

DEBATE POINTS

What does the author mean by "unequal access"?

Do you agree with the author's description of society as fundamentally about a competition for attention and resources? Why or why not? Why would one aim at a society in which such competition were the highest good? Do you think your society should be the kind of society in which such competition is the highest good? Why or why not? What are the alternatives, if there are any?

The author asks "What do Roma want?" Do you believe it is possible for any group to attain the degree of consensus and agreement this question implies? Think about your own society – Do all members agree on basic aims? If not, how can we make sense of what the author says is necessary – basic agreement. Can you imagine ways in which Roma can – democratically – arrive at agreement on demands?

The author's view of fundamental rights and freedoms is somewhat different from the basic rights described elsewhere in this book. Can you describe the difference between various views of fundamental rights and freedoms used in various places in this book?

NOTES

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The Bulgarian Framework Programme for Equal Integration of Roma: participation in the policy-making process

by Romyan Russinov*

On April 7, 1999, representatives of the Romani community signed an agreement with the Bulgarian government over the Framework Programme for Equal Integration of Roma in Bulgarian Society. The agreement was endorsed by more than 70 Romani organisations throughout the country and by the then-Chair of the governmental National Council for the Ethnic and Demographic Issues and the Vice Prime Minister of Bulgaria. Several weeks after this agreement, on April 22, the Bulgarian Council of Ministers adopted the Framework Programme by resolution.

Anyone asking Romani activists in Bulgaria to name the most significant accomplishment of Roma in public life is likely to receive a single answer: The Framework Programme. Public officials will probably respond similarly. The adoption of the Framework Programme by the Bulgarian government was also welcomed by international and European institutions.¹ What were the events leading to the adoption of the Framework Programme and what lessons can be drawn from the experience? I was closely involved in advocacy work leading to the adoption of the Programme, and I describe these efforts briefly below. The answers to these questions are, I believe, still relevant to the political reality in Bulgaria, and may be of use to Roma rights advocates around Europe.

CAMPAIGNING

The idea of a comprehensive policy document for Roma appeared in an environment of inadequate state policies with regard to Roma and a lack of political will to solve Romani problems. All Bulgarian governments after 1989 failed to undertake meaningful actions to address the problems that Roma face in Bulgaria. While some measures have been taken over the years, government programmes that existed before and after the fall of the totalitarian state were doomed to be ineffective for two reasons. First of all, underpinning these programmes was the fundamentally flawed conception that Roma problems are social problems and not issues of ethnicity and discrimination.² Secondly, authorities have generally ignored Roma as participants in the process of formulating these programmes, and the policies were never communicated properly to the Romani community.

The Framework Programme, and the campaign for its adoption, broke this pattern. For the first time, Roma themselves initiated and actively took part in designing a policy that affects their lives. The Framework Programme was initiated by a campaign called "For the Equal Participation of Roma in the Public Life of Bulgaria", launched in January 1998 by the Sofia-based Roma rights advocacy organisation, the Human Rights Project. The goal of the campaign was the formulation of a comprehensive policy document addressing issues pertaining to Roma in Bulgaria. After preliminary consultations with Romani activists and experts working on Romani issues, the Human Rights Project developed a plan that included the following stages:

1. Preparation of a draft Programme;
2. Submitting the draft to discussion with Romani organisations throughout the country;
3. Negotiating with government officials for the adoption of the document.

The drafting of the Framework Programme was carried out by a team including the leaders of two national Romani organisations and experts on human rights and Romani history and culture. This co-

operation between professionals with a command of theory and people with practical experience yielded high-quality results.

At the core of the Draft Programme formulated by the Romani activists was equal treatment and equal opportunities for Roma. Unequal treatment of Roma in society was defined by the Framework Programme as the fundamental problem facing Roma in Bulgaria. Central to the goals of the Framework Programme, therefore, was combating racial discrimination. Toward this end, the draft Programme envisaged the establishment of a specialised government body with powers to investigate complaints of discriminatory treatment and to impose sanctions on juridical and private persons for discriminating on an ethnic basis. Along with the establishment of a specialised body, the draft Programme also stipulated enactment of a comprehensive anti-discrimination law and amendments to existing legislation to strengthen legal provisions combating racially motivated violence and discrimination. The draft Programme also recommended the introduction of stricter sentences for racially motivated crimes. The goal of combating discrimination was additionally reflected in specific proposals in each section of the document: employment, social support, education and the media. In the field of education, for example, the document emphasised that the desegregation of the segregated ghetto schools in Romani neighbourhoods is a precondition for equal educational opportunities for Roma. Further, positive action by the state in higher education was proposed as a means to remedy the effects of past discrimination of Roma in education.

By May 1998, the skeleton of the future Framework Programme had been created. In the following months, the document was circulated among Romani organisations throughout the country and was widely discussed, both by activists and ordinary people, formally and informally. This stage of our work had a crucial impact on the outcome of the campaign for the adoption of the Programme by the Bulgarian government. In the course of our meetings with Roma from around the country, we gained confidence that the concepts for the development of the Romani community as formulated in the Framework Programme were relevant, given the perceptions and the expectations of ordinary Roma with whom we spoke. Ultimately, over 70 Romani

organisations made written declarations of support for the Framework Programme. At this point the Framework Programme was no longer a document produced by experts — it became the Roma Programme. For me this was the most rewarding part of the campaign. However, the most difficult work lay ahead of us. We still had to negotiate with the government the adoption of the Framework Programme as the basic document defining policy towards Roma.

THE FIGHT BEGINS

A team of Romani activists presented the text of the Framework Programme, as produced by the experts and approved by the Romani community, to the government in August 1998. We received no direct response from the government concerning the draft Programme. However, the government soon revealed that it was going to follow its own agenda. Several weeks after the submission of the Roma-supported Programme, the governmental National Council for Ethnic and Demographic Issues (NCEDI)³ announced its own Programme for Roma. In the draft Programme offered by the government, rhetoric substituted for concrete commitments and mere description of the problems prevailed over analysis of underlying causes. Lacking an explicit commitment to concrete actions, the document was a declaration rather than a plan of action. Moreover, the document failed to incorporate any of the proposals made in the Roma-supported Programme. It made no mention of discrimination against Roma, nor did it propose any mechanisms to combat it. With this act, the government demonstrably rejected the idea that Roma might be participants in the policy-making process.

After such a discouraging start, the coalition of Romani organisations that had initiated the Framework Programme began mobilising support at the domestic and international level. We held consultations with leaders of Romani organisations in the country, discussed the Programme with non-governmental Bulgarian organisations, contacted international non-governmental organisations, including Romani organisations, and appealed for support to intergovernmental institutions.

On October 3, 1998, the Romani coalition organised a national roundtable in Sofia and invited representatives of all major Romani organisations in Bulgaria, the Bulgarian government and the Council of Europe. The goal of the roundtable was to communicate to the government the will of the Romani community to participate in the policy-making process and to reach an agreement regarding the proposals of the Romani organisations. As the accomplishment of these goals depended on the government, we needed participation at the conference by senior officials — officials able to make commitments on part of the government. For a long time before the conference, our attempts to contact officials from the government remained futile. Our letters and requests for meetings were simply ignored.

At this point, pressure through the media as well as intervention by international organisations — in particular the Council of Europe — crucially determined the outcome of our efforts to involve the government. The conference was attended by the Deputy Prime Minister of Bulgaria and Chair of the NCEDI, Mr Vesselin Metodiev, who on behalf of the government committed to engaging in dialogue with representatives of the Roma in order to finalise the Framework Programme and to propose it for adoption to the Bulgarian Council of Ministers. This commitment was made explicit in an agreement, which was signed by the Deputy Prime Minister and Romani representatives and obligated the NCEDI to carry out negotiations with Romani representatives and within three months to produce a final version of the Framework Programme based on both the Roma-supported document and government proposals. Some representatives of the Romani coalition resented the fact that the agreement with the government envisaged incorporation of the Programme proposed by the government in the final version of the policy document and feared that the government's vision for the development of Roma might eventually prevail. However, at this early stage, when even communication with the government was problematic, this agreement was a necessary compromise that made possible the start of the dialogue with the government. Until that moment, the government had acted as if the Roma-supported document did not exist; after the roundtable, the Romani activists' version was acknowledged as one of the docu-

ments to be considered in the drafting of the future official Framework Programme for the Roma.

The agreement reached at the roundtable on October 3, 1998, was possible due to the unanimous endorsement of the Framework Programme by Romani organisations and the support from the international community. Intergovernmental organisations, such as the Council of Europe, and leading European non-governmental organisations, such as the European Roma Rights Center, maintained that anti-discrimination had to be central in policies addressing Romani issues. Emphasis by these organisations on the international obligations of the Bulgarian state to address this problem gave much-needed support to the Roma document in the future negotiations with the government, during which recognition of discrimination provoked the most ardent debates.

SETBACKS

The months following the roundtable marked the first real participation of Roma in policy-making. Although without formal status, a group of Roma representing Romani organisations was constituted as a partner of the government in the formulation of the future policy document. This group had to defend the concepts and the proposals of the Roma-supported Framework Programme and to ensure that they came to be embodied in the final version of the policy document to be adopted by the government.

Experience of attempting to work with government officials on Romani issues in the years after 1989 made many of the obstacles that we encountered in the process of the negotiations predictable: resistance on the part of the authorities to recognising discrimination as underscoring the Romani experience in Bulgaria, reluctance by officials to commit to concrete actions and deliberate provocation of disagreement between Romani representatives. These approaches have characterised the government's attitude to the Romani leadership throughout the post-1989 period, and they emerged again in the course of discussions between activists and the government.

The issue of recognising discrimination provoked the most endur-

ing confrontation between the government and the Romani representatives. Public officials continued to make statements denying the existence of discrimination against Roma. Other officials denied that Bulgaria is a multi-ethnic state. This position was reiterated in the official comments on the Framework Programme provided by the Council on Legislation of the Ministry of Justice. The Council asserted that the establishment of a specialised body for combating discrimination would be unconstitutional since "the principle upon which the existence of such organs is based implies that the Bulgarian nation is a mixture of different ethnic groups." The Council concluded that "[t]his idea is contrary to the idea of the unity of Bulgaria which is proclaimed by the Constitution."⁴ Conceptual clashes in the course of the negotiations were accompanied by unconcealed attempts on the part of the government to restrict the influence of the Romani organisations in the process of formulating the policy paper, and to substitute their proposals for less concrete and less radical ones. The government's actions in the course of the negotiations with the Roma revealed a deep unwillingness to make concessions to the Romani side.

One of the main challenges for the Romani advocates appeared when the government decided to invite carefully selected foreign experts in the drafting of the governmental policy for the Roma. The involvement of these experts could have been beneficial for the drafting process, if it had not merely been an attempt by the government to isolate Roma from the process. The joint document produced by the government and the experts was rumoured to set down policies aimed at the integration of Roma based on those reportedly existing in Spain. Reports spread about a "Spanish model" of integration of Roma. The document was never publicised, nor were the results of government meetings with the experts discussed with the Romani community. A few people read the policy paper in Spanish, the language in which it was written. For others, a few excerpts were translated into Bulgarian and made available. The fact that Roma were alienated from work on the document was itself a precondition for its ineffectiveness. In essence, however, the "Spanish model" contained serious deficiencies that made it unacceptable for the Roma: it did not

address the fundamental question of how to fight and remedy discrimination against Roma in Bulgaria. But then, the lack of concrete commitments to fighting discrimination against Roma was precisely what made the "Spanish model" appealing to the government.

In January 1999, the government manoeuvred to find new "partners" for dialogue — ones who would presumably endorse the "Spanish model". The NCEDI convened a meeting, to which it invited several Romani organisations but excluded the *Human Rights Project*, the organisation which had initiated the drafting process and had, up until that date, taken the lead in negotiations with the government. The meeting, which was intended to introduce the "Spanish model" to the Romani organisations, turned out to be a move for revision of the agreements between the government and the Roma reached after October 3, 1998. Vehement opposition by some participants at the meeting, however, made it impossible for the government to pretend that an agreement had been reached with Roma over the "Spanish model". Nevertheless, after the meeting, despite the fact that most of the Roma in Bulgaria were not familiar with the ideas for the improvement of their condition set forward in the new policy paper, in public, government officials celebrated the "Spanish model" of integrating Roma, and said it would be implemented in Bulgaria too. This appeared to be a restoration of the old practice of imposing policies on Roma.

WINNING THE FIGHT FOR THE FRAMEWORK PROGRAMME

At this point, the process of the drafting of the Framework Programme seemed to have been kidnapped, and the results achieved to that moment destroyed. The Romani organisations were back in the initial position they had been in when they had first asserted their right to be partners in the development of the policy paper. This setback was overcome, however, due to the consolidation of the efforts of the Romani organisations. A new meeting of all 70 of the Romani organisations which had initially supported the policy document was held in early March 1999. At this meeting, they denounced the attempts

by the government to adopt decisions ignoring the will of the Roma, and they reiterated their support for the Romani document proposed during the round table of October 3, 1998. A number of Romani organisations sent letters to the NCEDI insisting that it should renew the negotiations with the Romani representatives over the Framework Programme.

It is important to note that transparency and the media were crucial. Most of the disagreements between our side and the government were publicised in the national press and the electronic media. We had the opportunity to argue with the government over the proposals in the Framework Programme on the National Radio and in the press. Publicity of disagreements between the Roma and the government during the negotiations rendered it impossible for the government to pretend that agreement with the Roma had been reached before it actually had.

This ultimately set the government under serious pressure. By the end of March 1999, the government representatives had accepted all of the proposals in the Roma-supported document, and we were notified that the Council of Ministers would adopt the Framework Programme as an official document defining its policy towards Roma. On April 7, on the eve of the International Roma Day, we convened a national roundtable at which the Romani organisations and the government signed a second agreement — this time an agreement over the final policy document called Framework Programme for Equal Integration of Roma in Bulgarian Society.

TWO YEARS ON

The process of winning adoption of the Framework Programme demonstrated that Romani organisations had outgrown the weaknesses which had previously impeded efforts to become equal partners in the political dialogue. The campaign for the Framework Programme proved that Romani organisations could define an agenda and pursue clear goals, and that they can build a common strategy and consolidate their efforts to accomplish it. Thus the Romani movement in Bulgaria reached a new phase — it is no longer as susceptible to patto-

nising policies on part of the state as it had been previously. The successful outcome of the campaign gave an impulse to new initiatives of Romani organisations to advocate Roma rights and to seek a dialogue with the authorities.

Unfortunately, the good will of the government in seeking solutions to problems pertaining to Roma involving Roma themselves was apparently exhausted in the period following the adoption of the Framework Programme. At the time of writing in late Spring 2001, two years have passed without any observable progress in the implementation of the Programme. Over this period, in our contacts with government offices, we have become aware that many officials are not even familiar with the Framework Programme. The government has thus far failed to develop a detailed plan of activities, to allocate resources, or to appoint officials in charge of implementing of the Framework Programme. It is worth noting that many of the tasks envisaged by the Framework Programme do not require substantial funding and depend entirely on the political will of the authorities. For example, amendments to the Penal Code introducing enhanced sentences for racially motivated crime, envisioned under the Framework Programme, have not yet been made. The adoption of comprehensive anti-discrimination law and the setting up of a specialised body for combatting discrimination remain similarly unrealised to date.

In response to criticism by Romani organisations regarding the postponement of the implementation of the Framework Programme, government officials often refer to the several appointments of Roma to the central government and its regional subdivisions. Apart from the fact that the appointment of Roma to the government administration is not a formulated task in the Framework Programme, the appointments themselves have had an ambiguous effect on the implementation of the Programme. First of all, with one exception,⁵ the Romani appointees hold low positions and do not have decision-making powers. Secondly, many of the appointed Roma, especially those in the regional government administrations, do not have clear functions, and some of them do not even have a job description.

The inactivity of the government after the adoption of the

Framework Programme has prompted sceptics to conclude that the Programme is just a good document, doomed never to be transformed into action. I am more optimistic, aware as I am that a number of Romani organisations continue to exert pressure on the government. Despite their frustrations with the failure of the government to live up to its promises, Romani activists have not given up pursuing government accountability. The existence of an official document formulating concrete tasks provides a solid basis for the public to judge the government's performance on Romani issues. I also believe that the wide support for the Programme from international institutions will ultimately guarantee that it will not remain solely on paper. I look forward to the long-term commitment of the international community in monitoring Bulgarian authorities' compliance with the Framework Programme in Bulgaria.

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¹ In his speech before the Bulgarian Parliament in January 2000 the Chair of the European Commission, Mr Romano Prodi, noted that, along with the abolition of the death penalty, the adoption of the Framework Programme was one of the most important human rights developments in Bulgaria of the last two years.

With regard to the Romani campaign for the adoption of the Framework Programme, a recent report of the High Commissioner on National Minorities of the Organisation for Security and Cooperation in Europe stated that "the roundtable process produced a model of effective Roma participation in the development of national Roma policy" (see *Report on the Situation of Roma and Sinti in the OSCE Area*, High Commissioner for National Minorities, Organization for Security and Co-operation in Europe, March 10, 2000, p.146). In his welcome address to the national round table on October 3, 1998, Mr John Murray, Coordinator of Activities on Roma/Gypsies at the Directorate of Social Affairs of the Council of Europe, said that "the overall approach [of the Framework Programme] and the specific measures proposed are very much in line with Council of Europe principles and recommendations." He also

expressed satisfaction with "the emphasis on equality and participation." See *Roma Rights in Focus*, Newsletter of the Human Rights Project, No 10, special edition, pp.15-16.

² For example, *Programme for the Solution of the Roma Problems in the Republic of Bulgaria*, adopted by the government of the Socialist Party with decision 163 of January 30, 1997, stated that: "The existing social problems and lack of integration of the Roma ethnic group in the years of transition to a market society are related overwhelmingly to the economic situation in the country. [T]he main goal of the Programme is to achieve stable socio-economic development of Roma."

The fact that Bulgarian authorities classified the Romani issue as a social one was also evident in the titles and mandates of the institutions which dealt with Romani issues. For example, the National Council for Social and Demographic Issues, established in June 1995, was set up to deal with ethnic communities, including Roma, women's organisations, disabled and pensioners. This body was replaced by the National Council on Ethnic and Demographic Issues (NCEDI), established in December 1997. The link between ethnic and demographic issues in the title of this institution, apart from its racist implications, is also indicative of the ideology which interprets minority issues through the paradigm of social issues.

³ The NCEDI is the only governmental structure in Bulgaria which addresses minority issues, including Romani issues. According to its goals, stated in Article 1 of its Rules and Regulations, it has to "facilitate consultation, cooperation and coordination between government bodies and non-governmental organizations with the aim to develop and implement a national policy with regard to ethnic and demographic issues and migration." According to Article 2(2) the National Council is empowered to "coordinate with the state bodies and with the non-governmental organizations concrete measures in execution of accepted international obligations from the Republic of Bulgaria in the sphere of the rights of Bulgarian citizens belonging to minority groups and their integration in society." See *Official Gazette* No. 118 of 10 December 1997.

⁴ See Opinion of the Legislative Council of the Ministry of Justice on the Framework Programme from 19 January 1999, available in the *Human Rights Project* archive.

⁵ In March 2001 the government appointed Ms Svetlana Vassileva, a Romani woman, to the position of Secretary of the National Council for Ethnic and Demographic Issues. She is the first Romani person to be appointed to this body, four years after it had been established, and the first Romani person to hold a senior government position since 1989.

In Search of a New Deal for Roma

ERRC Interview with Nicolae Gheorghe

In September 2001, the editor of *Roma Rights* spoke with Mr Nicolae Gheorghe — founder of the Bucharest-based non-governmental organisation *Romani CRISS* and currently Advisor on Roma and Sinti issues at the Contact Point for Roma and Sinti Issues of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), based in Warsaw — about political participation, Romani politics and civil rights work in Europe.

Roma Rights:

Mr Gheorghe, you've been working for over ten years on *Roma Rights*. We want to talk with you about "political participation". What has changed since the beginning of the 1990s? Where are we now? Where do you see progress? Where do you see things that need to be worked on? Where should we go from here?

Nicolae Gheorghe:

Well, I think it started with chaos and we are starting to identify now some lines along which we can create order. The chaos at the beginning of the 1990s was productive — it was like a big bang: There was heat, light, energy — for good and bad — and a lot of us drew a lot of creative activist strength from the years immediately after 1989. There was an emergence — an enthusiasm, a flowering — in which Roma went forth into public life, to be acknowledged and to affirm themselves. It was refreshing. It was a time when a lot of people started to work for organisations and parties. Activity took different clear forms in different countries, depending on the political climate. Take Czechoslovakia for instance: ROI — the Romani Civic Initiative —