricultural collectives.”<sup>147</sup> Taking into account even the most optimistic estimations, the rate of Roma in Bulgaria with a steady job could not exceed 20%.<sup>148</sup>

Data about Albania are very scarce, however, the overall picture is similar. In the case of Roma, the “minimal guarantee of employment under the communist regime”<sup>149</sup> gave way

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<sup>141</sup>Project on Ethnic Relations, *Countering Anti-Roma Violence in Eastern Europe: The Snagov Conference and Related Efforts*: 3 - 4, Project on Ethnic Relations, *Prevention of Violence and Discrimination Against the Roma in Central and Eastern Europe. Bucharest, Romania March 21-22, 1997*: 1 and, Project on Ethnic Relations, *The Romanies in Central and Eastern Europe. Illusions and Reality. Stupava, Czechoslovakia, April 30 - May 2, 1992*: 14 - 15

<sup>142</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation of the Roma in Macedonia*: 49

<sup>143</sup>*Ibid.*, 49

<sup>144</sup>Ilona Tomova, *The Gypsies In the Transition Period*: 71

<sup>145</sup>Project on Ethnic Relations, *The Roma in Bulgaria: Collaborative Efforts between local authorities and non governmental organizations. Lom, Bulgaria April 24 -25, 1998* (USA: Project on Ethnic Relations, 1998): 6

<sup>146</sup>Ilona Tomova, *The Gypsies in the Transition Period*: 29

<sup>147</sup>U.S. Department of State, *Bulgaria Country Report on Human Rights Practices for 1998*

<sup>148</sup>Ilona Tomova, *The Gypsies in the Transition Period*: 71 - 78

<sup>149</sup>ERRC, *No Record of the Case. Roma in Albania*: 9

to a “marked economic disadvantage.”<sup>150</sup> Although the official unemployment rate in the country is approximately 17%,<sup>151</sup> the same figure for the Roma exceeds this percentage by a large margin. Although the exact percentage is difficult to find, with the political instability after the fall of communism, the overall poor economic performance of the country<sup>152</sup> and the high number of Albanian immigrants (Roma included) seeking temporary jobs in neighboring countries,<sup>153</sup> there is no room for any optimistic estimation. Despite the fact that Greece did not experience communism, the situation is very similar. “Poverty, illiteracy and social prejudice continue to plague large parts of the Romani population [at least half of the Roma population of the country]; these problems are most severe among the Roma who are mobile or who live in slums.”<sup>154</sup> None of the countries resorted to positive discrimination to alleviate the Roma’s unemployment problem.

For a certain period, Greece introduced affirmative action only to protect ethnic Greek immigrants (Pontiacs).<sup>155</sup> The Greek government provided subsidies for employers who hired ethnic Greek immigrants from the former Soviet Union (Pontiacs). There were also similar housing initiatives. Subsidizing wages in the private sector is one of the most common ways to provide affirmative action towards a certain group. Setting a quota to employ a certain number of Roma in the public sector could be another way to address the issue. In this way, the state budget is not affected and the excuse of strict budgetary policy is not valid. In reality, Roma in Greece face a double discrimination in employment. They are discriminated against by both the public and private sector employers. In banks, hospitals, schools, the police and the administration, Roma are not even hired as cleaning staff.

Apart from the absence of affirmative action for the Roma in the employment area, the Greek state did not apply any economic nationalism policy<sup>156</sup> in order to protect the Roma from the increasingly keen competition from immigrants who are willing to work for lower wages in the labor black market. Apart from the giving of employment and housing subsidies to the ethnic Greek immigrants by the Greek state, the influx of economic immigrants (mainly from Albania) has led to a dramatic increase of the already high unemployment rate of the Roma farm and factory workers. Albanian immigrants nowadays constitute the cheapest work force in Greece. Despite the recent governmental decree to legalize all the illegal immigrants in Greece, a significant number of them is still working in the labor black market. Greek Roma, who in most cases have large families, find it difficult to compete with Albanian immigrants and Pontiacs. Illegal immigrants, unlike Roma, precisely because they do not contribute to the public social security system and do not have to pay taxes to the Greek state, can afford working for less than

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<sup>150</sup>U.S. Department of State, *Albania Country Report on Human Rights Practices for 1998*

<sup>151</sup>Ibid.

<sup>152</sup>Ibid.

<sup>153</sup>ERRC, *No Record of the Case. Roma in Albania: 73*

<sup>154</sup> U.S. Department of State, *Greece Country Report on Human Rights Practices for 1997*. Also, Minority Rights Group - Greece, *Report on Greece to the 1998 OSCE Implementation Meeting. Roma Rights (29 October 1998)*

<sup>155</sup>U.S. Department of State, *Greece Country Report on Human Rights Practices for 1996*

<sup>156</sup>Economic nationalism, as a term, implies policies stipulating that work permits are required before any alien can be employed. “Such a policy is justifiable to protect the inhabitants of the state against unemployment and unfair competition from migrant workers willing to accept lower wages and a lower standard of living” [Minority Rights Group, *Constitutional Law and Minorities*: 10]

the minimum wage of \$21.60 (6.492 drachmas) per day or \$483 (133. 962 drachmas) per month.<sup>157</sup>

Albania has not introduced affirmative action in employment for the Roma either. In fact, affirmative action is not even part of the government's plan. "Four Romani police officers in Levan lost their jobs in April 1998. The police force hired the Roma in the aftermath of the 1997 civil violence, when both Roma and non-Roma died in Levan. The Ministry of Interior waived certain conditions to hire the Roma in the interests of preventing intercommunal violence. The Levan police chief fired the Roma police officers reportedly because he believed that Roma no longer were in danger of violence from non-Roma and that the police department was able to protect them."<sup>158</sup>

In Macedonia, minorities (Roma included) achieved more representation in the state institutions than the other three countries regardless of the fact that ethnic Macedonians still keep a disproportionate number of positions.<sup>159</sup> For instance, minority members constitute only 8% of the personnel in the Ministry of Interior, while their number in the police are even lower.<sup>160</sup> In 1994 - 1995 the Ministry introduced "a quota of 22%, for ethnic minorities when enrolling pupils at the police secondary school, although attrition has meant that graduating classes are not represented proportionately."<sup>161</sup> Furthermore, minority is under-represented in the Macedonian education sector. There is an "absence of persons belonging to nationalities in the teaching staff and the management personnel (especially when speaking of the University and its bodies); absence of persons belonging to nationalities in the stage of devising the educational policy, curriculum and educational programs."<sup>162</sup> Lastly, Roma have to cope with the discriminatory behavior of employees in both public and private sector just like all the countries that we have looked at. "The competence given to the managers on recruiting new employees (provided for by the new legal provisions on employment) enable unequal treatment of applicants belonging to the Roma national minority during their selection."<sup>163</sup>

In Bulgaria, "public statements made by the state officials in the recent months outline an agenda for integration of Roma through their involvement in the different levels of the public administration."<sup>164</sup> Inclusion of Roma representatives in the labor and social care bureaus has been the starting point to realize this agenda in practice.<sup>165</sup> In fact, this

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<sup>157</sup>U.S. Department of State, *Greece Country Report on Human Rights Practices for 1998*

<sup>158</sup>US. Department of State, *Albania Country Report on Human Rights Practices for 1998*

<sup>159</sup>US. Department of State, *The Former Yugoslav Republic of Macedonia Country Report on Human Rights Practices for 1998*

<sup>160</sup>Ibid.

<sup>161</sup>Ibid.

<sup>162</sup>International Helsinki Federation, *1998 Half-year Report on Human Rights in Republic of Macedonia*, available at <http://www.ihf-hr.org/macedonia/98half.htm>, last checked on June 13, 1999

<sup>163</sup>Helsinki Committee for Human Rights in the Republic of Macedonia, *Annual Report on the Condition of Human Rights in the Republic of Macedonia during 1998*, available at <http://www.ihf-hr.org/macedonia98report.htm>, last checked on June 13, 1999

<sup>164</sup>Human Rights Project, Bulgaria, *Statement to the OSCE Implementation Meeting on Human Dimension, October - November 1998, Warsaw (24/12/1998)*, available at <http://www.greekhelsinki.gr/english/reports/hrp24-12-98.html>, last checked on June 13, 1999

<sup>165</sup>See statements made by Petar Georgiev (Chairman of the Confederation of the Roma in Bulgaria) in Human Rights Project Newsletter, *Roma Rights in Focus*, n. 10, special edition 1998: 13

initiative forms part of a broader governmental plan “on the integration of minorities into local and district administration, police, army and the Bulgarian society as a whole.”<sup>166</sup> However, Roma’s participation in the public administration sector has not been institutionalized nor secured. Their participation is quite susceptible to the partisan interests of the major political parties. Last but not least, despite the constitutional prohibition of any discrimination on ethnic lines, no action has ever been taken in Bulgaria against state employees or private businessmen for refusing to employ Roma.<sup>167</sup> In reality “workplace discrimination against minorities continues to be a problem, especially for Roma.”<sup>168</sup>

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<sup>166</sup>Maria Koinova, *Courting Minorities*. Also, U.S. Department of State, *Bulgaria Country Report on Human Rights Practices for 1998*

<sup>167</sup>Ilona Tomova, *The Gypsies in the Transition Period*: 82

<sup>168</sup>U.S. Department of State, *Bulgaria Country Report on Human Rights Practices for 1998*

#### *IV.b) Literacy and Educational Policies*

Similar to unemployment, illiteracy rate among the Roma is also on the rise. There is an increasing number of Roma children who has abandoned school before even completing the elementary education. Based on data published by ERRC, after a fact-finding mission in Albania in 1996, Roma children have the highest tendency to drop out from school in the middle or the end of the fourth grade (40%).<sup>169</sup> Despite the Law on Education stated that education for an 8-year-old is obligatory, Roma still “suffer from high illiteracy.”<sup>170</sup> Only a small number of Roma complete basic schooling nowadays as compare to the Roma in previous generations which the majority of them had completed all 8 years of education.<sup>171</sup> According to an article published in “Gazetta Shqiptare” (17/11/1997), the actual illiteracy rate for the Roma population in Tirana is 80.2%. Only 6.5% have an elementary education, 1.2% secondary and just one Roma with education at a higher level.<sup>172</sup> In comparison to the past, the latest figures show an alarming deterioration of the situation. However, despite the admittedly high rate of illiteracy, the Albanian state did not introduce any sort of policy to help the Roma.<sup>173</sup>

In Bulgaria, Romanies’ education is marked by high illiteracy and school dropout rate. At least till 1992, Bulgaria had better record than Albania and many other countries in the region in terms of Roma’s education: “in 1992, 83% of the Roma in Bulgaria had completed only elementary or primary school (up to eighth grade), a figure which is high in comparison with Roma in many other countries of the region, but compares poorly with the educational performance of other Bulgarians. 8.5% of Roma in Bulgaria were illiterate in 1992.”<sup>174</sup> However, the latest data for Bulgaria show a large increase in the illiteracy rate of the younger Roma generations similar to that in Albania. “The illiteracy rate for Bulgaria as a whole is 2-3% but for the Roma is 25%. Among the Roma in Sofia, it is 32%. About 55% of the Roma have only an elementary education and less than 1% have a higher education.”<sup>175</sup> There is also a drastic increase in school drop out rate: “in the 1993/4 academic year over half Roma children did not attend school at all. Latest data show that some 55.000 children have dropped out of school, most of whom were Roma. Thus it is estimated that 60% of the Roma children either do not attend or have dropped out of school.”<sup>176</sup>

The overall state educational policy is mainly to be blamed for the alarming increase of illiteracy and school drop out rate. In the first place, the whole philosophy of the educational system seems to be quite ethno-centric and one-dimensional. In Bulgaria for

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<sup>169</sup>ERRC, *No Record of the Case: Roma in Albania*: 64

<sup>170</sup>U.S. Department of State, *Albania Country Report on Human Rights Practices for 1998*

<sup>171</sup>ERRC, *No Record of the Case: Roma in Albania*: 64

<sup>172</sup>Center For Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Albania*: 20

<sup>173</sup>*Ibid.*, 20

<sup>174</sup>ERRC, *Profession: Prisoner. Roma in Detention in Bulgaria*: 17

<sup>175</sup>Project on Ethnic Relations, *The Roma in Bulgaria: Collaborative Efforts between Local Authorities and Non-Governmental Organizations*”: 12. Also, Ilona Tomova, *The Gypsies in the Transition Period*: 59 - 61

<sup>176</sup>Reference note n. 52, in Hugh Poulton, *Minorities in Southeast Europe: Inclusion and Exclusion*: 37. Also: Ilona Tomova, *The Gypsies in the Transition Period*: 59, Khristo Kyuchukov, “Projects in Romani Education: Bulgaria”, *Roma Rights. Newsletter of the European Roma Rights Center*, summer 1998: 5 and, U.S. Department of State, *Bulgaria Country Report on Human Rights Practices for 1998*

instance, “the educational system does not provide for the use of teaching aids and programs to fulfill the needs of various social and cultural groups. (...) Moreover, primers, spelling books and textbooks on literature, history, etc., do not contain the slightest hint that Roma also live in this country, and that for centuries they have taken part in building up the material, intellectual and spiritual culture of the country.”<sup>177</sup> The situation in Albania is the same.<sup>178</sup>

However, there is one significant difference between the two countries. The Bulgarian government has already made attempts to introduce classes of Romani language and culture. “In 1990 - 1991 the Bulgarian Ministry of Education experimented with ‘preparatory classes’ for children of Romani and Turkish ethnocultural backgrounds. Special textbooks were written for the pupils. The teachers received a new instruction manual to help them with these special classes. Besides this, a special reading book for minority children was designed and has been in use since 1995. (...) The authorities have also recognized the right of Romani students to be educated in their own language. A bilingual reading book has been published. The two most common Romani dialects in Bulgaria, the Laho and Erlij were used as a basis for this reader. The book functions as a general text about Romani language, history and culture; it was accompanied by a teacher’s instruction manual. Further publications include ‘Romani Alphabet’ (1995), and ‘Romani Reader’ (1996); the latter introduces Bulgarian Roma children to the Romani writers in the world.”<sup>179</sup> In Albania similar efforts have not been made by the Albanian state. However, a private school in Baltaz for Romani language and culture has been set up since September 1996 by Marcel Cortiade and the organization “Rromani Baxt”. The whole effort has been supported solely by western funds.<sup>180</sup> In addition, the lack of institutionalization, alternative and flexibility in the type of schooling for nomad children aggravated the high level of illiteracy in both countries since more and more Roma parents have to travel in search of occasional jobs.<sup>181</sup>

The overall situation in Greece is almost the same as Albania. The illiteracy rate among the Roma is high, estimated at 80%.<sup>182</sup> The least optimistic estimations stated a rate reaching 90%: “based on data from the Ministry of Education, for the period 1993 - 1994, the total number of Roma children in the primary school was 2.422, while the number of those who did not attend school was exceeding 30.000.”<sup>183</sup> The illiteracy rate of the Roma is constant in Greece because the majority of them have always been

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<sup>177</sup>Ilona Tomova, *The Gypsies in the Transition Period*: 62 - 63

<sup>178</sup>Petra Kovacs, *The Invisible Minority. Roma in Albania*: 22, 44

<sup>179</sup>Khristo Kyuchukov “Projects in Romani Education: Bulgaria”: 5

<sup>180</sup>Reference note 43 in Petra Kovacs, *The Invisible Minority. Roma in Albania*: 15, 24

<sup>181</sup>Ilona Tomova, *The Gypsies in the Transition Period*: 29

<sup>182</sup>U.S. Department of State, *Greece Country Report on Human Rights Practices for 1998*. It should be noted that for the last three years the State Department’s Reports (1997 and 1996) estimated 80% of the Roma in Greece are illiterate.

Also, Kostas Komis, *Tsigani: Istoria, Dimografia, Politismos* [Roma: History, Demography, Civilization], (Ellinika Grammata, 1998): 45 -44, as well as statements made by Dimitrina Petrova, Executive Director of the European Roma Rights Center, in the Athens Agence France Presse on May 12, 1998: “Education for Greek Gypsies, of whom 80% are illiterate, according to local non-governmental organizations, is at the root of many of their problems. In this field, Greece is the worst country in East and Central Europe.”

<sup>183</sup>Dimitris Dousas, *Rom ke Filetikes Diakrisis. Stin Istoria, tin Kinonia, tin Kultura, tin Ekpedevsi ke ta Anthropina Dikeomata*: 123, 132

illiterate. Despite the EU subsidies<sup>184</sup> and the latest (sporadic) efforts of the Greek government to face the problem, little progress has been made. The Program Against Illiteracy organized by the General Secretariat of Continuing Education and the establishment of the system of identity cards for students whose parents are nomads, were definitely a step ahead. However, these measures do not form the overall educational policy for the Roma. This non-systematic approach creates too much space for the municipal authorities to establish their separate policies and the opportunities of the Roma depends on the good or bad intention of the authorities. Moreover, despite their long presence in the Greek territories and their contribution in the formation of Modern Greece,<sup>185</sup> Roma are totally excluded from the school textbooks. Their language, history and culture do not form part of the Greek official curriculum. The majority of Greeks ignore the fact that Roma had also participated in the Greek Revolution against the Ottoman Empire in 1821 and in the National Resistance during the German Occupation in Greece (1941-1944).<sup>186</sup> Roma who have completed higher education are rarities in Greece and can be found mainly in the urban centers and among communities with a relatively high level of integration. As mentioned, affirmative education policies in Greece have only been implemented for the Muslims in Western Thrace. "The law permits the Minister of Education to give special consideration to Muslims for admission to universities and technical institutes. The law requires universities and technical institutes to create a certain number of places for Muslim students each year, 464 spaces were available in 1998. The admission exams were taken by 124 Muslim students."<sup>187</sup>

In Macedonia, Roma dropping out from school is not unusual, although there is a scarcity of data in this respect. "The problem of the low rate of schooling at the university level among Roma is actually a problem resulting from the low level of school attendance in the elementary and secondary school level. Spokesperson for the Ministry of Foreign Affairs, Mr. Zoran Todorov, told the ERRC that the Ministry had no figures on overall school attendance of Roma in Macedonia."<sup>188</sup> Despite the efforts and the progress made since 1991, ethnic minorities in Macedonia are still under-represented in both secondary and higher education.<sup>189</sup> Based on data from the Democratic Party for the Total Emancipation of Roma in Macedonia, 90% of Romani children enroll in the first class of primary school. However, by the fifth class, 50% drop out from school. A 35 - 40% of Romani children finish the mandatory 8 years of schooling and a 10 - 20% enroll in the secondary education. Approximately, one Rom per year gets a university or a college degree.<sup>190</sup>

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<sup>184</sup>Hugh Poulton, *Minorities in Southeast Europe: Inclusion and Exclusion*: 19

<sup>185</sup>Dimitris Dousas, *Rom ke Filetikes Diakrisis. Stin Istoria, tin Kinonia, tin Kultura, tin Ekpedevsi ke ta Anthropina Dikeomata*: 62, 85

<sup>186</sup>Ibid., 62, 85. Also, John Kolsti, David Crowe eds., *A History of the Gypsies of Eastern Europe*: 44

<sup>187</sup>U.S. Department of State, *Greece Country Report on Human Rights Practices for 1998*

<sup>188</sup>ERRC, *A Pleasant Fiction: the Human Rights Situation of Roma in Macedonia*: 88

<sup>189</sup>International Helsinki Federation, *1998 Half-year Report on Human Rights in the Republic of Macedonia*. Also, U.S. Department of State, *The Former Yugoslav Republic of Macedonia Country Report on Human Rights Practices for 1998*

<sup>190</sup>ERRC, *A Pleasant Fiction: the Human Rights Situation of Roma in Macedonia*: 87. Also, Zoltan Barany, "The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state": 518 - 519. Based on this source, the great majority of Roma complete the 8 years of obligatory education however, only a small percentage of them continues at the secondary level.

Nevertheless, Macedonia is the only country in the region that has adopted affirmative action policies in the field of education for all its minorities, including the Roma. As stated, education in Romanes has already been introduced since 1990, at least in some parts of the country.<sup>191</sup> Since 1995 and, following a decision made by the National Assembly's Council on Education, a new Romani grammar book has been introduced for students from grades two to eight.<sup>192</sup> A number of pilot programs have also been tried out aiming to increase school attendance of the Roma and elevating the educational standards for the Roma (reduction of the class period from 45 to 30 minutes. In 1996, "optional education in the Romani language started at four elementary schools."<sup>193</sup> Efforts have also been made in the area of higher education. The Skopje University has opened a department of Romani Studies aiming at to instigate scholarly interest in the Romani language, history and culture.<sup>194</sup> Macedonia is reported that it is the "bravest attempt so far to produce a standardized Romani, intended for use in Romani-language schools in Macedonia, Kosovo and the adjacent parts of Serbia. The standardized language is based on the Arliya dialect of Skopje but it also drew from three other dialects spoken in Yugoslavia."<sup>195</sup>

In general, the actual rate of unemployment and illiteracy among the Roma are high in all the countries mentioned and one can spot an upward trend at least in Albania, Bulgaria and Macedonia. Compared to the same figures of the overall population, the ones for the Roma are considerably higher. Both variables (unemployment and illiteracy) are interdependent and, to a great extent, affect the life of the Roma. Illiteracy is greatly associated with unemployment, poverty and discrimination. The distance of schools and the Roma' disrespect and distrust of schooling also contribute to the high illiteracy rate.<sup>196</sup> Unemployment rate is associated with illiteracy, lack of specialization and discrimination.<sup>197</sup> Lack of state initiatives and policies seems to be the common factor of all.<sup>198</sup>

The real issue in the education of minorities is whether their implicit or explicit state recognition "gives rise to both educational rights and also subsequent educational practice, both of which have the approval of the minority concerned"<sup>199</sup>. There is still

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For the school period 1991 - 1992, 16 Roma enrolled in a post-secondary institution, only 5 graduated from it. None of them acquired higher degree.

<sup>191</sup>Zoltan Barany, "The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state": 521 - 522. Also, David Crowe, *A History of the Gypsies of Eastern Europe and Russia*: 232 - 233 and US. Department of State, *The Former Yugoslav Republic of Macedonia Country Report on Human Rights Practices for 1998*

<sup>192</sup>Zoltan Barany, "The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state": 522

<sup>193</sup>Ibid., 522

<sup>194</sup>David Crowe, *A History of the Gypsies of Eastern Europe and Russia*: 233

<sup>195</sup>Angus Fraser, *The Gypsies*: 317

<sup>196</sup>ERRC, *No Record of the Case. Roma in Albania*: 64 - 65, ERRC, *A Pleasant Fiction. The Human Rights situation of Roma in Macedonia*: 89

<sup>197</sup>ERRC, *Profession Prisoner. Roma in detention in Bulgaria*: 16 - 17

<sup>198</sup>Center for Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Bulgaria*: 25, 26, ERRC, *A Pleasant Fiction. The Human Rights situation of Roma in Macedonia*: 48 -51

<sup>199</sup>Minority Rights Group International, *Education Rights and Minorities* (London: Minority Rights Group International, 1994): 7

much to be done in this respect by all four states, less so in Macedonia and Bulgaria, more in Albania and Greece although efforts have been made by all during the last years. Macedonia and Bulgaria have already introduced, even to a limited extent, classes in Romanes and have enriched their curricula with topics on Romani history, culture and language. This is the first and the most important step. The incorporation of the Romani language into the school programs does not only raise the status of the language itself, but also the status of the people who speak it.<sup>200</sup> In addition, this measure can help to decrease the Roma's distrust towards the majority institutions that account for their detachment from state education. Finally, Roma children are given an equal opportunity to attain literacy in their mother tongue, the language that they have a better command of than the one spoken by the majority.<sup>201</sup> However, the teaching of Romanes is not enough, unless it is complemented with the learning of the majority language by teachers with special training, so they can help Romani children to overcome their difficulties and meet the requirements of the program. Positive discrimination policies, more than quota provisions, are also necessary for Roma to be able to compete on an equal basis with non-Roma children in university entrance, scholarships and later on, administrative positions and jobs in the public and private sector. Macedonia has at least introduced positive discrimination on a proportionate basis for Roma at the university level. Bulgaria has not taken such a measure. Greece and Albania are far behind. For the time being, inclusion of Romanes in the state school program is not even an issue for the Greek and Albanian Roma themselves, let alone their governments.

#### *IV.c) Political representation*

In principle, there are mainly two ways for securing minority representation and participation in the political system of a country. The term "political system" in this case implies a whole set of institutionalized inter-dependent mechanisms, staffed by appointed or elected individuals, at all levels of decision-making structures. One way would be the "establishment of separate voter's qualifications and communal voter's rolls for each group."<sup>202</sup> The second way would be the "establishment of specially designated seats for each group, whether or not proportionate to the size of the group in relation to other groups."<sup>203</sup> Besides these two models of the so-called "formal communal division",<sup>204</sup> there are other possibilities at all levels of the decision-making structures to discourage minority-group segregation and political activism solely on ethnic basis. The following are only some indicative examples of these combinations: minority representation in advisory and decision-making bodies especially in the so-called sensitive areas of education, language use and religion, elected bodies and assemblies of minority groups; self-administration (functional and cultural autonomy) on a territorial or non-territorial basis; minority representation in the legislature and other elected bodies, especially in cases where minority groups are numerically very small.<sup>205</sup>

As it has already been stated, the Macedonian Constitution provides for the establishment of a Council of Inter-Ethnic Relations on a non-proportionate basis, for all recognized minorities in the country. In this way, minorities are given say in respect to

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<sup>200</sup>Ibid., 19

<sup>201</sup>Ibid., 18 - 19

<sup>202</sup>Minority Rights Group, *Constitutional Law and Minorities*: 15

<sup>203</sup>Ibid., 15

<sup>204</sup>Ibid., 15

<sup>205</sup>Minority Rights Group, *New Approaches to Minority Protection*: iii

issues that affect their vital interests. In addition, their position to pass recommendations in the Council enables them to have a high degree of institutionalized contact with the Maceonian Parliament. . Two more advisory (but not decision-making) bodies for minority issues are established on a parliamentary basis: The Commission for minorities and the Survey Commission. The new electoral law in Macedonia has introduced proportional representation in the political system of the country; 35 out of the 120 seats in the parliament are chosen “on the basis of proportionality while the rest 85 members of the parliament are elected in single-member districts.”<sup>206</sup>

In addition, there is no prohibition of establishing parties on an ethnic or religious basis. In reality “a number of political parties represent the interests of minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs and Roma.”<sup>207</sup> Overall, there are more than 40 parties registered with the court,<sup>208</sup> out of which four are Romani parties: the Party for the Total Emancipation of the Roma (founded in 1990), the Progressive Democratic Party of the Roma (1991), the Democratic party for the Total Emancipation of Roma (1995) and the Alliance of Roma in Macedonia (1996).<sup>209</sup> To a great extent, all of them share common objectives. Their main interest, as reflected in their programs, is concentrated on the are of education (extension of the instruction in Romanes, improved access to the third level of education).<sup>210</sup> The new Electoral Law also sets out a threshold of 500 registered members for a party to be founded. By the end of each year, all parties have the obligation to submit a written proof to show that this standard on minimum membership is still fulfilled. The members must be Macedonian citizens and have a permanent residence in the Republic.<sup>211</sup> These three conditions set on party membership are frequently obstacles to the free political expression, association and participation of the Roma in Macedonia, especially the last one when one takes into account the number of stateless Roma in the country. A political party may only participate in the elections and enjoy a modest financial support from the state if all the above conditions are satisfied. Even if a party has overcome these difficulties, to enter the parliament, the party must receive at least 5% of vote. This seriously eliminates the chances of small political entities (usually minority parties) to represent the interests of the “nationalities” in Macedonia.<sup>212</sup> The chance of Roma being represented is even more limited when taking into consideration the under-representation of Roma in the major, mainstream, political parties.

The Party for the Total Emancipation of the Roma has been the first Roma party in Macedonia, founded by Faik Abdi in 1990. Before the creation of the second Roma party, 38.000 Roma had been registered as members and the party had local representation in almost all the places where Roma were present. At that time, out of 1.510 seats in the municipal assemblies; Roma won 15. In the Skopje Assembly, Roma

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<sup>206</sup>U.S. Department of State, *The Former Yugoslav Republic of Macedonia Country Report on Human Rights Practices for 1998*

<sup>207</sup>Ibid.

<sup>208</sup>Ibid.

<sup>209</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia*: 84 - 86

<sup>210</sup>Zoltan Barany, “The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state”: 524. Also, ERRC, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia*: 85

<sup>211</sup>ERRC, *A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia*: 85, plus reference note 131: 85

<sup>212</sup>Helsinki Committee for Human Rights in the Republic of Macedonia, *Annual Report on the Condition for Human Rights in the Republic of Macedonia during 1998*

had 2 of the 70 seats and two representatives in the 120-member National Assembly. With this representational power, the Party for the Total Emancipation of the Roma participated in the coalition government, which was formed after the 1990 elections.<sup>213</sup> The Progressive Democratic Party of the Roma, when first founded in 1991 had 7.000 members, Roma were the majority. The party's local representation is centered mainly on the western part of the country.<sup>214</sup> The remaining two Roma political parties in Macedonia, the Democratic Party for the Total Emancipation of Roma and the Alliance of Roma were in fact formed by splinters of the Party for the Total Emancipation of Roma.<sup>215</sup>

The existing plurality of parties is not reflected in the composition of the new Macedonian Parliament, following the last November 1998 elections. Roma are currently represented with only one seat in the Macedonian Parliament; in the previous elections, Roma had won two seats.<sup>216</sup>

The representation of Roma in the political institutions of Macedonia derives from the Yugoslav legacy of the country. From 1969 till 1974, Roma had a representative in the National Assembly (Faik Abdi who later on became the President of the Party for the Total Emancipation of the Roma). Moreover, since late 1960's Roma have their own town council in Shuto Orizari.<sup>217</sup>

In Bulgaria, the constitutional prohibition of forming political parties on an ethnic or religious basis has hindered the creation of independent Romani parties and political associations. Therefore, the major mainstream political parties tried to get the support of the Roma minority in the country that is reasonably large.<sup>218</sup> In some cases, Roma have become candidates for the major parties and were elected to the Parliament.<sup>219</sup> An indicative example is Manush Romanov, leader of the "Roma Democratic Union", the first Roma organization established after 1989". The Roma Democratic Union had denied registration as an ethnically based party and was permitted to function solely under the status of a social and cultural association.<sup>220</sup> Manush Romanov became involved in politics as a member of the Union of Democratic Forces and was later elected as a representative in the Parliament in 1991.<sup>221</sup> Assen Christov is currently the sole Romani representative in Parliament as a member of the "Union of Democratic Forces."<sup>222</sup> Similarly, Roma have also been represented in the local administration and the municipalities. Fifty Roma have been reportedly elected from the list of the

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<sup>213</sup>Zoltan Barany, "The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state": 524

<sup>214</sup>Ibid., 523 - 524

<sup>215</sup>ERRC, A Pleasant Fiction. *The Human Rights Situation of Roma in Macedonia*: 84 - 85

<sup>216</sup>Helsinki Committee for Human Rights in the Republic of Macedonia, *Annual Report on the Condition for Human Rights in the Republic of Macedonia*. Also, U.S. Department of State, *The Former Yugoslav Republic of Macedonia Country Report on Human Rights Practices for 1998*

<sup>217</sup>Ibid., 522. It should be mentioned however, that this representation was not without problems. Frequently enough, Roma representatives were harassed by the state authorities.

<sup>218</sup>Maria Koinova, *Courting Minorities*

<sup>219</sup>Center For Documentation and Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Bulgaria*: 8

<sup>220</sup>Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*: 45

<sup>221</sup>Center For Documentation and Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Bulgaria*: 8

<sup>222</sup>Maria Koinova, *Courting Minorities*

Democratic left as municipal councillors.<sup>223</sup> Moreover, as it has already been stated, Roma representatives participate in the Council on Ethnic and Demographic Issues.

The political representation of the Roma at all levels of the decision-making structure is similar in both Greece and Albania. Unlike in Bulgaria, in Greece and since November 1998 in Albania, there is no constitutional prohibition of the formation of parties on ethnic or religious basis. However, in practice, this does not make much difference, as there is no independent Romani political party in either of the two countries. In addition, both states have introduced thresholds for parties to enter the parliament (3% in Greece) or to benefit from their multi-name lists in the second electoral round (2.5% of the national scale for parties and 4% for coalitions in Albania). Moreover, representation of Roma, in both countries, through the major mainstream political parties is close to zero.

In Albania “there is no member of the Parliament who declare himself or herself as Roma, and this is also true for the public administration and the jurisdiction.”<sup>224</sup> The few Roma who go into politics, do so through the major political parties. In the last Albanian elections, Roma candidates have been included in the list of the “Human Rights Union Party”. The latter is a party found by members of the Greek minority in Albania and representing the interests of all minorities in the country. The “Unity Party for Human Rights” is the only party in Albania with a special program for the Roma and a Roma division.<sup>225</sup> One of the goals of the party is the official recognition of the Roma minority by the Albanian state and the preservation of Romani culture and language.<sup>226</sup> Quite similarly, a well-known Roma singer and composer in Greece was a candidate for the last parliamentary elections with the “Democratic Movement”, a splinter of the Socialist Party (PA.SOK). A limited number of Roma has also been standing as candidates of the major parties in the municipal elections. Proportional representation of the Roma was never introduced at the local and municipal administrative level and in areas with significant number of Roma. In most of the cases, the ethnic composition in regions and provinces highly populated by Roma, is not reflected in the local power and decision-making structures of both countries.

The representation and participation in the political affairs and decision-making bodies of the Roma in the Southern Balkans, with the exception of Macedonia, are not only problematic but also non-existent. The constitutional provision in Bulgaria that prohibits political parties on ethnic and religious basis has drastically limited the latitudes for free, autonomous, and institutionalized vindication of Roma rights. A similar prohibition, in force till very recently in Albania, has had a similar effect. Also in Greece, even without these prohibitions, Romani parties are non-existent. All three countries have apparently left the issue of Roma’s political representation to the mercy of the major political parties. The interests of the Roma and their activism are either excluded from the political system or only a limited power is allowed within the system. Even so, it is reasonable to expect that there should be more representation and political participation of Roma through the major mainstream political parties. However, this is hardly the case in the Southern Balkans.

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<sup>223</sup>Statements made by Petar Georgiev, Chairman of the Confederation of the Roma in Bulgaria, Human Rights Project Newsletter, *Roma Rights in Focus*, n. 10, special edition 1998: 13

<sup>224</sup>Petra Kovacs, *The Invisible Minority. Roma in Albania*: 24

<sup>225</sup>Ibid., 25 - 26

<sup>226</sup>Ibid., 25

#### *IV.d) Media representation*

In modern societies, media communication is one of the most efficient means of transmitting, and preserving group cultures. In this light, when trying to critically evaluate and, eventually compare, minority representation in the media in the four countries, it is important to take into account a set of parameters. Firstly, investigate the way mainstream media – both commercial and public broadcasting - deal with minority groups. When producers do include minority members in their programs, how do they portray them? Are minority groups given the chance to freely produce and transmit their own programs, in their own language? If yes, do they get any financial and technical support from the state or they have to simply count on their own resources and connections in order to have their voice included in the mainstream media spectrum of their country?

What is behind this series of questions is again the concept of pluralism, this time in the context of the media. In reality, “broadcasting pluralism” has a double meaning and comprises of two sets of approaches: “internal” and “external” pluralism.<sup>227</sup> Investigating the position of the minority groups in the mainstream media means in fact investigating the degree of internal pluralism; namely, “the provision of a broad range of programs and opinions within one or more broadcasting services.”<sup>228</sup> On the other hand, “external” pluralism is focused on a rather horizontal examination of the number of parallel broadcasting organizations existing in a media spectrum.<sup>229</sup> In our case, the interest of examining external pluralism centers on the existence and the condition of existence, of Romani media, both printed and electronic. Does the state allow and provide for the establishment of an independent Romani media? “Allowing” in the sense that the state explicitly recognizes such a right; and “providing” in the sense that it undertakes responsibility to actively support a Romani media.

Greece is a European Union member state, it signed (although not yet ratified) the European Council Framework Convention for the protection of national minorities. The European Council Framework Convention, through two Articles (Article 6 and 9), contains explicit provisions for the establishment of internal and external pluralism in the media of a state. Nevertheless, the Greek state neither provides for minority programs in the public broadcasting sector nor an independent minority electronic media. The recent Greek Law (Law n. 2328 of 1995), on private television and local radio stations, similarly to the previous ones, has no reference nor provision to a minority media. Apart from a vague mentioning of the principle of pluralism, there is no legal framework institutionalizing minority media in the broader Greek media spectrum. “The [TV] stations, which will be given licenses, will also have the obligation to take care of the quality of the program, the objective information, the securing of pluralism as well as promotion of culture through the emission of programs which will be dedicated to art. (...) Licensing [for local radio stations] is granted on the basis of the principle of common public interest and constitutes public function. The stations, which will be given licenses, will have to take care of the quality of the program, the objective information, the securing of pluralism as well as the promotion of culture through the emission of

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<sup>227</sup>Brenda Luthar, “Identity Management and Popular Representational Forms”, in Philip Drummond, et. al., eds., *European Media Monographs: The Television Revolution* (Great Britain: St. Edmundsbury Press, 1993): 52

<sup>228</sup>Ibid., 52

<sup>229</sup>Ibid., 52

programs which will be dedicated to art.”<sup>230</sup> In this light, licensing is open to anyone who fulfills the necessary standards: technological infrastructure, financial viability, experience and special knowledge of the media flow managers, quality of the program, respect of the journalistic code of ethics.<sup>231</sup> However, it is extremely difficult for any minority, with limited resources, to fulfill the required standards. Since the state does not provide subsidies to the independent minority programs, nor does it allow their use of the public broadcasting infrastructure, the obstacle for the minority groups to have their share in the Greek media is insurmountable. Roma in this case are not the exception.

The condition of the Greek public service broadcasting sector is similar to that of the commercial broadcasting, although it is supposed to serve diversity and pluralism values. Mainstream panhellenic media very rarely includes Roma issues in their agenda. Even in exceptional cases, Roma are portrayed in a stereotypical way: adventurous, vagabond retailers advertising their wares: from folk songs and erotic - almost exotic - dances to grammars of hashish. It was only very recently that a TV serial, in one of the biggest commercial TV stations in Greece, offered an alternative picture of the Greek Roma. This serial broke all previous rating records, reaching 32%.<sup>232</sup> A true Roma camp was used as the place of the shooting. Members of the local Roma community participated actively in the serial and performed together with the protagonists.<sup>233</sup>

Although the situation for the minority in Thrace is far from perfect, it is still better than that of the Roma. There are currently six local and regional radio stations in Thrace, all run by ethnic Turks. The programs are in the Turkish language and mainly consist of Turkish folk and modern music. Nevertheless, it should be noted that all these stations are operating under a semi-legal status. The Greek media deregulation, although not in its infancy, is still in process. The Greek media, even now, lack a well-defined legal framework. The first step, which aimed at eradicating the upheavals after the breaking up of the state electronic media monopoly, was taken only in 1998 and solely in the wider region of Athens and Thessaloniki. The majority of TV and radio stations are still functioning without licenses or with provisional ones granted by the local authorities. The 6 minority stations are operating in this exact framework.

In addition, there is a special program in the public broadcasting radio for the minority in Thrace two days each week. In general, the majority of the programs are Turkish music and poetry, which is exclusively selected by one journalist and one member of the minority. The program is in Turkish and the whole idea has been initiated by the director of the Hellenic Radio Public Broadcasting (ERA). The latter has also introduced daily news programs for all foreigners and immigrants living in the region. However, all these initiatives are not secured by any institution as there is no legal framework stipulating and guaranteeing their existence. It practically means that the future directors of ERA might not necessarily continue these programs, as they are not obliged by the Greek media law

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<sup>230</sup>Law n. 2328, *On the Legal Status of Private Television and Local Radio, the Regulation of Radiotelevision Market and Other Provisions* in the “Official Gazette of the Hellenic Republic”, first issue, number 156, August 1995: 1, 16 [my translation in English]

<sup>231</sup>*Ibid.*, 7 - 9, 19 - 20

<sup>232</sup>Data from AGB Hellas, published in the evening Greek daily “Ta Nea” in February 12, 1998.

<sup>233</sup>Christina Rougheri, “The Apotheosis of a Roma in a Record-Breaking Greek TV Series”, *Alternative Information Media Network* (Athens: Greek Helsinki Monitor and Minority Rights Group - Greece, 8/4/1998), available at the Greek Helsinki Monitor and Minority Rights Group - Greece web site: <http://www.greekhelsinki.gr/english/articles/AIM8-4-98.html>, last checked on June 22, 1999

to do so. In any case, what is important to note is that Greek Roma are totally left without any formal or informal representation in the Greek electronic media.

The situation is slightly different for the press media, in the sense that “members of ethnic, religious and linguistic minorities [can] freely publish periodicals and other publications, often in their native language.”<sup>234</sup> Still, there is not a single daily in any minority language. In the case of the Roma, even periodical in Romanes is non-existent. Publications in Greek by the minority are done without any state support, thus, solely limited to certain minimal or unsuccessful attempts. In Agia Varvara, one of the few places in Athens and even in the entire Greece where the majority of the Roma is quite satisfactorily integrated, the local newspaper “I Poli mas” [Our City] dedicates one page to the Roma inhabitants of the suburb. The page is entitled “To Vima ton Tsigganon” [The Forum of the Roma] and is written by Roma leaders in Greek.<sup>235</sup> A newspaper entitled “Tsiganiki Foni” [Roma Voice] started being published in 1978 by the Roma woman Sofia Stavrou, on her own initiative and without any state financial support. Due to insurmountable financial difficulties, only 5 - 6 editions were published.<sup>236</sup> There are numerous reports on the Roma in the mainstream national press. Their main topics cover from criminality and hashish dealing to the everyday problems of the Roma nomads and campers. However, in most of the cases the coverage is quite superficial and stereotypical.<sup>237</sup>

The Roma representation in the Albanian media does not differ much from that in Greece. Despite the fact that “there are no prohibitions to speak Romani neither privately or in public”,<sup>238</sup> none of the two existing Romani newspapers in Albania is edited in Romanes: “Ditet Tonas” (or Amaro Dives in Romanes) and “Villi I Karvanit” are both edited in the Albanian language. Due to financial difficulties and lack of state support, they are not published on a regular basis.<sup>239</sup> It should be mentioned, however, that the three Greek minority newspapers in Southern Albania are all published in the Greek language.<sup>240</sup> In the mainstream press the type of coverage resembles very much of the Greek newspapers: “while a number of articles discuss the objectives of the Romani organizations and issues of historical and cultural identity, thus giving room for a better understanding of the Romani culture, another articles point to crimes among Roma.”<sup>241</sup> With scarce exceptions, Albanian Roma are rarely present in the mainstream radio and TV programs. Needless to say that there are no electronic minority media for the Roma in Albania.<sup>242</sup> Albania recently passed a new law on electronic media which, apart from

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<sup>234</sup>U.S. Department of State, *Greece Country Report on Human Rights Practices for 1997*: 5

<sup>235</sup>Anna Lydakís, *I Tsiganí stin Poli. Megalonontas stin Agia Varvara*: 178

<sup>236</sup>Dimitris Dousas, *Rom kai Filetikes Diakrisis. Stin Istoria, tin Kinonia, tin Kultura, tin Ekpedevsi ke ta Anthropina Dikeomata*: 56

<sup>237</sup>Mariana Lenkova ed., *'Hate speech' in the Balkans* (Athens: International Helsinki Federation/ETEPE, 1998): 63 - 64. Also, Greek Helsinki Monitor, Monthly Reports on the Coverage of Roma in the Greek press (January 1998 - April 1999), available at <http://www.greekhelsinki.gr/english/media/GHM-Media%20Monitoring-Greece.html>, last checked on June 22, 1999

<sup>238</sup>Center For Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Albania*: 17

<sup>239</sup>Ibid., 21

<sup>240</sup>U.S. Department of State, *Albania Country Report on Human Rights Practices for 1998*

<sup>241</sup>Center For Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Albania*: 13

<sup>242</sup>Ibid., 21

being drawn up with the assistance of the Council of Europe, was also scrutinized by the OSCE Representative on the Freedom of the Media, Freimut Duve.<sup>243</sup>

It was not until 1998 that minorities in Bulgaria were given the rights to have programs in their own language after a parliamentary decision. “The Parliament accepted Stoyanov’s veto on the articles which would have permitted state television and radio to broadcast programs only in the Bulgarian language. This was a particularly contentious point for Bulgaria’s ethnic minorities.”<sup>244</sup> However, there have been no additional provisions to allow for partial state sponsoring of programs in minority language or the usage of the public broadcasting technical infrastructure for their production, this right is left to the minorities to decide how to exercise it in practice. In reality, minority representation in the Bulgarian media exists, though limited : “To date plans for the national television station to broadcast in Turkish have not been implemented. However, there is limited radio broadcasting in Turkish on the national radio’s local affiliates in regions where there is a sizable Turkish-speaking population.”<sup>245</sup> Several radio broadcasts, run by Roma, have already been on air. As for the press, since 1989 there has been a “burst” of newspapers, newsletters and periodicals from and about the Roma in Bulgaria: “Roma” published by the Democratic Union, “Devlekani Sesi Romalei” [Voice of the Christian (Protestant) Roma], “Ciganite” [The Gypsies] an independent bi-weekly publication, Sliven’s “O’ Roma” [The Roma], “Amar Romane” [Friend of the Roma] a supplementary to the weekly published by the municipality of Sofia under the title “Stolica” [Capital], “Romano Ilo [Gypsy Heart], “DromDromendar” [From Road to Road] and finally “Obshtestvo I Rodina” [Society and Motherland].<sup>246</sup> However, out of all these publications only the last three are currently surviving. The rest, mainly due to financial difficulties, had stopped coming out.<sup>247</sup>

In the mainstream press, Roma are portrayed as both victims and victimizers. Since 1992 there has been an increased awareness, interest and sensitivity over the steep deterioration of the social and financial situation of the Roma in Bulgaria.<sup>248</sup> Still, many press reports frequently underline the ethnic identity of the law-breakers. For the Roma, this is the rule rather than the exception. Therefore, negative and stereotypical images about the Roma are perpetuated by the mainstream press through their superficial reports on the minority.<sup>249</sup>

In the mainstream Macedonian media and, in contradistinction to many southeastern European countries, group stigmatization is limited. The Romani crime rate is not an issue of major importance for both the Macedonian public and the state media.<sup>250</sup>

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<sup>243</sup>World Press Freedom Review, *1997 Review on Albania*, available at <http://www.freemedia.at/archive97/albania.htm>

<sup>244</sup>World Press Freedom Review, *1997 Review on Bulgaria*, available at <http://www.freemedia.at/archive97/bulgaria.htm>

<sup>245</sup>U.S. Department of State, *Bulgaria Country Report on Human Rights Practices for 1998*

<sup>246</sup>Center For Documentation And Information On Minorities In Europe-Southeast Europe (CEDIME-SE), *Roma in Bulgaria*: 28

<sup>247</sup>*Ibid.*, 28

<sup>248</sup>ERRC, *Profession: Prisoner. Roma in Detention in Bulgaria*: 18 - 20

<sup>249</sup>*Ibid.*, 18 - 20. Also, Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*: 45, Project on Ethnic Relations, *Prevention of violence and discrimination against the Roma in Central and Eastern Europe*: 7

<sup>250</sup>Zoltan Barany, “The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state”: 520

According to the Macedonian law, ethnic identification of law-breakers and criminals in the media is prohibited.<sup>251</sup> Macedonian Roma have their own programs in the public broadcasting sector and in their language: thirty minutes for five days per week radio programs plus a twenty-five minute weekly television show.<sup>252</sup> The editors of these programs are Roma and enjoy a status completely free from state censorship and intervention.<sup>253</sup> Moreover, programs of Roma music and folk dances are quite frequently emitted by the Macedonian radio and television. Roma printed and electronic media have also been introduced in Macedonia. A Romani-language newspaper was established in 1993<sup>254</sup> and there are also two private Romani television stations: “Sutel” and “Radio Televizia Nacionalna”. In reality, the Roma minority media spectrum in Macedonia reflects, to a large extent, the legacy of an institutionalized cultural presence of the Roma in ex- Yugoslavia and Macedonia. Since mid-1950s, Roma have established a number of cultural organizations which have been durable and well-functioning (especially the Suto Orizari one). In 1993, the Speaker of Parliament partly sponsored an International Romani Music Festival.<sup>255</sup>

“In Albania and Greece, also Bulgaria to a certain extent, there is not much space left for “broadcasting pluralism” and the presence of the Roma minority in the media is very limited. Macedonia is closer to the ideals of media pluralism than the other three countries. Macedonian Roma, apart from enjoying at least a symbolic presence in the public broadcasting sector, also operate their own minority media, in both printed and electronic formats. In both formats, broadcasts are in Romanes, and the Roma are responsible for their operation. In addition, their music and culture has frequently been brought to the mainstream. The condition of the minority media in Macedonia is better than that of most other countries in the region, but it is still far from perfect.<sup>256</sup> Bulgaria had made its first step to include the Roma in the media. In the case of Greece and Albania, the establishment of a Romani media is totally left to the hands of the Roma themselves. The Roma lack financial resources and are not even in the position to publish one single newspaper in Romanes, sometimes, as in the case of Greece, not even a newspaper in Greek.

## V) Conclusion

*“The issues surrounding Roma/Gypsies are an indicator of how tolerant and protective of human rights any society is. Few states can be proud of their record”<sup>257</sup>*

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<sup>251</sup>Ibid., 520

<sup>252</sup>Ibid., 522

<sup>253</sup>Ibid., 522

<sup>254</sup>Ibid., 522

<sup>255</sup>Ibid., 522

<sup>256</sup>The twenty-five minute weekly television show seems to be more symbolic than functional. Several Roma have criticized both “the breadth and the content of these programs”, arguing that the focus should be more on politics and less on entertainment. [Zoltan Barany, “The Roma in Macedonia: ethnic politics and the marginal condition in a Balkan state”: 522]

<sup>257</sup>Jean-Pierre Liegeois, Nicolae Georghe, *Roma/Gypsies: A European Minority*: 5

Can Albania, Bulgaria, Macedonia and Greece be proud of their record in respect to Roma? For certain none of the countries is in a position to claim an impeccable record. Yet, besides this general assessment, it is extremely difficult to come up with a clear “country-ranking.”

Compared to the rest of the states, Macedonia’s constitutional, other legal provisions and administrative measures make up a much more advanced, elaborated and secure framework for minority recognition and protection. Macedonia’s integrationist and formally pluralistic model of managing minority is, by all means, closer to the ideals of multi-culturalism. In this light, Macedonia has a lead over the rest of the countries in the wider region. However, on the practical level, things are not as good as it seems. The citizenship law and its implications for the everyday life of the Roma give rise to a number of legitimate concerns. Roma are under-represented in the secondary and higher education, as well as in the public administration and the major political parties. Recently, the Macedonian daily “Dnevnik”, based on the findings of the Helsinki Human Rights Committee, reported: “Roma in Macedonia are subject to the most open discrimination and it is also the case where discrimination is hardest to measure. Their rights are being violated by excessive police force, inequitable treatment in employment, discriminatory attitude of teachers in the educational system.”<sup>258</sup> In addition and despite all relevant legal provisions, “instances can be shown of misapplication of legal provisions in their implementation (the provisions on students’ quotas in higher education are inaccurately interpreted to the applicants); there are instances of authorization overstepping by officers of the Ministry of Labor and Social Affairs; administrative (especially the desk services) clerks manifest discriminating attitude against persons belonging to the Roma national minority and make difficult (or at least do not facilitate) obtaining the necessary documents and solving the everyday problems.”<sup>259</sup> Due to this sort of disparity between theory and practice, legal provisions and their implementation, the European Roma Rights Center came up with a very poetic, but explicitly critical, title in its last year’s report about Macedonia: “A Pleasant Fiction. The Human Rights Situation of Roma in Macedonia”.

In Bulgaria, positive steps mainly in the area of education are seriously undermined by the restrictions imposed on the Roma’s political representation. Moreover, the soaring unemployment and illiteracy rates, combined with the lack of positive action measures, do not promise much hope for a better future for the next generations of Roma. Even more, as in the case of Macedonia, the state itself shows disrespect for the rights of its Roma citizens on a regular basis. Police brutality is the most explicit and frequent demonstration of this disrespect.<sup>260</sup> What seems to be consolatory is that the Bulgarian state has shown a change in its minority policy orientation: from purely assimilationist practices towards more integrationist ones, combined with elements of informal pluralism. The establishment of the National Council on Ethnic and Demographic

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<sup>258</sup>Macedonian Information and Liaison Service (M.I.L.S.), 20/1/1999

<sup>259</sup>Helsinki Committee for Human Rights in the Republic of Macedonia, *Annual Report on the Condition of Human Rights in the Republic of Macedonia during 1998*

<sup>260</sup>International Helsinki Federation, *Annual Report 1998 on Bulgaria*, Human Rights Watch, *1998 World Report on Bulgaria*, available at <http://www.hrw.org/hrw/worldreport/Helsinki-06.htm>, last checked on June 13, 1999, Human Rights Watch, *1999 World Report on Bulgaria*, available at <http://www.hrw.org/hrw/worldreport99/europe/bulgaria.html>, last checked on June 13, 1999, Amnesty International, *Report 1998 on Bulgaria (January - December 1997)*, available at <http://www.amnesty.org/ailib/aireport/ar98/eur15.htm>, last checked on June 13, 1999 and U.S. Department of State, *Bulgaria Country Report on Human Rights Practices for 1998*

Questions and the recent roundtable discussion between Roma leaders and governmental representatives, are indicative examples of this change. Also, in contrast to Macedonia where Roma are “still not prepared to involve themselves in direct protection of their rights (particularly not before the state administration bodies and the courts),”<sup>261</sup> Roma have already shown encouraging signs of a more dynamic and legally appropriate vindication of their rights in Bulgaria: “the European Court of Human Rights agreed to hear the case of Anguel Zabchikov, a 17-year-old Rom who died in police custody in Razgrad in 1996.”<sup>262</sup>

Albania and Greece are much behind Macedonia, and to a lesser extent Bulgaria. In the last years, both countries have made efforts to improve their “minority record”. Greece initiated the Program Against Illiteracy and the system of identity cards for traveling students. Albania abolished the constitutional prohibition of forming parties on ethnic and/or religious basis. Although both countries have introduced some minimal elements of informal pluralism in their policies, in essence, these policies remain assimilationist in nature. Roma have no representation in the political life, public administration, education and the media. Moreover, they suffer from illiteracy, unemployment, discrimination and police brutality.<sup>263</sup> The specific distinction between Greece, Albania and the rest of the countries is that they cannot claim to be in the “transition period”. Additionally, Greece has received a significant amount of money from the European Union for programs designed to integrate the Roma into the Greek society.

What is becoming obvious from this presentation is that even well-intended provisions and measures are not enough to secure the implementation of human and minority rights. Although there are educational and employment policies concerning the Roma, it is crucial that they stand up for their own rights. Especially in the post-communist countries of the region, the majority of the measures that have already been taken indicates a trend of leaving the Roma to their own devices; namely through positive action. This does not provide them enough support to prepare them for the post-communist new social environment. That is a bad omen and a bad start. As the high illiteracy and unemployment rate demonstrate, in the immediate future, the new generation Roma will enter the same vicious circle of ignorance, poverty, social and political marginalization as the majority of the Roma population in Greece has been through for years now.

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<sup>261</sup>Helsinki Committee for Human Rights in the Republic of Macedonia, *Annual report on the Condition of Human Rights in the Republic of Macedonia during 1998*

<sup>262</sup>U.S. Department of State, *Bulgaria Country Report on Human Rights Practices for 1998*. It should be stated that the Bulgarian state has already lost one case at the European Court of Human Rights by a Rom citizen of the country. A number of cases have also reached the courts in Bulgaria [Dimitrina Petrova, “Dialogue with the police?”, *Romani Rights. Newsletter of the European Roma Rights Center* (winter 1998): 4, 34]

<sup>263</sup>U.S. Department of State, *Albania Country Report on Human Rights Practices for 1998*, U.S. Department of State, *Greece Country Report on Human Rights Practices for 1998*, Human Rights Watch, *World Report 1999 on Greece*, available at <http://www.hrw.org/hrw/worldreport99/europe/greece.html>, last checked on June 13, 1999, International Helsinki Federation, *Annual Report 1998 on Greece*, available at <http://www.ihf-hr.org/ar97gre.htm>, last checked on June 13, 1999, Human Rights Watch, *World Report 1998 on Albania*, available at [http://www.hrw.org/hrg/worldreport/Helsinki-01.htm#P125\\_41527](http://www.hrw.org/hrg/worldreport/Helsinki-01.htm#P125_41527), last checked on June 13, 1999

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