

PROJECT ON ETHNIC RELATIONS

The Project on Ethnic Relations (PER) was founded in 1991 in anticipation of the serious interethnic conflicts that were to erupt following the collapse of Communism in Central and Eastern Europe and the former Soviet Union. PER conducts programs of high-level intervention and dialogue and serves as a neutral mediator in several major disputes in the region. PER also conducts programs of training, education, and research at international, national, and community levels.

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R e p o r t

OCTOBER 7-8, 1999



PARIS, FRANCE

ROMA AND THE LAW:
DEMYTHOLOGIZING THE
GYPSY CRIMINALITY
STEREOTYPE

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PREFACE

In the many discussions on Romani (Gypsy) issues organized by the Project on Ethnic Relations, none has addressed a more sensitive topic than the one described here.

The meeting—held in Paris on October 7-8, 1999 and organized in cooperation with the Council of Europe—tackled the question of whether Romani (Gypsy) populations really display higher rates of crime, or are victims of stereotyping and discrimination. Of the many popular perceptions of the Roma, surely none is more alienating—for both sides—than the notion that the Roma are associated with criminal behavior.

For majority populations, the concept of “Romani criminality” is too often a justification for their continuing indifference or hostility toward the plight of this group. For the overwhelming majority of law-abiding Roma, the burden of the criminal stereotype is one more sign that they can never get an even break in their struggle for acceptance and integration. At the same time, the taboo among many Romani leaders against any discussion of this issue, especially with the majority community, means that the subject has been off-limits even to the fair and balanced inquiries that could help to dispel myths and to establish an objective body of information.

The discussions and presentations at the meeting confirm that there are no simple answers. Even at their best, crime statistics are often based on social constructs and are not immune to prejudices. In some countries, it is forbidden to collect such statistics by ethnicity or social group; but this has not prevented some authorities from doing so, or from speaking to the public or the media about “Gypsy crimes.” And in countries where such data collection is allowed, questionable practices persist, making it hard to credit any set of arrest or conviction statistics where ethnicity is concerned. The task of correcting the statistics not only runs into legal barriers and the resistance of some in the Romani community, but it is affected by the disastrous shortage of public funds in countries that have the largest Romani minorities and that are still struggling with post-Communist economic transitions.

All this poses serious questions for the Roma, their sympathizers, and public officials about what ought to be done. Is the issue best left alone? Would systematic inquiry—if it could be effectively and fairly

conducted—make a positive difference? What, in fact, would we find? How much variation in the figures can be explained by prejudicial behavior? If, indeed, it can be demonstrated that there are differential rates, are they more accurately accounted for by income and social status than by ethnicity? Can it be that some Roma engage in marginal activities that contribute to the stereotyping simply because they are more publicly visible, but not as serious, as other kinds of crimes or misdemeanors?

These and other issues were at the heart of the Paris discussions, which again demonstrated both the importance and difficulty of the topic. The meeting underlined two formidable obstacles that lie in the path of clearer understanding. One is the sheer technical complexity of collecting and managing crime statistics even when adequate funding and professional competence exist, and bias and stereotyping do not play a role. The other, more daunting obstacle is political and psychological: the sensitivities of the Romani community to opening a subject that is bound to arouse memories of the pseudo-science that was exploited by the Nazis in justifying the extermination of Roma, and the resistance of the majority community to giving up its stereotypes.

In any event, the issue will continue to complicate the many efforts to ameliorate Roma-majority relations. We hope that by opening this long overdue discussion, PER will stimulate a much-needed process of rational discussion and examination.

This report was written by Andrzej Mirga, chairman of the PER Romani Advisory Council and co-chair of the Specialist Group on Roma/Gypsies of the Council of Europe. Ann Marie Grocholski, PER program officer, also contributed to the text. The text was edited by Robert A. Feldmesser, PER's senior editor and by Louise Handelman, PER information consultant. Yaron Matras, lecturer at the University of Manchester, England, and Ian Hancock, professor at the University of Texas, contributed to the translation of the preface. The participants have not reviewed the main text, for which PER assumes sole responsibility.

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March 2000

E ROM THAJ O ZAKONO: PARUIPE O PACJAPE PA O KATJI-AKHARDO 'ROMANO KRIMINALITETO'.

ANGLUNE ALAVA.

But kidimata pa la Romen akhardajle katar o Project on Ethnic Relations. Maj phari tematika sas vazdime opre pe o paluno kidipe and'o Parizo, pe 7-8-to Octobrjako, 1999. Dava kidipe akhardajlo vo o PER-ostar vi e Europako Konsilostar. O phucipe e kidimasko sas pa o 'romano kriminaliteto'. So si adava- xoxaimata, stereotipo vaj cacimos? Si dava caco, ke maskar e Roma si maj baro kriminaliteto desar maskar gadzende, vaj si dava jekh baro bangipe pa le Roma kaj o gadze kerde pa le Romen thaj pacjan les?

But si le stereotipura pa le Roma, numa o maj dukhalo si kodo kaj phenel ke le Roma si kriminalura. Kada si sar 'kokalo' maskar e Romen thaj le gadzen. E gadze sa vorbin pa 'romane corimata', ke kodo den len a legitimacija te phandaven peske jakha pretjiv le Romenge problemura. E Rom, kaj si maskar lende e maj but manus kaj trajin pala o zakono thaj naj cor, nasti len pesko cacuno than and'el thema, ke sa anklel avri kodo stereotipo ke von si cor. Perdal e Roma so roden pengo identiteto adjes, o stereotipo pa o 'romano kriminaliteto' si o maj pharo problemo savo terdjon anglal lende thaj so mangel te keren atveto. E raja thaj e mediji si kaj jekhvar vazden dava temato. Vi o stato vi e gadze arakhen ande katji-akhardo 'romano kriminaliteto' legitimacija thaj justifikacija te ankeren e diskriminacija pretjiv e Romende. Bibaxt arakhel vusorones kol Romen kaj si dosale thaj trajin pe rigate, ale pe dova so dikhen te trajin pal' e butja thaj pal' o rajikano zakono.

E zor e stereotiposki pal' e 'romano kriminaliteto' si ande o da, kaj le gadze pacjan ke sa le Roma si kriminalura; e policija zoralel dava, phenen ke si lende statistici pa o kriminaliteto p'e Romende. E mediji pe pengi rig, bikinen so arakhle ke policija palpale e gadzenge thaj meg zoralen dovo stereotipo. Si savo drom te phagerel daja rota so phandel ande jekh o pacimos pa le Roma, e zandariake statistiki thaj e medijengi informacija?

But bare Romane gazdi ci kamenas dzi k'akana te den дума vaj te diskutin pa kodo problemo. O gindo, kaj ci trubul te vakeren e gadzenca pa o kriminaliteto maskar e Romende, nasavel o drom te

vazdel e diskusija so saj avel bi-holiaki thaj saj phagerel o xoxaimos o stereotiposko pa le Romende, thaj so saj phuterel o drom te aresel cacu informacija.

E diskusija kaj sas po kidipe sikadjas kaj pe kodola phare phucimata naj jekh laco atveto. Vi e statistika pa o kriminaliteto ci caces zutil, ke vi kote saj aven stereotipura andral. Ande vunijekh thema naj slobodno te kidinel dasavi e statistici pa jekh socialni vaj etnikani grupa. Kado principio ci phandel o drom e rango te kidel kajsi statistika thaj te del avri informacija ka e mediji, thaj te vakere pa e 'romano kriminaliteto'. Vi ande kol aver thema kaj si len slobodno te kidel kedasave dati, e praxa korkori si phucimaski. Vas e da, sar dzal pa le manusengi etnisita ande statistika so si kidini opre pa o phandade thaj pa o kodova so xudle e sentencija, pharo si te patjal andre. And'o drom te kerel korekta dasavi statistikake terdjon vi o rajikano zakono vi e Roma save ci kamen te den pen andre diskusija pa o 'romano kriminaliteto'. But thema thaj vi o Roma naj len motivacija te phagen e statistici thaj te sikaven so si a cacuni situacija. Jekh aver problemo si kaj naj dosta love te keren kadja butji, partikular ande kodola thema kaj e maj Rom trajin, kaj sas lole thema.

Sa kadja anel pharo phucipe e Romenge, lenge amalenge, thaj e range - so trubul pes te kerel? Si maj feder te mukhel kado phucipe pa o 'romano kriminaliteto' biphenimasko? Te vazdas o phucipe thaj te rodel bibangimasko - so si, dasavi analiza saj paravel variso? So arakhasa atunci andre? So thaj sar bari variacija ande statistika saj keren e stereotipura pa le Roma? Sar saj ginavas e statistici bi te avel ande le stereotipura? Te arakhas kaj si e diferencija and'e statistika, so saj phenas - si dava buter phandado le ekonomijako vaj socialno statutosu, vaj buter le etnikano statutosu? Saj avel dava caces, kaj kodole Roma so trajin pe rigate marginalizime zolaren o stereotipo pa o 'romano kriminaliteto' maj but vas e da, kaj e Roma si dural prindzarde maskar e gadze, sar kodole so keren maj phare bangimata?

Kodole phucimata thaj vaver sas maj maskarutne po kidipe ande o Parizo. O kidipe sikadja sar vazno thaj phari si e tematika pal o katjakhardo 'romano kriminaliteto'. E diskusija arakhljas kaj maj duj bare problemura phandaven o drom feder axalimoske. O nagluno si maj teknikano: te kidel thaj te del avri statistika pa o kriminaliteto si dosta kompleksime ande peste bi aver problemura sar le love, sar e specjalisura, thaj lenge nasul vaj stereotipikane gindura. O dujto problemo o

maj vazno si politikano thaj vi psikologikano. Pe jekh rig, e sensitiviteto e Romengo, so ci kamel te phuterel diskusija pa o kriminaliteto/corimos, si phangle, thaj anel pesa o bibisterdjimos pala e fasistura and'o Porrajmos, thaj sar o sikade fasistura rodenas justifikacija te murdarel e Romen ando patjajimos pa o 'kriminaliteto'. Pe aver rig, e gadze ci kamen te paraven penge gindura/stereotipura pa le Rom.

Sa jekh, o problemo pa o 'romano kriminaliteto', so cirdela pes pa le Romen, mosarel maj but butja te lachjarel e relacija maskar e Romen thaj le gadzen. Patjas, trubul te phuteras kodja diskusija so nas vazdime thaj sas mukhli pe rigate, kathe, te astaras jekh proceso ande saveste o gindo, thaj na o stereotipo, sikavela o drom k'o cacipe. Ande kadava proceso o PER dela o vast, kaj das gindo pe sa kodole phucimata.

INTRODUCTION

In the midst of the transition to democracy in Central and Eastern Europe, the Roma have increasingly become victims of racial discrimination, stereotyping, and violence. The Project on Ethnic Relations (PER) was among the first to address the sensitive and troubled issue of ethnic relationships among the majority, state authorities, and the Roma. PER initiated several workshops and projects with Romani leaders, government representatives, international organizations, the police, and the media in order to develop strategies for preventing violence and discrimination against the Roma. In a continuation of these efforts, PER, in cooperation with the Council of Europe, organized a workshop on October 7 and 8, 1999, in Paris, titled "Roma and the Law." Participants discussed problems stemming from the "Gypsy criminality" stereotype. Romani leaders; experts in sociology, statistics, history, and criminology; and representatives of the police participated in the discussion.

The president of PER opened the meeting by welcoming the participants and describing the work of PER on issues facing the Roma. Following these words, the chairman of PER's Romani Advisory Council (PERRAC) introduced the subject of the workshop. He noted that during the past decade the Romani community has gone through major historical and social changes. Along with the rise in racial discrimination, violence, and stereotyping, the Romani community has been recognized as a legal ethnic minority by several countries. After years of being denied ethnic status, Romani leaders, activists, and intellectuals have attempted to reshape and redefine their ethnic identity. In that process, the Romani elite have faced the challenge of society's stereotypes and prejudices. Of all the stereotypes of the Roma, the social construct of "Gypsy criminality" has had the most devastating impact upon the social status of the community.

In public discourse concerning the Romani community—whether political or in the media—the issue of alleged "Gypsy criminality," he continued, is often referred to as a justification for society's treatment of the Roma. Deeply rooted in the past and widely held, this stereotype invariably shapes public opinion and state action against the Roma. And there is no doubt that the policies and actions of the state and of lawmakers contribute greatly to the perpetuation of the "criminality" stigma. "Crime prevention" has often been the primary focus

of government policies toward the Roma. In fact, stereotyping the Roma as a "criminal" or "asocial" group, as the Nazis did, was at the heart of the Porrajmos, or the Romani Holocaust, during World War II.

In postwar Europe, especially in the Communist bloc, the issue of the Roma attracted less public and government attention and concern. But with the collapse of Communism and the changes that followed, the "Gypsy criminality" issue surfaced with new strength and importance. In the wake of growing tensions between majorities and the Romani minorities, exemplified by numerous violent conflicts in which Roma were victims, the state again turned to "Gypsy criminality" as justification for identifying the Roma as a "problem to be solved." In many of these incidents, the police forces failed to provide adequate protection and displayed their own bias against the Roma. Even more disturbing, police brutality toward individuals or entire Romani communities, as reported by human rights organizations, has often been justified as standard operating procedure in the name of crime prevention. The way the police acted, and the actions of the justice system in general, caused many Roma to believe that the law was being applied in unjust and biased ways. This viewpoint, in turn, led to great distrust of the police and other government institutions. Discriminatory treatment thus forged a rift that divides the Roma from the rest of society.

The mainstream media have played a crucial, negative role in perpetuating the stereotypes of the Roma, arousing mistrust, fear, and sometimes hatred. The media have eagerly reported "Gypsy crimes" and used supposedly objective police statistics about the "Gypsy crime rate" in their coverage of violent incidents involving the Roma. In so doing, the media helped to justify the violence and convert victims into perpetrators. They generalized the guilt of "criminals" to the entire Romani community.

The majority of the Romani leaders consider the construct of "Gypsy criminality" to be demeaning and racially biased, continued the chair of PERRAC. As a rule, they avoid any discussion of it, partly in fear of being ostracized by others within the Romani community. Merely by debating the issue, it may appear that they are admitting that "Gypsy criminality" is a reality, and that they are betraying other Roma. In addition, some Romani leaders avoid discussion of the topic because they lack the appropriate concepts and terminology for dis-

cussion with state authorities, the media, or experts in the field. Meanwhile, the police remain firm in their position that the level of criminality in the Romani community is much higher than in the rest of society. The police claim they can back up this position with statistical data. Because both sides are adamant about their positions, constructive dialogue has been limited.

What can the Romani leadership do, he went on, to end this standoff? The only approach is to initiate an open debate within the Romani community and between it and the majority over such issues as: What are the sources of the “Gypsy criminality” stereotype? What accounts for its endurance? What are its functions and for whom? What is its relation to reality? What are the possible ways of overcoming it? He invited participants to address these questions, and he concluded his introductory remarks by conveying his hope that through the discussion, the Roma, government officials, and the media would agree on the following ideas for a code of conduct. Namely,

- No social group in society is free from deviant or criminal behavior.
- Labeling an entire ethnic group as criminal is discrimination. This practice, especially by the media, should be discouraged. Romani leaders, as is the case for leaders of other ethnic or national communities, are justified in discussing the issues of crime that affect their communities. Criminal behavior—whether among the Roma or other members of society—should be handled in uniform fashion. Any treatment that is different should be seen as discriminatory.

THE BACKGROUND OF THE *GYPSY CRIMINALITY* STEREOTYPE

Following this introduction, a participant presented a historical overview of the development of the “Gypsy criminality” stereotype. He explained that the criminal label placed upon the Roma may have developed as a result of past governments’ efforts to control the movement of nomadic and migrant groups. Specifically, he linked the stigmatization of Romani groups to the development of the relief system for the poor in Western Europe. Starting in the 15th century, relief was restricted to the local poor. At the same time, poor immigrants were refused citizenship rights, thus creating a category of “vagrants.” Later in the 18th and 19th centuries, the relief system was further linked to the processes of state, as part of the policies toward aliens.

Nor has the picture radically improved in the 20th century. The modern state is concerned with controlling migration and migratory groups for purposes of conscription and taxation. In addition, the growing fear of the criminality of the underclass, especially those in transit, contributed to the establishment of a police apparatus. Early professionalization and specialization of the police reinforced the stigmatization of migratory groups, including the Roma. Supervision and registration of individuals as “vagrant” or “Gypsy” also became common. This process—coupled with fingerprinting and photography—institutionalized stigmatizing labels. Once the image of parasitic and work-shy nomadic groups had been established, people who fit, or seemed to fit, this image contributed involuntarily to the hardening of the stigma. Examples of stealing and begging started to serve as fuel for the “stigmatization engine.”¹

The state feared persons outside its reach, uncontrollable and unaccountable, he continued. From the Middle Ages onward, people with no fixed abode were treated as enemies. Hence, the Roma’s mobile way of life lay at the roots of their stigmatization. Later, this mobility became criminalized, to the point where even traveling about in a family group was regarded as a crime.

Many migratory groups were combined under the label of “Gypsies,” and they have usually been studied in the context of vagrancy, poverty, criminality, and marginality. But these groups were far from homogeneous. Clearly, there is a need to recognize commonalities and distinguish differences. Along this line, current historical studies provide a

more balanced picture. For example, research shows that some Romani migratory groups made a profitable living without relying on criminal behavior. More comparative studies in this respect are needed.

THE GYPSY CRIMINALITY STEREOTYPE IN TODAY'S SOCIETY

The role of the media

A participant noted that this meeting was taking place at a time when a new crisis concerning Romani migrants had just erupted. A group of Roma from Slovakia had sought asylum in Belgium. The participant cited several articles from Belgian newspapers, illustrating how the media explained and justified the authorities' decision to deport the Romani asylum-seekers by exploiting the "Gypsy criminality" stereotype. He brought up this case, the most recent in a series of similar ones in Europe, to stress that we are now witnessing the revival of the "criminality" image of the Roma in Western societies.

Another participant added that the media in several countries tend to arouse anti-Gypsy hysteria by reporting that the Roma are criminals who exploit the benefits granted to asylum-seekers in the countries to which they are migrating. This participant referred to recent reports and studies of the media's coverage of Romani asylum-seekers in Canada² and the United Kingdom.³ In both cases, he said, it was demonstrated that the media played a crucial role in fueling anti-Gypsy sentiments, which then influenced public debate, politicians' statements, and the actions of immigration authorities. The coverage, in general, was sensationalist and often racist. Moreover, the selection of pictures of the Romani asylum-seekers in newspaper articles conveyed the idea that they did not fit the "suitable" picture of asylum-seekers. Instead, they reinforced the stereotype of the Roma as a nomadic race and as economic opportunists and fakers. Ironically, in the case of Canada, the media failed to report that the Refugee Board had granted the Roma political asylum, with only a few exceptions—an affirmation that their claims were substantiated. Such a position is, nonetheless, unusual. Most governments halt Romani migrations to the West.

State response to the migration of Roma

The public debate provoked by the current migrations of Roma to the member countries of the European Union (EU) reflects the sharp difference between the opinions and positions of the governments, on the one hand, and those of the Romani leadership, on the other. As one participant pointed out, the sometimes hysterical reaction of governments when faced with Romani migrants and asylum-seekers—e.g., introducing an immediate visa requirement for all nationals of the country from which the Romani migrants are coming—has adverse effects on the entire Romani community in those countries. They are collectively blamed for this "inconvenience." It provides an excuse for right-wing parties and skinhead groups to take action against the Roma. Furthermore, Roma are accused or suspected of organizing the movements of Romani asylum-seekers.

Another participant made reference to the migration of Roma from Slovakia. Many foreign journalists, he said, went to Slovakia allegedly to inquire into the causes of this migration. Their real concern was the fear of large-scale migrations into the EU countries.

Another participant raised the question of why the Roma were migrating now and to such an extent. What factors are contributing to this migration? Why are the Romani migrants asking for asylum status? Increasing poverty, hostility toward them, and violence against them are among the major forces. Still, as another participant said, some recent changes in laws leading to a reduction in social welfare benefits, as in the case of Slovakia, may be contributing to the rapid increase in the migration of Roma.

Another explanation, said one participant, is that the Roma have become more familiar with the "know-how" of asylum-seeking and—feeling discriminated against, foreseeing no prospects for a decent life, and facing growing insecurity—make use of it. Leaving the country and becoming an asylum-seeker is a survival strategy. He added, however, that such migrations are nothing new; they have been going on for years. But in view of current persecution, he predicted that even more Roma would migrate shortly. Few participants objected to this prediction, but one commented that the magnitude of the migration should not be exaggerated. There is a strong selectivity mechanism at work. Not all who want to migrate will in fact do so; only those who have some resources, skills, and opportunities.

Another participant noted that one has to look at the state's capacity and willingness to absorb migrants. In the EU, there is a growing tendency to reject the Roma's asylum claims, citing lack of proof of persecution in their country of origin.

But according to another speaker, many Romani activists believe the Roma are a persecuted minority, and therefore should be granted asylum status. Nonetheless, the heightened publicity about Roma asylum-seekers in EU countries, the exploitation of the "Gypsy criminality" stereotype by the media, and exaggeration of the magnitude of the Romani migrations determined the governments' reaction more than any concern for violations of the Roma's human rights.

Participants agreed that a future meeting on migration issues is imperative.

"Racial profiling" practices

Another participant reported on the practice known as "racial profiling" as applied to the Roma. He claimed that customs officers have used racial profiling at borders and airports to stop and deport unwanted Romani migrants. Recently, Czech Airlines and employment agencies in the Czech Republic were discovered to have been identifying Roma with the letter "R" on their records. Similar practices are being followed by police forces attempting to combat "Gypsy criminality." This is evident, for example, in a U.S. police-training manual titled *Gypsies, Travelers and Thieves*.⁴ The manual says it has been: "structured to provide police personnel with Gypsy lifestyle and criminal activities which contribute to effective investigative and enforcement techniques." Among many "tips," it offers a simple and easy way to identify "European Gypsies." According to the manual, "Gypsy" male physical characteristics are as follows: "Average height - 5'9" (tend to be stocky); average weight - medium to heavy; hair—dark; eyes—dark; complexion—olive to dark."⁵ The "Gypsy" female is characterized in a similar way. Aside from the point that this is a doubtful way of establishing someone's identity, the practice itself proves that the police target the Roma. Similar police training manuals exist throughout Central and Eastern European countries—in Poland since 1957 and in Romania since 1996.⁶

Commenting on this observation, another participant acknowledged that racial profiling is currently a serious issue in the United States and affects several different ethnic groups in the country. Members of the

Latino communities, African-Americans, and Arab-Americans often face the consequences of racial profiling by the police, immigration services, and drug enforcement agencies. A federal investigation and several state programs are under way to abolish these practices.

The Impact of "Gypsy criminality" on programs and policies

Publications on crime among the Roma, whether scholarly studies or the kind of manuals mentioned above, obviously influence the views of governmental authorities and policymakers, and thus should be carefully scrutinized. Sometimes these publications convey highly stereotyped and defamatory images of the Roma. They serve to perpetuate these images among state functionaries and the general public. According to one participant, the book by Tudor Amza, an extensive study of criminality among the Romanian Roma, provides an excellent illustration.⁷ He described the book as being profoundly insulting and racist.

Such publications that present a distorted and threatening image of the Roma pose a challenge. How can an alternative be produced to display a different message to the public?

This participant stressed the need to promote and introduce a new image of the Roma into the thinking of policymakers. He noted that the moment is ripe for such a project. International organizations are presently showing a strong interest in Romani issues, and governments in several countries of Central and Eastern Europe are in the process of developing national programs for their Romani communities.

He warned that, meanwhile, stereotyped images could proliferate and become part of governmental programs—perhaps hidden within the idea of changing the Roma into "normal" citizens. The danger is that the concept of "Gypsy criminality" would guide the elaboration of policies. This has been the case in Romania, where representatives of the Department for the Prevention of Criminality play a role in designing the national program for the Roma.

The Romani leadership, he continued, must put an end to the relationship between the Roma and the "criminality" stereotype, because the

There is a need to promote and introduce a new image of the Roma into the thinking of policymakers.

way in which society, policymakers, and the police view the Romani community has an impact on the Roma's self-perception. Paradoxically, some Romani leaders and activists do not question this preconception, but instead follow it. They become involved in projects aimed at reducing the so-called "Gypsy criminality." Since governments and foundations fund such projects handsomely, these leaders are tempted to participate. And so, he concluded, "The devil is also in us." The challenge is not only to counter this attitude, but to promote a new perception of the Romani community.

GYPSY CRIMINALITY: REALITY OR MYTH?

Is "Gypsy criminality" a reality, or is it simply a dangerous myth? The controversies associated with this question engaged the participants in an intense debate. Although most of them acknowledged that a social phenomenon of crime exists and affects the Romani community—especially because of the level of economic hardship and the social marginalization—they questioned and opposed the reality of "Gypsy criminality" and the concept itself.

One participant suggested that there is actually no such thing as "Gypsy criminality," and that the way it is applied to the Roma reflects a racist stereotype. Supporting this view, another speaker stressed that perceiving crime through group ethnicity makes it hard to avoid the trap of racism. He pointed out, however, that racism itself does not

provide a satisfactory explanation since it is "self-referential." In order to explain why a stereotype exists, one has to examine how it functions in the state and society. He recalled the example of the Bavarian Gypsy Act of 1926. Its primary effect was to define a new

Perceiving crime through group ethnicity makes it hard to avoid the trap of racism.

role for the police. The act stipulated that the main work of the police was no longer the investigation of offences that had been committed, but the systematic combating of criminality without reference to a particular criminal act. Thus, any offence served to extend the prerogatives and power of the police. The participant claimed that the focus on preventive action by the police could still be found in Germany in the 1950s in relation to the Romani community. He concluded that a break from this kind of association must occur. Only

individuals who have actually committed crimes should be considered criminals. Several other speakers supported this point of view and stressed the need for breaking the relationship between ethnicity and crime, especially in the media and in the pronouncements of state authorities.

Another participant objected to omitting society's racism from the picture. There is a majority in the state, he said, and this majority claims, "Gypsies are criminals." Thus, racism or anti-Gypsyism is a problem of the majority, and scholars should provide some explanation of what is wrong with the society. The issue is how to change not the minority but the majority. The Roma are victims of society's ills.

Several participants took yet a different stance. Rather than looking at the Roma as victims of society's discriminatory treatment, they argued that the issue on which to focus is crime, irrespective of its relationship to a "Gypsy criminality" stereotype.

Several participants said that social and economic factors—the level of poverty, unemployment, social marginalization, and exclusionary practices—probably play a decisive role in what one speaker called "criminal behavior for the sake of survival." Others preferred to stress the impact of a self-fulfilling prophecy regarding criminal behavior: treated as criminals by definition, especially by state agencies such as the police, some become criminals.

One participant noted, however, that the crucial difference in relation to the standard explanations is the visibility of the group and its image. According to him, someone will quickly forget about Russian organized crime aimed at money laundering, but that same person will remember for a long time if he or she is robbed by petty Romani criminals in Milan. In other words, even a minor criminal offense committed by members of such a visible group as the Roma has a great impact on the image of the entire group and serves to perpetuate the stereotypes.

Another speaker challenged the previously expressed views and put forth the following questions: What if "Gypsy criminality" is not a stereotype, and a high level of criminality among the Roma is a fact? How would Romani leaders respond? Is it reasonable to assume that they would be able to cooperate with the police in solving this problem? How would this affect their standing among their constituents? The discussion thus turned to the issue of crime statistics.

COLLECTION OF DATA ON CRIME AND ETHNICITY

The issue of crime statistics and ethnicity emerged as a major topic of discussion, revealing a deep division among the participants concerning the legitimacy and usefulness of the data and the possibility of obtaining unbiased data on ethnic crime. As an intense debate erupted, it became clear that especially for the Romani participants, the collection of data on the Roma by state agencies and the police is an extremely sensitive and controversial issue. This practice brought to mind the Romani Holocaust and the experience of the Roma under Fascism and later the role of the Nazi police in amassing files on the Roma to facilitate their extermination.

The discussion revealed confusion regarding police and census statistics. Since no distinction was made in the beginning, misunderstandings sometimes arose. Even though many of the Romani participants objected in varying degrees to the collection by the police of data on Romani crimes and their release to the media, it is fair to assume that

The issue is one of self-determination: the Roma should have the right to decide what kinds of statistics are collected on them.

they were not, in general, against the inclusion of Romani ethnicity in national censuses. Still, some expressed reservations in reference to this type of statistic, as well.

One Romani participant commented that the category of “Roma” has been constructed in

relation to certain societal concerns. At present, the Roma have become a primary example of the troubling migration of refugees and asylum-seekers into EU countries, and concern about this problem generates interest in collecting new data on Romani populations. This interest signifies a change in state policies toward the Roma. Among those who define the Roma and produce social indicators are sociologists. This participant objected to the way sociologists define the Roma and count them, without regard to their self-definition. For that reason, he refused to cooperate with those researchers who dealt with the “street children” in Romania. He raised a series of questions: Do we have to deal with all the pathologies that the majority associates with “Gypsies?” Must we believe that the majority of those jailed in Romania are Roma? How should the Roma in prisons be counted?

Do we have to agree that prisoners are to be defined by color—that all who look “black” are Roma? The question of definition poses a challenge to Romani leaders. They have to decide what kind of definition they want to use—whether it should be inclusive or exclusive—and which of these should be incorporated into Romani political positions. He concluded that behind all the statistics is a political interest. The Romani leadership has to identify its own interests and decide whether to support or oppose the collection of data on Roma. The Sinti in Germany have decided to reject any collection of data by the state.

Another Romani participant claimed that the issue is one of self-determination: the Roma should have the right to decide what kinds of statistics are collected on them. In the end, the Roma themselves must cooperate in the collection of data. They should have control, in particular, over how the agencies of the state use the data. But another Romani participant acknowledged that statistics and indicators are needed, especially by activists involved in the work of nongovernmental organizations. In his view, the statistics should help the Roma and not harm them, as do the “Gypsy criminality” statistics.

The Roma face another challenge, noted another participant—that of the enlargement of the EU in the near future. This growth will generate requirements for new data on Romani communities. The Romani leadership has to be prepared. At present, he added, European standards for collecting and protecting personal data are nonexistent.

Police crime statistics

If data are collected on unemployment, why not on criminality? That question, raised by a Romani participant, directly touched on a basic dilemma in the Romani participants’ position on crime statistics. As a non-Romani participant observed, allowing the use of group identity for “good” purposes but objecting to it for “bad” purposes is a contradiction. He suggested that operating with the concept of “community” involves both good and bad results. It is legitimate to ask if a community suffers from illiteracy and unemployment, and also crime, and to look for indicators and rates for these factors, as well. Social indicators are not necessarily racist or prejudiced in nature.

A democratic society needs statistics of various kinds, said one partic-

ipant. Institutions that collect and publish statistics can be problematic, but the collection of data is legitimate. If the Roma perceive “Gypsy criminality” statistics to be accusatory, one must determine the extent to which these figures are real or unjust and exaggerated. Are they significantly different from those for other population groups? If the Roma are being unfairly blamed, that is a problem of public relations. The question, then, is what can be done in that field, he concluded.

Another participant stressed that if the Roma want to change the perception and attitudes of society and the police about “Gypsy criminality,” they must turn away from mere declarations and tackle the practical task of confronting the crime statistics. From the Roma’s point of view, the “Gypsy criminality” data are harmful and demeaning, but one cannot deny that the issue of crime is serious in some communities. It is all too easy to dismiss this issue as being only a matter of police discrimination and selectivity. We have to recognize that even if there is no such thing as “Gypsy criminality,” there is an issue of crime among the Roma. If the Roma abandon the taboo on discussing this issue in an open way, they can undermine this stereotype. He cited the case of the Turks in the Netherlands; their leaders talked publicly about crime in their community and gained society’s understanding.

Another participant stated that crime statistics can be used to counter the ills of society; however, it is impossible to calculate exact statistics about crime for small groups. In Germany, official crime statistics, published yearly, contain figures on crimes committed by “foreigners.” The statistics depend on the police definition that is, in turn, based on the public attitude that “the Roma are a menace.” (Up to the 1970s, the police tried to collect data on the entire Romani community, including those who were survivors of concentration camps.) This perspective makes the concept of “Gypsy criminality” a self-fulfilling prophecy since it only reinforces the public attitude. The police need to be better educated about ethnicity and crime.

A Romani participant said that he sees no point in collecting data on crime among the Roma. Even a “good” statistic is not acceptable. It is an illusion to think that it would be used in a positive way. What interest can the state have in collecting such data and releasing them to the public? What the Roma object to is the singling out of their

community through the creation of the category of “Gypsy criminality.” This is perceived as discriminatory treatment. What about the crime rates of other national or ethnic minorities? These are not collected and released to the public. That is why the Romani leadership is requesting an end to this practice.

Another Romani participant mentioned a debate on Romani crime in Slovakia. State authorities defined the Roma as a “risk group.” Until recently, this definition justified collecting data on “Gypsy criminality,” and releasing the data was perceived as part of democracy. The Ministry of Internal Affairs of Slovakia has since decided to discontinue this practice. Another participant noted that, in fact, many states have stopped collecting data on ethnic groups. For some, the practice has become illegal or unconstitutional. This is the case in all the German provinces except Bavaria, and a German Sinti organization has brought a case against the Bavarian authorities to the federal court. But the situation is far from uniform, said a Romani participant. For example, the Romanian police continue to collect data and keep records on “Gypsy criminality,” and these are disclosed to the media “on request” or when there is a “need.” He asked that this practice be stopped.

Another participant observed that there is a lack of knowledge about police “records” or “files” on “Gypsy criminality.” What is the legal basis for collecting them? In which countries is this practice continuing, and in which ones has it been made illegal? What is the operational status of such files? Are they only for internal use, or are they for public use? Without answers to such questions, any discussion is premature. He concluded that there is a need for research to assess the current situation and the practices of the police toward the Roma.

In response to all these objections and reservations, another participant raised a major question. Are we to conclude that it is impossible to have “fair,” “unbiased” statistics on crime among the Roma, accompanied by “good” indicators and comparisons with other groups?

Crime statistics in the U.S.: a model to follow?

A U.S. participant called attention to the fact that the Bureau of Justice Statistics (BJS) collects, analyzes, and reports statistical data on activities in the nation’s criminal-justice system. This includes statistics on victimization, law enforcement, adjudication, and corrections.

The BJS maintains data on the race and ethnicity of the victims of crime obtained through a national household survey; the race of offenders as reported by victims; and the race of inmates in local jails, state prisons, and federal prisons and courts. Data are also collected on the race of law enforcement officers through a survey of police agencies. This body of information can be used in policymaking to ensure fairness in justice administration and to develop programs that address the issues, problems, or services peculiar to specific groups.

These data collections use standard race and ethnicity categories established by the Office of Management and Budget. (New ones are to be used for the 2000 census.) For race, the five categories are American Indian or Alaskan Native, Asian, black or African-American, Native Hawaiian or Pacific Islander, and white. For ethnicity, the categories of Hispanic origin and non-Hispanic origin are used. In the 2000 census, the race and ethnicity of household members will be self-reported on Census Bureau forms.

Information collected about individuals cannot be released and can be used only for research purposes. Before any survey is conducted, it must pass through a rigorous approval process, demonstrating that relevant people and organizations were contacted. All questions to be asked must be discussed and accepted. Race and ethnicity may be determined either by self-identification or by relying on observation. The victims or the police may supply this information.

In response to reported cases of racial profiling and excessive use of force by police, the Department of Justice is implementing an executive order to field-test methods of collecting race and ethnicity data in non-suspect encounters. Selected federal law-enforcement agencies will collect this information on a pilot basis to identify successful methodologies. The information will be used to ensure that racial or ethnic profiling is not used by law-enforcement agencies. A national survey on the excessive use of force by the police is also planned.

The speaker presented as an example a report of the BJS, "American Indians and Crime" (February 1999). The report represents a compilation and analysis of data on the effects and consequences of violent crime among American Indians. It uses data from a wide variety of sources, including statistical series maintained by the BJS, the FBI, and the Bureau of the Census. American-Indian crime victims pro-

vided testimony. They discussed how they were affected by the victimization and who victimized them. The report also includes the first BJS estimates of the total number of American Indians under custody or supervision of the justice system.

One of the challenges facing all federal statistical agencies is that representative statistical data about American Indians are difficult to acquire and use. Most agencies employ nationally representative surveys of persons and households, thus limiting detailed descriptions of a small population. American Indians comprise less than 1 percent of the U.S. population. In addition, sampling procedures relying on geographical sampling units may miss areas where American Indians are concentrated. Population movement between tribal and non-tribal areas may distort the actual picture, as well. Despite the limits, the variety of sources permits a fairly exact picture.⁸

Among the sources, the National Crime Victimization Survey (NCVS) seems to be of particular importance. It gathered data on criminal victimization from a national sample of household respondents (age 12 or older) about any crimes they may have experienced, regardless of whether a law enforcement agency was called. For personal-contact crimes, the survey asked about the perpetrator. Asking the victim about his or her relationship to the offender was critical in determining whether the crime occurred between intimates. For this study, NCVS data for the years 1992-1996 were combined. More than 1.1 million interviews were included. Of these, a little more than 7,000 interviews were conducted among American Indians, the largest national sample from this population. The report also presented the findings in comparison to those gathered from blacks, Asians, and whites.

Proposals for action

A sharp difference in points of view regarding the collection of data on crime among the Roma was evident during the meeting. In support of one option, a participant observed that the Romani leaders should be informed about ethnic statistics, including criminality in their communities, so that they can be in control and not be victimized by the problem.

An opposing viewpoint was that instead of focusing on criminality, stress should be laid on police abuses, human-rights discrimination, poverty, and unemployment. Furthermore, Romani activists should

force authorities to deal with those problems. This participant recalled his experience in Germany. When the Roma initiated a discussion of human-rights violations, police abuses against them increased. When they undertook civil action and went into the streets to protest, police behavior improved. He concluded that the Roma do not need to be loved; they have to be respected, and that respect can be achieved through common civil action.

A moderate view, presented by another Romani participant, suggested the collection of crime data, but only at a local level and in cooperation with Romani leaders. All data

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should also be clear and comparative, he said. Supporting that view, another participant stressed that the issue of criminality has much to do with public relations. The reduction of crime levels—in any community, including the Romani community—is only part

of the equation. The other is that the Roma themselves have to be more aggressive in asking the police, other state authorities, and the media why they define the Roma as criminals. Open discussion—free of recrimination—is critical, he stated.

Another participant expressed some reservations about such an approach. If the Romani leadership acknowledges that crime is an issue in its community, will it make any difference and for whom? According to this participant, there is a danger that starting a public debate on crime among the Roma could reinforce the "Gypsy criminality" stereotype. Thus, the question is how to talk about the problem in public and among the Roma themselves. The answer, suggested one participant, was to break away from the racist assumptions that label an entire community based upon the criminal acts of individuals. At the same time, the policy of crime prevention that makes an entire community "suspect" should be abandoned. A majority of the participants seemed to accept these views.

The question remains, in an ethnically defined setting, how can one collect data on crime in an unbiased manner? One participant argued that facts should be established concerning past and present-day police practices in collecting crime data on the Roma. There may be enough

data for analysis, but the data may be faulty. To challenge the "Gypsy criminality" statistics, proper evaluation of that data is critical. Experts must examine the surveys. Secondly, a consensus should be reached on a code of conduct regarding police practices and the media. The code should include the implementation of standards for the legal protection of personal data. One participant suggested that the Roma should make use of and learn from the experience of Jewish anti-defamation activities in countering discriminative labeling and ensuring that a code of conduct is obeyed.

Another participant observed that the U.S. model offers a number of fair and unbiased methods, even though its applicability may be limited due to financial costs. Application of the "victimization perspective" to crime statistics, as opposed to "Gypsy criminality," can be of great importance. It may offer the Roma a viable way to approach the issue of crime. Another participant suggested that, at least at the

community level, the Roma should participate in the compilation of statistics. Along the same line, another participant proposed drafting a position paper that would fairly present the issue of crime among the Roma, show the dilemmas the Roma face, and present options for addressing crime within this larger context. Such a paper could serve as the starting point for a debate among the Roma.

The application of the "victimization perspective" to crime statistics, as opposed to "Gypsy criminality," can be of great importance.

Throughout the discussion, participants repeatedly raised certain questions. Why are these criminality statistics needed? Who needs them? One participant also insisted on a need to focus on another side of the picture: the dimension of deprivation. Without addressing all the hardships of the social and economic conditions under which the Roma live, a discussion of the isolated issue of crime will not solve any problem—including that of crime. He went on to say that the Roma are not "a problem," but rather they "have problems" in society. These problems, which affect the community in all its complexity, should be dealt with and remedied.

In a democratic society, observed one participant, statistics are not only possible but necessary, and the Romani leadership must accept

this fact. Another participant noted that members of the Romani minority are at the same time citizens of particular states. Given this status, the Roma should consider the value of data collection and statistics. These figures are a powerful instrument in politics and do not simply function in “serving the enemy” and making “accusations.” They serve as a useful tool that can be employed in pursuit of objectives and interests. At the same time, added another participant, the Romani leadership should be recognized as a legitimate political player, and should have a role in the collection of data that pertain to ethnicity. They should be informed about what kind of data protection exists and who is collecting, storing, and using the data.

CONCLUSIONS AND RECOMMENDATIONS

Participants at the meeting presented the following conclusions and suggestions for future work.

■ Further discussion

Representatives of PER proposed continuing discussion of these issues at two meetings scheduled in the near future. The first meeting would gather Romani leaders to consider “Gypsy criminality” and produce strategies to deal with this problem at local and national levels. Members of ministries of interior and justice would gather at a second meeting, with discussions centered on encouraging Roma-government partnerships in seeking solutions. Such partnerships could raise awareness on both sides and ensure that the interests of the Romani community are represented in government programs and policies.

■ The need for research

The majority of the participants agreed that an examination of the methods by which current crime statistics are obtained, particularly those that involve race and ethnicity, is necessary. Several participants suggested that issues of crime and injustice should be pursued as part of the development of a civil society within these countries. A position paper that highlights the problems associated with these issues and offers suggestions for dealing with them could help to initiate discussions among government officials. One participant added that the data must include both crime statistics and other social indicators to present a more complete picture of the Roma as a group. It was also suggested to follow up on the recommendation of the High Commissioner on National Minorities to organize a seminar on the collection of national statistics.

■ Discussion among Romani leaders

In the Romani leaders’ attempts to confront the stereotypes that affect their communities, they must learn the language of discourse on crime. It is necessary to train these leaders in the relevant concepts so that they can better participate in discussions concerning these issues.

■ More objective media coverage

It is important that steps be taken to ensure that media coverage of the Roma is objective and does not perpetuate negative stereotypes. The creation of an anti-defamation movement could be valuable in

promoting the rights and protection of the Roma.

■ **Police training and partnerships with the Roma**

Tolerance training for police officers and working partnerships between them and the Roma are necessary to raise awareness and to end victimization and police violence toward the Roma.

NOTES

- ¹ Further corroboration of the effects and implications of the labeling and stigmatizing mechanisms today may be found in: W. Willems and L. Lucassen, "A Silent War: Foreign Gypsies and the Dutch Government Policy, 1969-89," in *Gypsies and Other Itinerant Groups: A Socio-Historical Approach*, ed. L. Lucassen, W. Willems, A. Cottaar (Macmillan Press, 1998). The study of the Dutch Government's policy revealed findings that buttress the speaker's presentation. Namely, the authors' research yielded the following, (p. 110):
 - "People who are labeled 'gypsies' are often not judged by individual traits, but by (alleged) group traits."
 - "'Suspicion' is often a legitimate reason to expel, keep out, or register a Gypsy as a 'foreigner.'"
 - "It is difficult for a Gypsy to avoid being labeled as an undesirable alien and potential criminal."
 - "The amount of time, attention and money which is spent on this relatively small minority group is partly a consequence of their prevailing image as being criminals."
- ² B. Falk, G. Kunerman, "Multicultural Welcome? The Czech Roma Refugees and Their Flight to Canada." Paper presented at the Conference "National Minorities and Refugee Politics in the 'New' Europe and North America" (CRCEES, Rutgers University, April 8, 1999).
- ³ N. Winstanley-Torode, "*The Gypsy Invasion, From State Persecution to Media Denigration? An Analysis of the UK Press Coverage of the Arrival of Czech and Slovak Roma Asylum Seekers in Dover, October 1997*," unpublished Master's Degree thesis, affiliation with Minority Rights Group, London, United Kingdom, (September 1998).
- ⁴ B. H. Carter, *Gypsies, Travelers and Thieves*, (Columbia, South Carolina, South Carolina Criminal Justice Academy, 1987).
- ⁵ *Ibid.*, p. 39.
- ⁶ S. Bordowicz, K. Pisdorski, and S. Szczepaniak, *Przestepczosc wsrod Cyganow (Criminality among the Roman)*, (Warszawa, KGMO, 1957) and Dr. T. Amza, *Tiganii, necunoscutii de langa noi (Gypsies, the unknown among us)*, (Bucuresti, Atlas-Lex, 1996). Amza's book has an extensive English summary.
- ⁷ The publication contains a lot of easily made, unjustified and generalized remarks. The following are typical statements. All quotations are

verbatim. The incorrect use of words and spelling errors appear in Amza's text.

"During this second exodus, one year was enough, for those who arrived after 1990, to convince communities and Authorities on the fact that the great majority of them are thieves, robbers, beggars, etc." (p. 453).

"For these people, it is only one of the ten commands of the Holy Scriptures to be observed, but only by the female side of the group (namely fidelity). For the rest, thefts, cheatings, begging, mutilating children for this purpose, and even killing for or on behalf of the community." (p. 468).

"Peculiarities of crime phenomenon do consist—even under conditions that allow Gypsies to have a 'monopoly' on certain kind of crimes - in their attitude next to the committed crimes, their modus operandi, and from educating their children for having a deviationist behavior." (p. 468).

"Education of children towards a deviationist behaviour is a continuous process that is started since early childhood. Attitude and behaviour do not have genetic roots, but represent the effect of the 'concern' of the adult Gypsies (parents, brothers, other relatives) to educate, train, and specialize children for various criminal activities." (p. 469).

"Before 1989, based on statistics, figures and findings of Police, it was often said that Gypsies (reporting their number to the number of population) do perpetrate five or even ten times more crimes than Romanian or other nationality criminals." (p. 472).

"During the post-revolutionary period, crime phenomenon has registered a real 'explosion'... Crimes perpetrated by Gypsies registered a serious growth... During the last five years, more than 13% of Gypsies' minority has committed offences... 1.2% from the total population of Gypsies' minority adults were in prison, the percentage for the rest of population being 0.5." (pp. 474 and 476).

⁸ The list of sources includes the following: "National Crime Victimization Survey," "Uniform Crime Reporting Program," "National Incident-Based Reporting System," "Surveys of Probationers and Jail Prison Inmates," "Law Enforcement Management and Administrative Statistics," "National Judicial Reporting Program," and "Federal Justice Statistics Program." More about these surveys and programs in L. A. Greenfeld and S. K. Smith, *American Indians and Crime*, (U.S. Department of Justice, Office for Justice Programs, February 1999), pp. 34-37.

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