



## **Field Assessment Report**

### **The Situation of Bergitka Roma in the Małopolska Region of Poland**

#### **Introduction**

This report was commissioned by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to illustrate the nature of problems some Romani communities face in Poland and the role state institutions can play to address these challenges. It covers a field visit to several Romani settlements in the Małopolska region of Poland between 23-25 May 2007. The report presents the findings and recommendations regarding the problems that were identified in localities.

The Polish Ombudsman for Citizens Rights, Mr. Jan Kochanowski, initiated the field visit, which was realized by a team consisting of Mr. T. Gellert, Director of the Ombudsman Office, Mr. M. Sosniak and Mr. W. Wojtala, both clerks from this office, Mrs. E. Mirga, an assistant to the voivodship's Plenipotentiary for National Minorities, and Mr. A. Mirga, the Senior Advisor on Roma and Sinti Issues at the OSCE/ODIHR, Warsaw. During the three days assessment, the team visited five settlements: Maszkowice/Jazosko, Lososina Gorna (Koszary), Ochotnica Gorna, Kroscienko and Czarna Gora. Meetings took place with local Romani communities and local authorities, and the visit was concluded with a meeting in Krakow between Mr. A. Mucha, First Deputy Voivod<sup>1</sup> of Małopolska and Mr. K. Nowakowski, Plenipotentiary for National Minorities in the Małopolska region.

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<sup>1</sup> "Voivodship" is an administrative district in Poland.

## **Background**

The tensions between Roma and non-Roma neighbours in Jazowsko village, already reported in the mass media, prompted the Ombudsman office to come up with this initiative and, use it for assessing the situation of Roma in other places as well. The field visit was organized also in response to a letter issued by the village council of Jazowsko and sent to the Ombudsman. The local community raised concerns in the letter against the decision of Lacko county authorities to register Romani inhabitants in their locality; this community had previously been registered in Maszkowice village. The decision of county authorities upset Jazowsko residents and fuelled anti-Romani sentiments. The Ombudsman office sought to mediate a suitable solution to this case and prevent further escalation of conflict. The mediation took place on the 23 of May 2007; the team met with local authorities of villages, regional authorities and the Roma community.

## **Roma in Poland – an overview**

There are four Roma groups residing in Poland, with distinct dialects, lifestyle, level of affluence, and attachment to Roma traditions and customs. These are: Bergitka Roma, a very poor but large community located in the south of Poland; Polska Roma, traditional, conservative, who once nomadic, now live in the central part of Poland; Lovari and Kalderash, two groups originating from Walachia and Moldavia principalities and who arrived into Polish territories after the abolition of the slavery of Roma in the middle of the 19<sup>th</sup> century, and who although once were nomadic, now mostly live in the central part of Poland. The communities are small and scattered among some big cities. According to the last census taken in Poland in 2002, over 13,000 Roma declared Romani origin. Estimates, however, are much higher with various sources noting at least 15,000 to 50,000.

## **Bergitka Roma<sup>2</sup>: past and present situation**

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<sup>2</sup> The Bergitka Roma group arrived in the region of the Carpathian Mountains probably during the Wallachian migrations around 15<sup>th</sup> to 18<sup>th</sup> century.<sup>2</sup> Today they inhabit the southern parts of Poland, from Beskid Śląski to Spisz and Podhale to Orawa – they are present mostly in the Malopolska region. They offered a variety of services to the agricultural Polish population, working mostly as blacksmiths and musicians. By the end of the 18<sup>th</sup> century they begun to settle among the sedentary population and

According to the last national census of 2002, 1678 citizens in the Malopolska region declared Roma ethnicity<sup>3</sup>. Other sources provide however for much higher estimation of their number. Roma of the Malopolska region accounts for up to a quarter of the total population of Roma in Poland or between 4-6 thousand people. For example, according to the 2006 statistics from the Krakow Police Headquarters in Małopolska there are about 6,500 Roma people. The Jazowsko Romani community accounts for up to 150 people.

### **The Pilot Government Programme for the Roma Community in the Małopolska province for years 2001- 2003 and its follow-up**

The Małopolska Pilot Programme originated with a project initiated and conducted by the European Institute for Democracy, with the co-operation of the British Embassy, and financed by the British Know How Fund in 1999/2000. A wave of Polish Roma migrants to the United Kingdom in 1998 prompted the British authorities to undertake this initiative, which involved Polish regional authorities and Roma civil society. As a follow-up to the project's concluding conference, the Pilot Governmental Programme for the Roma community in Malopolska was drafted. The programme was completed in September 2000 and adopted by the Council of Ministers on 13 March 2001. Later this same year it was implemented. Its priority areas were education, employment, housing, health, security (police), culture and public image/knowledge of Roma in society.

With the conclusion of the pilot programme in 2003, the government decided, based on experience gained from implementing the pilot programme for the Malopolska region, to develop it into a programme for all Roma communities in Poland. In the beginning of 2004 it was officially adopted by the Council of Ministers. The Government decided to have this programme for a 10-year period and funded from the state budget. It stipulated that each year 10 million Polish zloty would be provided for its implementation; all together 100 million zloty were

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lost many traditional traits which are specific to nomadic Roma. Other characteristics, such as language, were maintained. Because of their abject poverty, some of the Bergitka Roma groups were despised by the local community as well as by other nomadic Roma groups (Adam Bartosz, *Nie boj sie Cygana*, Pogranicze, 2004).

<sup>3</sup> [www.mswia.gov.pl/index\\_a.html](http://www.mswia.gov.pl/index_a.html)

supposed to be spent over 10 years to improve the situation of Roma communities in Poland. While the start of the programme faced some shortcomings, especially with regard to the levels of funding (in the first year of implementation c.1.6 million zloty were spent, in the following years the amount of funds increased), this year's budget ensured that the entire amount of 10 million zlotys would be allocated for the programme's implementation.

The conflict situation with Roma residents in Jazowsko village is comes with the scope of the governmental programme, i.e. its provisions to improve the housing situation of Roma.

### **Jazowsko/Maszkowice – the situation of Roma and the root of the conflict**



*Maszkowice settlement – meeting with Roma. Picture. E. Mirga 2007*

### **Some facts about the Łącko Gmina (County)**

- 15,160 residents live in Lacko Gmina; 147 residents have declared Roma ethnicity, approximately 27 Roma families, with 78 adults and 69 children living in Maszkowice and Jazowsko
- The Roma settlement exists since 1947
- Only 2 Roma are employed

The Roma settlement is on the borderline between the two villages of Maszkowice and Jazowsko. Formally, the settlement was listed as belonging to Maszkowice village, but in fact and as it appeared later, it lies within the Jazowsko border. The incorrect placement or registration of Roma inhabitants emerged when a housing project funded by Governmental Programme was initiated for local Roma.

To facilitate the housing project and, eventually, expand it in future, the territory of the Roma settlement was incorporated into territorial/urban planning in 2004. During the process county authorities discovered that according to 1984 changes in the cadastre the Roma settlement belongs to Jazowsko village, and not to Maszkowice, where Roma inhabitants were customarily registered. In the past this was not a problem for anyone, as many locals and village folk were not aware of this mistake. It became a problem once the housing project for Roma started. For Roma it was not so important where they were registered because the place was the same and it did not change their situation. It started to be a problem, however, when Jazowsko inhabitants strongly objected to the registration of Roma on their territory. They wrote many protest letters trying to prove that these documents from the 1984 were fabricated. The residents believe that it is only through the bad will of officials from Łącko county that Roma are to be registered in Jazowsko, and that officials have broken the law for not consulting with Jazowsko residents. The cornerstone of this objection was that they did not wish to have troublesome neighbours associated with their community. The county officials did not recognize the arguments of Jazowsko representatives and registration of Roma in this administrative unit as lawful was upheld. The Jazowsko local council appealed this decision and requested the Ombudsman for Citizens Rights intervene. The issue of registration of Roma in Jazowsko, as a result, fuelled tensions and anti-Roma feelings among the inhabitants

of Jazowsko. Blame and stereotypes of Roma were fuelled including, that the Roma cause problems, are difficult or hard to live with as neighbours because they drink a lot, do not work, and that they steal vegetables from fields and wood from nearby forests, etc.

Disregarding these opinions, the local Roma community faces dire housing and social conditions; they live in self-made and deteriorating houses, with no basic facilities, like sewage systems or running water. The majority of Roma are unemployed and beneficiaries of state welfare. They live in isolation in their segregated settlements. Some of them face health and alcohol-related problems. They can barely organize themselves to maintain legitimate leadership. All of these contribute to the rather uneasy relations between Roma and non-Roma neighbours.

The team first met with the county mayor (*wojt*), some council members and Jazowsko village council members. Later the team made field visits to see the Roma settlement in Jazowsko and met with Roma inhabitants there. Then the team met with the local mayor and council members. All the meetings provided the team with additional information regarding the causes of the dispute and the positions of those involved. The Director of the Ombudsman Office, T. Gellert, argued that the decision of county authorities regarding re-registration of Roma needs to be respected, and that there is no violation of rights in this case. At the same time, he reiterated that this community needs to be helped by the governmental programme, including improving its housing conditions. Expressions of racist, anti-Roma prejudices were also criticized. It was also pointed out that registration of Roma in Jazowsko does not change the situation of Roma children, who will attend the same school as before. During the meetings other issues were discussed as well, among them, education. It has been noticed that only 42% of Roma children attend school and that this is a disturbing phenomenon that should be addressed immediately. The county authorities pledged to come up with new initiative to deal with this problem, such as plans to build up a preschool for Roma kids in the settlement, dismantling 'Roma only classes' in the local school, ensuring transportation from the settlement to school, and offering additional courses in Polish language.



*Girl from Jazowsko settlement. Photos. E. Mirga, 2007*

### **Koszary case**

The Roma settlement in the village of Koszary on the Limanowa Gmina (county) territory is placed next to a small river near the village. There are 24 families living in this area, in appalling conditions. A couple of families have sought help in order to improve their housing conditions in Limanowa county, but no help was provided. In 2004 six families decided to build houses on their own and did so without obtaining official permission. This kind of practice was quite common among Roma living in separated or segregated settlements. These illegal settlements have not been included into local/urban planning. In the past, during the communist period, such situations were tolerated by authorities. Some settlements and many houses were constructed illegally, a situation which after 1989 led to problems.



*Building in Koszary settlement without drinking water and canalization. Photo. E. Mirga, 2007*

Similar situations emerged in the Koszary settlement, but the local authorities approached it differently. First, the houses Roma built were recently constructed (in 2004). Second, according to authorities, Roma should have obtained all the required papers before they started construction. Presently, the authorities maintained such practices will not be tolerated. As a result they started administrative proceedings against the Roma families who had constructed these houses without official permission. In 2006 the office of the Regional Inspector of the Building Supervisor ruled that the houses built by these six Roma families have to be removed by law and those guilty of breaching the law must be fined. The fines were very high (up to 45.000 Polish zloty in some cases). None of the Roma families was able to pay such high fines. In the first half of 2007 the Malopolska Voivodship office intervened and blocked this decision on the grounds that no alternative housing had been guaranteed for these families. The case, however, is not resolved and the Roma are afraid that the

houses will be destroyed. From interviews with Roma inhabitants at the settlement, it would seem that the local mayor is determined to get rid of the Roma, using their illegally built houses as an argument to campaign against them.

The settlement itself is in bad condition, with no paved roads, no sewage system or running water (with a few exceptions as some families who did built illegal houses invested also in having running water inside and some modest renovations were recently done in an apartment block where several families live). Roma also complained that the local authorities refuse to register Roma in the settlement. Most of the adult Roma have no permanent jobs. Roma inhabitants of the settlement asked for intervention from regional authorities and support in both solving the crisis situation regarding the illegality of their houses and for general improvements to their living conditions.

### **Ochotnica Dolna**

The situation in Ochotnica Dolna could be described as quite good in comparison with Maszkowice, Koszary or Krośnica. There are 12 families living there (a total of 63 people). The local non-Roma residents have good relations with Roma and the Roma leaders are reliable. In an effort to improve the living conditions of Roma in Ochotnica Dolna, the local authorities initiated a project sponsored by the Governmental Programme and co-financed by them. This project involves the construction of an apartment block for six Roma families. Roma themselves are involved in building this block. For the time being work has stopped due to fact that the funds have been spent and the authorities did not apply for additional funds for this year. The Roma are, however, confident that construction will go on and that they will be able to move in soon. The team also learned that most of children attend school and are making good progress. The adult Roma are eager to take whatever jobs are offered by the local authorities, such as public works, which receive very low pay (approximately 6 Polish zlotys per hour).



*A new house for Roma in Ochotnica Dolna. Photo. E. Mirga 2007*

## **Krosnica.**

The Krośnica settlement has many problems. It seems that there is no government programme for Roma in Krosnica. Relation between the Gmina (county) Krościenko that is responsible for Krośnica inhabitants is complicated, unpleasant and lacks good will and understanding from both sides. Both Roma and officials complain that co-operation is hard and almost impossible. There are 11 families living this settlement. It seems that all of the Roma houses are illegally constructed. There are also several unfinished constructions. Living conditions in general are very bad. No running water or sewage system exists. The settlement is situated far from the main village and school. There is no bus stop nearby and this causes problems for the Roma children attending school and in accessing other public services. In addition, there has been no offer to provide employment to the adult Roma. The Roma have complained

against the local authorities about their lack of willingness to deal with the problems they face.



*Roma settlement in Krośnica. Photo. E.Mirga, 2007*

## **Czarna Góra**

This settlement is one of the largest settlements in Malopolska. Living conditions are, relatively speaking, far better than in other Roma settlements. The settlement is connected to the sewage system but not to running water. Many of the Roma families do have, however, running water inside their houses. With several exceptions most of constructions are illegal. There are several families who were living in very poor housing conditions. The needs of these families have been addressed through a housing project sponsored by the Governmental Programme and

co-financed by local authorities. Two new houses were built and two others were renovated using the Programme funds.

The Czarna Góra settlement represents an example of good co-operation with the authorities and successful implementation of the Governmental Programme. In this settlement, the only Roma kindergarten among all the settlements is functioning well. The kindergarten is led by a Roma teacher who finished the Pedagogical Academy in Krakow and is specialized in early-age education. The teacher is very effective and successful in her work with Roma children, as is attested by their later performance in primary school and by school teachers. In general, children from Czarna Gora are relatively successful in education and many of them continue to higher education. Some of the unresolved problems include: connecting settlements to running water, improving housing conditions for several families, and beginning the process of legalizing buildings constructed without permission and that are without legal title to the land.

### **Meeting with the First Deputy of the Voivodship**

The meeting with the First Deputy of the Voivodship, Andrzej Mucha, was organized to sum up the observations and transfer some recommendation to the region's authorities. Responsible for minority issues, Mr. Mucha, is aware of the problems that affect the Roma population and the discussion was well focused. The Voivodship authorities play an important role in the process of implementation of the Government Programme for the Roma Community in the region, as it is this office that recommends which projects shall be financed from the Programme.

Mr. T.Gellert, Director of Ombudsman for Citizens Rights Office, underlined that the Ombudsman continues to pay attention to the Roma situation and is concerned that they still face discrimination in many areas of social and economic life, especially, with regard access to employment, education and health care.

### **Recommendations to Malopolska Voivodship Authorities**

- Re-registration of Roma inhabitants in Jazowsko should not be challenged; and the decision of the county authorities shall be respected; efforts shall be made to improve inter-ethnic relations in this locality;

- Education shall be a priority area for both local authorities and Roma families. Respective authorities should consider measures for inclusion of Romani children into kindergartens or establishing such in the settlement and closure of 'Roma only classes' in the local school;
- Solutions must be found to the housing situation of Roma in Koszary; neither fines nor dismantling buildings that Roma illegally constructed would do any good to either sides; conditions inside settlements need to be changed using funding from the Governmental Programme;
- Efforts to improve the housing situation in other settlements need to be continued and buildings under construction shall be finished;
- Some steps have to be taken to help Roma find employment. Almost 100 % of Roma are unemployed and, as a result, they are also socially excluded;
- Communication and co-operation between institutions like voivodships, county and local authorities and Roma shall be intensified regarding Roma issues;
- Implementation of the Governmental Programme at local levels shall be monitored and evaluated; the ODIHR Senior Adviser on Roma and Sinti Issues expressed an interest in commissioning such a monitoring and evaluation report;
- The office of the Plenipotentiary for National Minorities in the voivodship office should be strengthened - it performs a crucial role in co-ordinating and monitoring the implementation of the Governmental Programme in Malopolska. Currently all these tasks are carried out by a staff of two persons.