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Office for Democratic Institutions and Human Rights

# CPRSI Newsletter

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*A group numerically inferior to the rest of the population of the state, in a non-dominant position, whose members being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards presenting their culture, traditions, religion or language.*

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## EDITORIAL

The current developments in Europe show that Roma regardless of their social status, are confronted with hostility, which by many is perceived as a result of social prejudices. In order to solve this problem it is not enough to initiate only welfare or development projects. Roma must be granted guarantees for the protection of civil liberties. This means a change in the political status of the Roma toward political, social and ethnic self-determination.

In order to help Roma people in Europe to identify their ethnic status as a minority we have decided to dedicate this issue of the CPRSI Newsletter to the problems of Roma ethnic identity as viewed from the different angles.

In that precise context of our newsletter the term “minority” may be taken to refer to: However, the definition once proposed by the UN Special Rapporteur and commonly shared in most of the academic sources to identify the status of ethnic minority might be limited in its objective.

It may, in fact, be difficult to characterize ‘the Roma’. Known by different names, even using different labels to identify themselves, the Roma comprise a relatively heterogeneous set of communities that perhaps are best understood in their own specific circumstances. Nevertheless, there are significant commonalities that bind the Roma together: commonalities in origin, language, culture, and historical experience in Europe.

We hope that this issue of the CPRSI Newsletter will contribute to the on-going process of Roma self-determination as an ethnic entity in the OSCE space. We wish you pleasant reading!

Ilya Belkin

## THE TRAVELLING COMMUNITIES History, Culture and Educational Opportunities

The phrase “Travelling Communities” is used to cover those identifiable, some of which have minority ethnic status, who either are, or have been traditionally associated with a nomadic lifestyle, and include Gypsy Travellers, Fairground families (or Showpeople), Circus families, New Travellers, and other families living on boats.

Gypsy travellers are by far the largest group among Travelling communities and constitute a recognised minority ethnic group for the purposes of the 1976 Race Relations Act. Gypsies have lived in England in substantial numbers since the beginning of the sixteenth century. Other groups of Gypsy Travellers including those of Scottish, Welsh and Irish heritage share in general terms a common history. In addition, there is a small but growing number of Gypsies from Eastern Europe with refugee status who have recently settled in south east England. There is a little doubt that Gypsies originate from nomadic Indian tribes which migrated westwards probably during the ninth and tenth centuries AD. At the end of the eighteenth century, a connection was established between the language spoken by the Gypsies and major contemporary north Indian languages. Most Gypsy Travellers have retained the use of their inherited language.

### *Note from the editor:*

This part has been taken from the report from the office of Her Majesty’s Chief Inspector of Schools prepared by Arthur R. Ivatts, which we have already used in our previous issue to introduce the efforts of his office as regards the education of Roma.

This time we would like to reproduce some findings of this report which directly

correspond to the problems of Roma and Travelleres communities ethnic identity in the U. K.

## **ROMA AS NATIONAL MINORITY, by Noboru Miyawaki**

In the framework of the OSCE (Organization on Security and Cooperation in Europe) the Roma minorities are protected against the violation of their rights. I intended to consider in what dimension they can be perceived as a national in OSCE region, with reference to several previous works on the issue.

The term "national minority" is vague and has more than one concept. As indicated by its words, the term may consist of two concepts: nationality and minority. I will dwell on what defines "minority" because the term is "incomplete" without reference to a particular ethnic, religious or linguistic context.

In what sense can "national minority" be distinguished from ethnic, religious, or linguistic minority? In the subjective sense of minority, the term "national" has reference to a "nation". A group of minority could incorporate itself into the nation-state of which it is a majority; or it could resist incorporation. Whichever path it chooses, the minority should not be denied the rights to enjoy their own national culture if the nation-state is to treat all nationals on equal terms. In this sense, the concept of national minority has larger potential of influence with

consciousness than ethnic, religious or linguistic minority. In this subjective sense, it seems that some Roma minorities in many European states meet the subjective requirements of national minority.<sup>1</sup> The Vice-Secretary General of the Council of Europe said that the term "national minority" has to be defined so that Sinti

and Roma are included,<sup>2</sup> suggesting that the concept of national minority is not immutable. In the meantime, "ethnic minority" does not necessarily mean a minority in one State. It seems that "ethnic minority" would have less connection with nationality than "national minority" would. The European Commission for Democracy through Law's 1991 Proposed Convention and Recommendation 1201, in 1993, have defined "national minority" as a "group which is smaller in number than the rest of the population of a State, whose members, who are nationals of that State, have ethnical, religious or linguistic features different from those of the rest of the population, and are guided by the will to safeguard their culture, traditions, religion, or language". Under this definition, what determines the status of "minority" in the Roma case is whether or not the members of the Roma minority are nationals of the nation-state within which they live: only the Roma and Sinti minorities who have their own culture and who have nationality of the state in which they live would be recognized as national minorities. In my view this requirement of nationality is unreasonable, given the irreconcilable political and ethnic problems that cannot be separated from the concept of national minority. We saw the experience of the difficulty of solution of ethnic conflict and we need to exclude discriminations in the dimension of nationality. The ethnic conflict is closely related to nation-state system which creates the term "nationality".

*Note from the editor:*

Noboru Miyawaki is an Assistant Professor at the Matsuyama University, Japan.

<sup>1</sup> The arguments about this theme, see, Nicolae Gheorghe and Thomas Acton, "Dealing with Multiculturalism", ODIHR Bulletin, Vol.3, No.2, Spring 1995, p.35.

<sup>2</sup> Romani Rose, "Sinti and Roma as National Minorities in the Countries of Europe", ODIHR Bulletin, Vol.3, No.2, Spring, 1995, p.43.

## **THE MARGINALISATION OF GYPSIES (Exerts)**

**by Helen O'Nions LL.M.**

Despite the recognition that Gypsies constitute a racial group for the purposes of the Race

Relations Act 1976, they have persistently suffered discrimination and prejudice from the rest of society. The Criminal Justice and Public Order Act 1994 (hereinafter CJPOA) contains provisions which will reduce the number of authorised Gypsy sites available in an attempt to discourage the nomadic way of life which has been central to the lives of many Gypsies for over five-hundred years. The effect of this legislation will be to worsen the hostility shown towards the Gypsy community. It is also likely to have severe implications for the welfare of the Gypsy family unit. Ultimately however, a comparison with other European jurisdictions will illustrate that this legislation will not succeed in persuading Gypsies to abandon their traditions because it is founded on a myth, namely that Gypsies are simply a social bonding of nomads with no distinctive culture or group identity.

Gypsies have been recognised by the judiciary as constituting a racial group for the purposes of the Race Relations Act 1976 since the 1989 case of *CRE v Dutton* [1989] 1 All ER 306. In practice however, the Gypsy community has been increasingly marginalised. The common perception that they are merely a 'social group of nomads' with no bona fide cultural values distinct from the host society (Leigeios, 1987) has threatened to undermine the Gypsy identity. Whilst the Council of Europe and the European Commission of Human Rights (*Buckley v UK App 20348/92 11.1.95*) have been actively defending and promoting the Gypsy culture, the United Kingdom has pursued a policy of integration and assimilation culminating in the CJPOA 1994. This article examines the rationale behind this 'anti-gypsy' legislation and explores why attempts to assimilate are

destined to fail, as they have done in numerous other countries, because the foundations upon which they are laid are misconceived.

There are estimated to be around 12,600 Gypsy families in England and Wales (D/E 1994) who regularly find themselves subjected to a unique amount of abuse and hostility from the dominant society:

"The history of the Romani people is a story of relentless persecution. From the Middle Ages to the present day, they have been the target of racial discrimination and outright genocide"(Puxon 1987, p12).

Since their arrival in the United Kingdom, estimated to be around the turn of the sixteenth century (Kendrick & Puxon 1972, ch 1), the Gypsy lifestyle has been resented and much of this resentment has found expression through the legal system. In 1530, Henry VIII ordered their departure within forty days unless they chose to abandon their 'naughty, idle and ungodly life'. Similarly, in 1959, s27 of the Highways Act directly discriminated against Gypsies by prohibiting camping on highways, an offence which could not be committed by 'Gorgios'.(1)

Contempt has also been expressed by regional media who have been quick to yield to the temptation of sensationalism:

"It is a tragedy that our society continues to tolerate and even subsidise these ragbag vagabonds who sponge off the state and steal it blind....Set up a Gypsy site next to Sellafield where they can pinch as much radiation as they like" (High Wycombe Midweek, Editorial, 6 July 1993; see generally National Gypsy Council, (1981).(2)

Allegations of Gypsy misbehaviour are regularly reported as fact. The following is a typical

example: Gypsy spokesperson John Nash told a Buckingham reporter "all his people wanted was a bit of peace and quiet", the paper responded "try telling that to the owner of the £55,000 barn which was set alight by what police believe were Gypsies" [emphasis added]. (High Wycombe Midweek, 6 July 1993, in National Gypsy Council 1992.)

With the help of the media, local opposition to Gypsy encampments is intensified and anti-Gypsy pressure groups emerge with frightening frequency. In the Somerset village of Middlezoy, local residents went all the way to the High Court in a vain attempt to frustrate the Council's statutory duty of site provision. When accused, by a reporter, of racism, one female villager retorted:

"A bullet in the head is what they need....If I were dying of cancer I'd buy a shotgun

and take out six of them." (The Independent, 16 June 1993.)

For local Councillors, there are few votes to be won in accommodating Gypsies. Sir John Cripps found that hostile public opinion was the major force preventing Local Authorities from honouring their Caravan Sites Act 1968 S6 duty to provide sites:

"it is not possible, however, to overstate the intensity of feeling, bordering on the frenetic, aroused by a proposal to establish a site for Gypsies in almost any reasonable location." (D/E 1977 para 3.19)

An analysis of the inaccuracy of the assumptions underlying this entrenched intolerance is of paramount importance to the question of how and why Gypsies should maintain their own culture and traditions, free from persecution.

*Note from the editor:*

Presenting some abstracts of the article by Helen O'Nions we would also like to introduce you to the "Gypsy Lore Society" site on the Internet, which provides an outstanding collection of the most up-to-date events in today's world of Roma. The Gypsy Lore Society is a non-profit, tax-exempt organization dedicated to fostering communication among those interested in Gypsy Studies. The Society publishes a quarterly Newsletter and a biannual Journal.

Membership in the 'Gypsy Lore Society' includes a subscription to the quarterly Newsletter and the twice-yearly 'Journal of the Gypsy Lore Society'. You can receive information about membership by writing to: 'Gypsy Lore Society' Sheila Salo, Treasurer, 5607 Greenleaf Rd., Cheverly, MD 20785

'The Gypsy Lore Society' address in the Internet is:  
<http://hamp.hampshire.edu/~ratS88/gls>

## CZECH PHOTOPROJECT

*Note from the editor:*

In August 1995 the CPRSI received a letter from Mr. Juul Hondius who has been working as a photographer in the Czech Republic. In this letter Mr. Homdius described the photoproject which, in his own words, "...individualizing the Romani community would promote greater understanding and a perception of Roma as an equal entity." His pictures were used by 'O'Drom' magazine, exhibitions and newspapers.

A photographic project could, in fact, confront the existing attitudes of the society with the suffering of real people, expressed in documentary art of photography. We decided to introduce you to some of the pictures that we have received so far.

.....**PICT**  
**URES**.....

**BOOK REVIEWS:**

**STRUGGLING FOR ETHNIC  
IDENTITY**

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This book written by Rachel Tritt, consultant to the U.S. Helsinki Watch Committee, and edited by Jeri Laber and Lois Whitma, director and deputy director of Helsinki Watch. It is based on information collected during fact-finding missions conducted by Ms. Tritt in the months of October 1991 through March 1992. Several hundred Romanies were interviewed, both rural and urban whose mother tongues were Romany, Czech, Slovak or Hungarian.

The book is presented as a very thorough report on the background of the most recent situation of Roma minority in Slovakia and Czech Republic.

**THE GREAT GYPSY ROUND-UP,  
by Antonio Gomez Alfaro**

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ISBN 84-87347-12-6 Paperback

The research carried out in different Spanish archives over a period of years by the journalist Antonio Gomez Alfaro (Cordoba, Andalusia, 1931) has enabled him to recover a wealth historical documentation, used at the time for his doctoral thesis, entitled "*El expediente general de Gitanos*", which reconstructs the conflicting relations existing between the Gypsies, on the one hand, and society and the state on the other.

The same researcher's interest in the dramatic episode of the general imprisonment of 1749 has led him to write several different works on its development, the circumstances surrounding it and its later consequences.

*The Great Gypsy Round-Up* reconstructs the most distressing of the episodes suffered by the Gypsies in Spain: the general round-up carried out in the reign of Ferdinand VI on 30 July 1749. The universal nature of the operation deprived ten or twelve thousand women and men, old people and children, of their freedom in one single day, "simply for being Gypsies": such is the supposed collective crime which is explicitly mentioned in several official reports of the time as a justification for the measure.

The author describes the coordination of the state authorities bent on the round-up; the cooperation of the Church and its passive attitude towards the iniquity of the project and the outrages committed by all those who made the wretched operation possible. He recounts the "profitable" cooperation, in the role of informers, of the compatriots, fellow townfolk of those arrested, and provides blood curdling testimonies of the protracted ordeal suffered as a result of the general imprisonment "of the most unfortunate vassals of the kingdom", and which dragged on after reconsideration of the measure up to the pardon which was finally ordered by Charles III - on 16 June 1763.

The research rescues this genuine Spanish contribution to the universal history of infamy and scorn from the shameful oblivion in which it has remained, and unearths a former *social* discourse, the reasons and theories of which are identical to no small number of current attitudes and procedures - all over the world, and not just in Spain - which today we call, in plain language, "institutional racism".

The drama and crudeness of this Spanish-style holocaust surpass expressive possibilities and can only result in nausea, however much we may wish to contextualize and situate the events back in their own time, in an attempt to contemplate them dispassionately from an aseptic distance.

## **REPORTS**

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**Fact-Finding Mission to Bosnia and Herzegovina on the Situation of the Roma/Gypsies**, Council of Europe, 20 June 1996

**General CRISS Information**, Rromani CRISS, October 30,, 1995, 12/1/95

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**No Signs of Tolerance in Romania - Quoting Amnesty International Report**, "Romnews" by Roma National Congress, No.24,1995

**Provisions on Education for Persons Belonging to National Minorities**, Romanian Law on Education - Comparative Overview,1995

**Psychiatric Abuses**, League for the Defense of Human Rights, Informative Bulletin, July 30, 1995

**RNC President Calls for Boycott of Romanian Government**, Roma National Congress, July 18,1995

**Romania Slams EU Over Gypsy Resolution**, Reuters news service, July 18, 1995

**Self-Help - Income Generating Projects**, Rromani CRISS, October 30, 1995

**Statement on Persistent Discriminative Language and Selective Legal Response to Violences Committed Against Roma Minority in Romania**, International Romani Union, March 13, 1995

**Study on Human Rights in Kosovo**, AIM Review, Fund for Humanitarian Law in Belgrade from May to Dec. 1994. Quoted in AIM Review, No. 21,1995

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**The Case of the Romanian Marcel Ghinea has Drawn the Attention of Amnesty International**, League for the Defense of Human Rights, Informative Bulletin, December 30,1995

**The European Roma Rights Center Is Deeply Concerned About the Murder of a Young Rom in Tirana, Albania**, European Roma Rights Center, Press Release, July22, 1996

**The International Protection of Roma**, Marcia Rooker, University of Nijmegen, Centre for Migration Law, November 30, 1995

## **PROGRAMMES**

**Description of Mediation Program for Roma**, Romani CRISS, Contribution of the Congress of Local and Regional Authorities of Europe, May 30,, 1995, 12/1/95

**Description of Educational Project**, Roma Rights and Educational Project, December 30,1995