

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

MAY 22-23, 2000



STRASBOURG, FRANCE

ROMA AND STATISTICS

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PREFACE

Controversies over the use and collection of statistics concerning the European Roma have proven to be divisive not only among Romani communities but also among European and American organizations dealing with Romani issues.

Why is this question so controversial? The Roma have been especially sensitive about data collection of any kind since it was used against them by the Nazis during World War II. More recently, figures purporting to show Roma misbehavior have been used by some governments as a basis for declaring the Roma unfit for citizenship. Yet, the Roma need more information on data gathering and standards of protection in order to judge how their interests can be best served. Moreover, such international organizations as the Council of Europe, OSCE, and the European Commission require governments to provide data on Romani populations in order to furnish their yearly country reports on human rights. This requirement often collides with legal or constitutional prohibitions in some countries against the collection of data by ethnicity.

At a landmark roundtable in Strasbourg, France on May 22-23, 2000, that was organized by the Project on Ethnic Relations in cooperation with the Council of Europe, the issue of gathering statistics based on ethnicity provoked a passionate debate. (This roundtable was the second co-organized by PER and the Council. The first was a meeting in Paris in October 1999 entitled *Roma and the Law: Demythologizing the Gypsy Criminality Stereotype*.) The meeting that is reported here was organized in part as a response to a recommendation of the OSCE High Commissioner on National Minorities that a seminar should be held to explore the various dimensions of ethnic data collection, taking into account the legitimate concerns of the Roma. PER and its Romani Advisory Council invited the Council of Europe to co-organize the discussions. (The Council of Europe has also issued a report on this meeting.) Andrzej Mirga, Chair of the PER Romani Advisory Council and Co-Chair of the Specialist Group on Roma/Gypsies of the Council of Europe, prepared the discussion papers for both meetings.

Participants in the meeting included Roma/Gypsy representatives from Central, Eastern, and Southeast Europe, demographers, statisticians, and human rights organizations concerned with Roma/Gypsy rights.

Many issues were discussed in Strasbourg: Does data gathering on disadvantaged ethnic groups hinder or help their cause? If the collection

of data is accepted, who is to be entrusted with its collection, release, and use? Is it possible to prevent negative exploitation of data? Can governments legitimately collect data on race and ethnicity so as to provide comprehensive statistics, yet still comply with constitutional principles of nondiscrimination? Do national censuses provide sufficient information about disadvantaged groups? What kind of information policies can governments implement in order to diminish the Roma's distrust and encourage them to participate in censuses?

The conferees recommended: 1) that data collection on the Roma that does not conform to legal requirement and provisions should be immediately stopped; 2) to launch a training program for Romani leaders on data collection and protection in countries where the European Commission monitors the situation of the Roma; 3) to verify whether state agencies are abiding by extant criteria and standards for data collection and data protection; and 4) that census commissions launch education programs for the Romani communities in order to explain rules, protection standards, and the like.

It must be emphasized that, during the course of the debate, some—though by no means all—Romani and other participants who had opposed any kind of ethnic data collection were persuaded that at least some forms, especially national censuses, were desirable. At the conclusion of the meeting, participants called on government officials and Romani leaders to collaborate in acquiring more information on the Roma—provided that it is accurately and legitimately gathered, is non-discriminatory, and is not misused.

A communiqué addressed to European governments was issued by PER and is attached to this report.

This report was written by Andrzej Mirga and edited by PER senior editor Robert Feldmesser. The participants have not reviewed the text, for which PER is solely responsible.

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Princeton, New Jersey
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INTRODUCTION

With all the changes that have occurred since the end of Communism in Europe, the changes that have affected the Roma have been some of the most dramatic. They are no longer a silent minority, indifferent to state policies and decision-making processes. Instead, they have become a vocal community demanding respect. An empowered Romani leadership has brought Romani perspectives, interests, and sensitivities into the public discourse. This was especially evident in two roundtables jointly organized by the Project on Ethnic Relations (PER) and the Council of Europe, both of which were concerned with the collection of data on the Romani populations. The first was held in Paris, October 8-9, 1999, and the second in Strasbourg, May 22-23, 2000. This report summarizes the proceedings of this second roundtable.

In the recently published “Report on the Situation of Roma and Sinti in the OSCE Area,” the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe stated:

In dealing with issues of discrimination and trying to document violations, one frequently encounters vexing issues relating to the collection and use of ethnic data. Ethnic data evoke memories of registration of “undesirables,” and also raise many ethical and legal issues. But without statistical data, it is very hard to have a clear picture of patterns of discrimination, to design programs of assistance for the Roma, or to evaluate those programs.¹

During the past few years, the issue of the collection and use of data on Romani communities has been a “hot topic” in debates throughout Europe. The efforts that require more data on that population remain, however, a controversial issue for the Roma. At the root of the Roma's sensitivity to data collection, particularly to crime statistics, are historical, psychological, and sociological factors, including the effects of the Romani Holocaust. While one can argue about the details of these factors, one fact is clear: the Romani perspective on ethnic data collection is colored, to a large extent, by its negative use against their communities in the past and the present. The question thus arises: how does one meet the need for accurate and reliable data on the Roma in democratic societies while taking into account their often legitimate claims that such data are used to the detriment of their communities by state agencies?

Holding the meeting at the Council of Europe in Strasbourg was itself

significant. As its representative noted in her opening remarks, the council is devoted to the protection and promotion of human rights, and it is developing tools and legal instruments for the protection of those rights. The 1981 Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data is one of these tools. The speaker expressed her hope that the discussion would contribute to the development of guidelines for the collection of data on the Romani community, to the community's own best interest.

In her opening remarks, PER's executive director pointed out that since the fall of Communism, Central and East European societies have been beset with anti-Roma prejudice and discrimination, and the same has been true in Western countries. For nearly a decade, PER has been involved in a wide range of Romani issues, but never one so controversial as the so-called "Gypsy criminality" issue. During the roundtable in Paris, ethnic statistics were at the center of the discussion. The executive director noted that, while many state officials claim that such statistics are no longer being collected, some officials admit that "informal" ways of obtaining data are used because it is in the interest of the state to have such information.

The chair of PER's Romani Advisory Council (PERRAC) introduced the subject of the meeting. In his presentation, he emphasized the following issues as subjects for discussion:

1. In order to connect this roundtable with the one in Paris, he suggested that the discussion focus on the controversy that surrounds the issue of crime and ethnic statistics. At the Paris meeting, the Romani participants saw some advantages of collecting ethnic data but rejected them as grounds for the collection of crime statistics. Non-Romani participants, in contrast, viewed any data collected in a democratic setting as neither harmful nor discriminatory in principle. They conceded, however, that data can be misused. Is there any way of reconciling these two viewpoints? The speaker suggested that the approach of the Rotterdam Charter on Policing in a Multiethnic Society: Principles, Practices, Partnership (1997) might be considered.²
2. The Roma face challenges posed by the growing demand for data on their community. Requests for data come from international organizations, governments, and human rights organizations and other NGOs, as well as from research institutions and scholars. The attitudes of the Roma toward collecting ethnic statistics are, at best,

ambiguous. For a long time, Romani and German Sinti organizations have taken the position that the gathering of any data on the Romani population, especially by state agencies, should be forbidden. Some Romani leaders do accept data compilations under certain conditions, though they advocate having some degree of control over methods, purposes, and use. Others point to a need for greater accuracy in the collection of data. Underlying all of these positions is the distrust of the Roma toward the state and its agencies, especially the police.

Recently, Romani opponents of ethnic data have gained strong support in the governments of some Central and East European countries that claim state agencies have ceased to collect any kind of ethnic statistics, including those on crime. Nevertheless, these same governments sometimes confront the Roma with extensive statistical data. Such duplicity contributes to the Roma's mistrust of government. When faced with the conflicting claims and practices of state agencies and numerous requests by international organizations, the attitudes and expectations of the Roma regarding the collection of ethnic data cannot but be confusing.

Under Communism, various data on the Roma were collected, including statistics on crime rates. To what extent have the past orientations and practices changed with the transition to democracy? How can the adverse experiences of the past be avoided in the present?

3. Despite the increasing number of reports and publications, there remains a lack of reliable data on the Roma. Discussions tend to rely on conjecture or estimates rather than on precise measurement. Government statistics tend to vary from those of the experts and of the Romani leaders, and the variations can be great. Romani activists in their rhetoric tend to use generalizations that are usually unsupported by relevant statistical evidence. But governments, too, tend to rely on anecdotal rather than systematic, quantitative assessment of the situation. This practice puts into question their commitment to resolving the problems of the Roma.

Do the participants see a need to challenge such an approach and to go beyond the oft-repeated formulas? Might they question the "common knowledge" that has been accumulated since the beginning of the 1990s and circulated among NGOs and in government

discourses? What legitimate means can be used for collecting statistics on national and ethnic minorities that is relevant for the government and minorities alike?

4. A number of states will soon launch national censuses. These undertakings will provide an opportunity to gain a more precisely detailed picture of the Romani community. In some countries, the Roma were included in previous censuses, but Romani leaders and even some state officials believe that the data on the Romani community contained in these earlier tabulations are unreliable. What we can learn from these efforts? How can Romani ethnicity be introduced into a census in such a way that this community will be fairly represented? What role should Romani organizations and leadership play in the forthcoming censuses?

Members of the Romani community may choose not to reveal their ethnic identity in censuses for various reasons. One reason is that they do not trust the state and its agencies. Furthermore, they are unclear about the legal standards for the protection of personal data. These issues pose a challenge both for the state census agencies and for Romani organizations and leadership. What should the state and the Romani leadership do to overcome these obstacles? What kind of information policy should the government implement to diminish the Roma's distrust and encourage them to participate in censuses?

5. Although there may be some debate on the point, the state probably does have a legitimate right to collect ethnic statistics. The question arises not so much over the right itself, but over the way the data are obtained. What are the protective mechanisms for limiting state abuses of this right? In what way can governments collect legitimate data on race and ethnicity so as to provide comprehensive statistics yet still comply with constitutional principles of nondiscrimination?

How, in fact, do we define race and ethnicity for statistical purposes? What are the appropriate institutions for collecting such data? If governments organize censuses every 10 years, should they also perform other types of data collection? Do they need the consent of the minority in question or minorities in general? What are the possibilities for governments and Romani organizations to commission such studies jointly? What should be

the role of independent research institutions in providing ethnic statistics on the Romani community?

THE ISSUE OF CRIME AND ETHNIC STATISTICS

Opening the discussion, a Romani participant suggested that it would be instructive to begin by placing the current meeting in a larger framework of discussions concerning crime, the police, and ethnic statistics that have already taken place within various organizations. As examples, he cited not only the Paris roundtable but also a police-training project led by PER that aimed at sensitizing the police to the Romani community in Romania; the European Workshop on Police and Roma Relations that was held in Turvey, England, in March 1999, at the initiative of the U.K. Home Office Specialist Support Unit for Community and Race Relations Training for Police; and a recent plan of action on racial and ethnic statistics that has been proposed by the European Roma Rights Center (ERRC). He also mentioned the importance of the High Commissioner's report on Roma and Sinti, which calls for a debate on ethnic statistics and the Roma. While each of these initiatives has different objectives, he suggested that it is important to find commonalities among them in order that some guidelines could be set.

The police are not the only government organization that is interested in collecting crime statistics on Roma, he continued. Confronted with numbers of Romani asylum-seekers, the Finnish Ministry of Interior asked independent researchers to write a report on the Roma. This began a process in which letters were sent to embassies in several Central and East European countries requesting information on the Roma. He also described a letter that had recently been sent by the Finnish Ministry of Foreign Affairs to the Ministry of Foreign Affairs of Romania requesting, among other things, statistics from the police and the Department for the Protection of National Minorities on criminal offenses committed by the Roma.

The U.K.'s Home Office produced a report on Roma in Poland, which showed that Roma were victims of racial attacks less often than they were criminal offenders. The Romani leadership cannot ignore such data. This is the reality of the world we live in; states strengthen the procedures of automatic transfer of data between their agencies and across countries, and the collection of such data are part of state machinery and practice. Facing such situations, the participant said, Romani leaders have to come up with a clear and coherent position regarding the collection of crime statistics based on ethnicity.

The participant recalled an OSCE meeting in Vienna in 1996, at which a representative from Bulgaria presented statistics revealing that Roma

committed 35% of all criminal offenses in that country. No data were presented, however, on crimes committed by other minorities. Similarly, in Romania statistics were collected only on Roma, not on the other 14 minorities that reside there. Roma are also included in other categories that are the subjects of data collection, such as immigrants, stateless persons, minors, and criminals. The participant stated that one cannot escape the conclusion that sometimes the government wants to prove that the Roma are "more criminal" than the rest of society.

The Rotterdam Charter approach did not find supporters. As a Romani speaker noted, the charter is not a binding document. Indeed, it is an exercise in ambiguity. Although it warns against possessing and using ethnic crime statistics, it also argues that the police need to have such statistics. Even if the charter contains the knowledge of experts, the Roma should contest it.

The participant concluded that there are inconsistencies in the Roma's position on data collection in general. Many Romani leaders argue that data on unemployment are acceptable but data on criminality are not. But one cannot expect there to be different rules for the police in collecting data than for agencies dealing with unemployment. The Romani leadership must develop a coherent approach to this issue. One such approach is to request that all efforts at collecting data on the Roma be brought to an end.

The debate that erupted after this strong statement reflected a similar discussion of the pros and cons of ethnic crime statistics at the meeting in Paris. New elements, however, were introduced. For example, the Romani participants were now more conscious of the inconsistency that characterizes the position of many Romani leaders on crime and ethnic statistics. As a result, an attempt to elaborate a coherent, if radical, position was undertaken. Also, the Romani participants showed interest in data protection mechanisms and data protection laws. But before Romani participants would agree to the notion that new data should be collected on the Roma, several participants asked whether there really was a need for it.

ARGUMENTS AGAINST MORE DATA

Two opposing positions on the question of how many statistics on the Roma were really needed were visible throughout the discussion. The line of division between the positions, however, did not follow

the line between Roma and non-Roma.

As one of the Romani participants explained, plenty of data exist on the Roma. We should analyze and make use of what already exists before we move to the next stage and search for more. We collect as much data as we know how to use. He questioned why we need more data in addition to what already has been accumulated. The participant wondered what dramatic change in the situation of the Roma has occurred that requests for more data or for specialized surveys are being formulated. He questioned whether or not the situation of the Roma would really improve just because new data on the community were collected and analyzed.

Supporting that view, a non-Romani participant observed that the request for more data on the Roma is a kind of “government disease.” Quite often, the data that already exist are not used to solve problems or

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to inform policy or are even used in a negative way. Would it really make a difference to the Roma, she asked, if more data were collected on, for example, unemployment?

A Romani participant noted that the EU Recommendation on Education of Romani and Travelers’

Children (1989) was undertaken without prior collection of statistical data. In fact, he continued, in the well-established democracies of the West, statistics on Roma are not collected. What is lacking in Central and East European countries is not ethnic statistics but a political will to make decisions—to address the issues and propose solutions. He suggested that using existing ethnic and crime statistics as a lobbying tool to force governments to confront the injustices afflicting the Roma would be a more feasible and practical use of such statistics.

He voiced the suspicion that the request for more data on Roma by Central and East European governments is connected with these governments’ efforts to control the migration of Roma, which they perceive as dangerous. The issue of freedom of movement, said this speaker, should be discussed openly and dealt with directly. It is an issue on which the Romani leadership is divided. There are those who support policies countering the migration of Roma. Others argue for freedom of movement, including the right to seek asylum in third countries because

of the discrimination and persecution they face at home. This division is reflected in the positions on data collection.

Another Romani participant warned against empowering the state even more in the collection of data on Roma. It poses a risk that data gathered could be misused or used against the group in question. In Bulgaria, added the Romani speaker, it is easy to collect information on the Roma because they live in segregated settlements. What is worrisome is the way the data are used or interpreted. The data on unemployment, for example, are used by the police as an indicator of the potential criminality level in the Romani settlements.

A Romani participant expressed concern over the current status of data collection methods in Central and East European countries. In these countries, he said, there are no rules regarding data collection: no system of accountability, no stipulations as to who may collect data or for what purpose, and no designation of who may control the process. Much of what takes place today is a continuation of past practices. As a result, Romani leaders should be careful about the collection of data on their communities, even if it is claimed that it is in their best interest.

A non-Romani participant asserted that if a government wants to improve the situation of Roma, it must first change the laws that directly or indirectly discriminate against them. Only after that has been done should the collection of data follow. The collection of data is most effective at the local level, where Romani residents could be involved in the process and would have decision-making power over the use of the data. That approach found supporters even among those who were initially against any data collection on Roma at all.

ARGUMENTS FOR MORE DATA

A non-Romani participant argued that all the concerns that had been expressed about the harmful use of data do not invalidate the need for quantitative assessments of a particular group, such as the Roma, who have a specific identity and status. This is especially the case when such questions are asked across ethnic lines. One cannot claim that the Roma are equal to other groups and at the same time deny the right to collect data on them for social policy or scientific purposes.

Another non-Romani participant stated that it is important to look at the reasons for collecting or not collecting ethnic data. Some govern-

ments may not be interested in collecting such data because it may reveal the presence of racism or ethnic discrimination. It may also be uncomfortable for governments to receive data that reveal how many of their citizens have sought asylum status in other countries. In light of these considerations, the Roma have to search for strong arguments for either supporting or objecting to the collection of data on them.

A Romani participant noted that, while it may be true that there are a lot of data on the Roma available, there are serious questions about their accuracy. Expressing a related view, another Romani participant said that, despite his distrust of state-sponsored research, statistics on the

One cannot claim that the Roma are equal to other groups and at the same time deny the right to collect data on them for social policy or scientific purposes.

Roma are necessary and desirable. Currently, Romani leaders have access only to information based on estimates, which do not provide a good basis for policy-making. He provided examples from the Czech Republic, where the lack of reliable data made it impossible to know how many Roma were negatively affected by the citizenship law of

1993, or how many Romani children are placed in special schools. The reliability of the last census is also questionable, because the data show a substantially smaller number of Roma living in the Czech Republic than what is the case.

Some participants challenged those who opposed the collection of ethnic statistics on human rights and antidiscrimination principles. A representative of the ERRC said that its initiative on racial and ethnic statistics was aimed at answering two questions: First, what is the availability of racial and ethnic statistics in different countries? Second, what are the legal standards at present that either permit or prohibit the collection of racial and ethnic statistics? Based on his experience in the ERRC however, he strongly disagreed with the notion that “we have enough data.”

This participant noted that when he and his colleagues attempted to gather evidence on discrimination against the Roma in private and public employment, they were told that data showing the number of Roma employed in various positions and companies are not collected. Yet, without such data it is almost impossible to establish a case of

discrimination. Moreover, there is a lack of even very basic data that would enable advocates to demonstrate the existence of discriminatory practices or patterns. Such evidence would also enable governments to monitor whether their policies are being pursued in a manner that either reduces discrimination—whether in employment, education, or the criminal justice system—or in fact promotes it. He also stressed that the need for data extends far beyond the criminal sphere, which the Roma are so sensitive about, and goes into a whole range of other areas in which the Roma and their interests are adversely affected.

There is a lack of even very basic data that would enable advocates to demonstrate the existence of discriminatory practices or patterns.

Recalling the experience of the Commission on Racial Equality in the U.K. and the Employment Service (ES) project in a Romani neighborhood in the Czech Republic, a non-Romani speaker noted that it was evident that the absence of data on discrimination increased the chance that discrimination would take place. He also warned that if no official statistics were collected because it was not permitted by law, they might be collected unofficially because of the pressure exerted on statisticians by political leaders who wanted to assess the scale of the problem.

A representative of the Council of Europe provided another justification for having more data collected on Roma. During the past two years, the council has been engaged in a project that explores various mechanisms of exclusion and discrimination that prevent people from enjoying basic social rights. Statistics helped to identify obstacles that prevent disadvantaged groups from achieving equality in employment, housing, health care, education, and social welfare. The Romani community could benefit from such a project.

A non-Romani participant pointed out that in the course of the discussion, an interesting change had occurred in the position of some Romani leaders that proved just how important it was to have such a meeting. Some who had opposed collecting more data on Roma now agreed that an increase would be appropriate, provided that the Roma themselves were involved in collecting data at the local level. Although this is a positive approach, it might be difficult to implement, he said, because in many cases national data protection laws restrict such prac-

tices. He argued that, while Romani organizations should be involved in future data collection projects, they should not exclude the government. A combination of political will, governmental resources, and an appropriate degree of control by Romani organizations over the process would be a viable option.

Concluding this part of the discussion, a Romani participant emphasized that it is important that the concerns of the Roma be considered in all future data collection efforts. The main question to be answered, however, is whether the available means of obtaining more reliable and useful data will serve the interests of the Roma. They should not be afraid of having data collected on them if data control and protection mechanisms are known and effective.

EXTERNAL CATEGORIZATION OR SELF-DECLARATION

Several Romani participants objected to the way that ethnic data are collected on their community, be it data collected on prison inmates, statistical compilations for research, or census data. The main objection was that Romani identity is being defined by so-called objective criteria, such as race or color. Others pointed out that even the Framework Convention on Protection of Persons Belonging to National Minorities, although preserving the right to “self-identification,” allows for the use of such “objective” criteria. Romani participants expressed their concern that allowing the identification of Roma in this way—by the police, school inspectors, health workers, researchers, or census-takers—may, in fact, legitimate prejudicial perceptions.

Romani participants also expressed concern about surveys of the Roma that were made in the 1990s in Hungary, Bulgaria, and Romania because of the methods the sociologists used in defining who is a Rom. In the Romanian case, one of the participants explained, researchers used an electoral list as the basis for identifying Roma, coupled with other “objective” criteria, such as “the traditional way of life, with relatively distinct particularities at the level of ordinary observation.”³ Such means of identifying the Roma were held to be highly questionable. First, it raises questions about the use of electoral data for purposes other than an election and about who has access to electoral data. Second, the criterion of “traditional way of life” is an elusive one, especially when applied by non-Romani observers.

Similar survey methods were used in Hungary by the Central Statistical Office in 1993, and by a group of researchers (I. Kemeny, G. Havas, and G. Kertesi) in 1993-1994.⁴ In both cases, individuals were categorized as Roma if their lifestyles reflected certain characteristics. This procedure was justified by the scholars’ claim that “self-qualification [is] the most unreliable among classification systems.”⁵ In the case of Ilona Tomova’s 1995 survey of Bulgarian Roma, a sample was drawn based upon the number of individuals identified as “Gypsies” by a surrounding population in which individuals were free to identify themselves. As the author explained, “The trouble is that in most cases the surrounding population refuses to accept this declared non-Gypsy identity, and stubbornly continue [sic] to relate to them as Gypsies.... Whether the latter speak only Turkish, go to the mosque, or vote for the Movement for Rights and Freedoms has no significance. Both Bulgarians and Turks see them as Gypsies.”⁶

A Romani participant said that leaders of communities could hardly be expected to cooperate with surveys conducted in such a way. A non-Romani participant who is also a demographer asserted that the only proper way to identify people ethnically in census statistics is through self-declaration or self-identification. However, other kinds of surveys, such as those on crime, health, or unemployment, are often based on unregulated methods, which are subject to criticism. Another participant noted, however, that one has to distinguish between what a researcher is doing and the practice of census-taking or the operation of an administrative system in a prison or school. Objections that have been raised have no basis in the case of a researcher, who is entitled to introduce his classifications or definitions when collecting observational data. Other scholars can challenge his findings. One might have a problem, however, when in an official census or in a prison system an external classification asserting someone’s identity is used. Otherwise, what’s wrong with the collection of data in a census or in a statistical package that relates to the population in general? What kind of data do the Roma object to, leaving crime statistics aside? Or, from a different perspective, suppose the Roma were seen as having a low crime rate. Would the Roma then object to the collection of crime statistics?

The only proper way to identify people ethnically in census statistics is through self-declaration or self-identification.

A Romani participant responded that such a question is confusing. It's a little like saying, "if you are innocent, don't worry if the police are investigating you." Basic questions that need to be asked are: Who is collecting the data? For what purpose? What kind of control do the subjects of the research have over the data? Another Romani participant added that political interests influence even an independent researcher who may be well intentioned in the use of such statistics. That is why it is vital to know the purpose the data will serve. For the Roma, even official statistics are perceived as an instrument of power that can be used against them. He confessed that he himself has been involved in compiling statistics on the Roma and had exploited them politically. He was prepared, however, to acknowledge that allowing self-identification may be the beginning of a solution to the problems stemming from data collection.

The demographer pointed out that in earlier censuses in Czechoslovakia, between 1970 and 1980, Roma were counted by census-takers according to criteria such as language, lifestyle, and anthropological features. In the 1991 census, however, Romani ethnicity was included in a list of categories allowing people to declare their own ethnic or national affiliation. Another non-Romani stressed again that self-declaration is the uniform standard in current censuses, and it is voluntary and nonobligatory. Most of the Romani participants did not object to censuses that allow for self-declaration. Consciously or not, the objections and claims by the Roma were congruent with the principles governing reliable statistics, which make the subject's own declaration a cornerstone.⁷

"SENSITIVE" AND "COLD" DATA

As the discussion continued, new distinctions were introduced. One was between "official" statistics, which belong to everyone and upon which the democratic process depends, and "administrative" data, which are collected for specific and sometimes restrictive purposes. Police crime statistics are an administrative type of data, whereas census data are official. Another distinction was made between "individual" and "collective" statistics. The former are tied to a person and reveal an individual's identity, whereas the latter do not but are used for social, political, and other general purposes.

Other participants introduced a distinction between "cold" and "sensitive" data. The latter refer to such categories as race, ethnicity, nationality, mother tongue, and religion, whereas the former refer to "citizenship." Sensitive data require special protection.

Most participants seemed surprised to learn that collecting sensitive data is not a uniform practice in Europe. In a survey by the Council of Europe, only 15 countries out of 37 included national or ethnic groups in their last census. Among these, only 2 were Western countries: the United Kingdom and Cyprus. The rest were Central and East European states. Those countries that did not include such questions in their censuses had political, constitutional, or legal reasons for doing so, such as the protection of privacy or the irrelevance and lack of demand for such data.⁸

There appear to be three different models for the collection of ethnic data in Western countries. In the Dutch model, specialized surveys, registration data, and external migration data provide statistics on national and ethnic groups.

The Nordic model uses administrative registers, and the German model uses sample surveys. It was noted that the use of administrative data in these and other countries is possibly due to the people's trust of the government.

The Roma fear that administrative data collected by state agencies could be used to the detriment of the Romani community.

In the course of the discussion, it became clear that Romani participants were not, in principle, opposed to "official statistics" or censuses. As one of them observed, Romani leaders have never taken a political position either for or against the census. They were, however, opposed to administrative data that specifically recorded Romani ethnicity. The Roma fear that administrative data collected by state agencies could be used to the detriment of the Romani community. In light of their historical experiences, such fears are warranted.

Issues regarding legal measures and protections against the misuse of "sensitive" data were repeatedly brought to the table by Romani participants. They also agreed that it was necessary for their community to be informed of current norms and standards regarding data collection.

LEGAL STANDARDS AND INSTRUMENTS OF DATA PROTECTION

An expert of the Council of Europe, who also worked as secretary to the Committee of Experts on Data Protection, provided participants with an extensive presentation on the 1981 Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (European Treaty Series, no. 108). This convention is the first and only instrument for data protection in the world. Its points of departure are two articles of the European Human Rights Convention: article 10, referring to the free flow of information regardless of frontiers, and article 8, referring to respect for individual privacy. The convention has been ratified up to now by 20 member states; ratification requires a country to establish and enforce national legislation on data protection. The Committee of Experts on Data Protection works continuously to provide help to contracted parties when concrete problems arise with implementation of the convention. More specific recommendations and explanatory reports supplement the convention's basic principles—for example, regarding social security (adopted in 1986), police (in 1987), and statistics in general (in 1997).

In 1995 the European Union adopted what is called Directive No. 46, which proceeds from the principles of the convention but contains further details. Carrying out the provisions of this directive has become a part of the EU accession process; Hungary and Slovenia have already adopted it. As of May 23, 2000, among the Central and East European countries, Hungary and Slovenia have also signed and ratified Convention No. 108. Poland, Slovakia, and Romania have signed it but have yet to ratify it.

Chapter II, “Basic Principles for Data Protection,” is the core of Convention No. 108. Article 5 of this chapter, referring to the quality of data, is particularly relevant. It says: “Personal data undergoing automatic processing shall be stored for specific and legitimate purposes and not used in a way incompatible with those purposes.” This is a very important principle but one that is difficult to implement, since it is a matter of creating a delicate balance between having personal data and not using it for all purposes. For example, data that are collected for statistical purposes may not be used for fiscal or administrative ones.⁹ Article 6 introduces the notion of “special category data” or what was previously referred to as “sensitive” data. It states that personal data

“revealing racial origin, political opinion or religious or other beliefs... concerning health or sexual life, may not be processed automatically unless domestic law provides appropriate safeguards. The same shall apply to personal data relating to criminal conviction.”¹⁰ The key term here is “appropriate safeguards,” which protect an individual's right to privacy. Article 6 makes clear that the absence of such safeguards in domestic law makes the collection and processing of such data impossible. The Expert Committee spent a great deal of time determining what should be considered “appropriate safeguards.” In general they refer to the consent of the subject of the data collection. This consent should be explicit and given in writing, without intimidation or pressure. The individual should also be informed about the purpose of collecting the data. In addition, sensitive data should be dissociated and kept separately from other data concerning the individual. Domestic law must have provisions that insure that such protective measures are in place.

The convention also requires that the collection and processing of such data be a lawful action in accordance with the principles and measures of domestic law. In addition, article 8 defines the rights of individuals to access data collected on themselves, to be informed that such data are being collected and for what purpose, to request the rectification or erasure of such data, and to seek remedy if rights to privacy have been violated.¹¹ Remedy can be sought at the appropriate bodies that control the implementation of the convention or at courts, tribunals, or the European Human Rights Court. The Statistics Commission of the United Nations adopted a more general set of principles for statistics in 1994.¹² Interestingly enough, in principle 2 of this document, retaining trust in official statistics is addressed—an issue that Romani participants considered crucial. Principle 5 gives statistical agencies the right to draw data from all types of sources, whether statistical surveys or administrative records. In other principles, the docu-

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ment specifies that data collected by statistical agencies, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes. Principle 7 requires making public all laws, regulations, and measures under which the statistical systems operate. The UN document does not address, however, the concept of sensitive data.

Participants agreed about the importance of becoming familiar with existing legal instruments and standards in this field. One participant recommended that all the documents that were just presented on the use and protection of data be disseminated to Romani and non-Romani organizations, in order that they do not reinvent standards that already exist. An important issue is how the Roma can use these instruments to solve practical problems.

A non-Romani participant presented one such case. Hundreds of Roma came to the Netherlands in the late 1970s seeking asylum. Eventually, they got it. However, their names were put into the police criminal records files and shared with other agencies via Interpol. This participant was involved in an unsuccessful action to erase the file of one such Romani person approximately two months ago. The question is how to prevent such practices in the future.

One Romani participant expressed concern about the possible consequences of extending the Schengen Agreement, especially to countries where the lack of protection of personal data is evident. According to this participant, the agreement not only increases the leverage of Europol in sharing personal data with countries, but also allows governments to gain better control over the movement of people. The Romani leadership needs to have access to more knowledge to effectively monitor these developments, he said. He suggested that a meeting of government officials and Romani leaders be arranged to discuss this concern, possibly at the next Specialist Group on Roma/Gypsies meeting at the Council of Europe.

RELIABILITY AND USEFULNESS OF CENSUS DATA

What, in fact, does the census provide in regard to the Romani population? Does it provide “reliable” and “useful” data? Participants’ answers to these questions were far from uniform. They contributed, however,

to the pinpointing of obstacles and the underlining of conditions for making census data more reliable.

The census, noted a demographer, reflects both state policies toward minorities and the position of those minorities in society and the nation. Thus, whether or not to include a minority’s ethnic identity in a census is often the result of a political decision. In Hungary in 1980, authorities decided to delete the name “Gypsy” in the census questionnaire, and as a result only 6,000 persons declared themselves as Roma/Gypsies, in comparison to the 1971 census, in which 320,000 persons identified themselves as Roma/Gypsies. During the 1991 census in Czechoslovakia, Roma were allowed for the first time to declare their ethnicity or nationality; nevertheless, the numbers provided by this census are considered by many to be unreliable. According to Romani leaders, the number was too low by a factor of almost 10.

A Romani participant stated that the findings from past censuses in several Central and East European countries are very revealing. Comparing census data from Bulgaria in 1965 and 1992, Hungary in 1971 and 1993, and Romania in 1977 and 1992, a large increase was noted in the numbers of the Romani population. The increase was highest in Bulgaria, more than doubling from about 148,000 to more than 313,000. In Hungary, the numbers increased 50%, and in Romania, 80%. In the former Czechoslovakia, however, the change was in the other direction: a decrease in the number of Roma by 62% in the Czech Republic between 1980 and 1991, and a decrease of 59% in Slovakia.¹³ How does one interpret these differences? Why, he asked, when the Roma had the opportunity to declare their ethnicity freely in the 1991 census, was there such a dramatic decrease? This is all the stranger since the census was conducted immediately following the “velvet revolution,” and there was as yet no evidence of skinhead attacks.

Part of the answer, according to one participant, has to do with the fact that this was a new experience for the Romani community. Some Roma did not understand exactly what the term “nationality” referred to. Many understood it to be a question about “citizenship” rather than a self-declaration of ethnicity. Two lessons can be drawn from these experiences. First, there is a need to educate the Roma on categories of self-identification listed in census questionnaires. Second, based on the Hungarian experience during the 1980 census, it is important to include “Romani ethnicity” in the census questionnaire

if more reliable data on that community are to be obtained.

Some Romani participants questioned whether a census was the right tool to obtain reliable data on the Roma, since many Roma do not even participate in it. An expert on statistics agreed that censuses tend to underestimate the number of Roma for a variety of reasons. The main one is the Roma's distrust of census procedures. Another one is that

The Roma will not achieve what they intend to without full participation, and that means being counted and doing what everyone else does. The suspicions of being miscounted or having numbers misused will need corrective action, but the best place to start with is the census.

many Roma do not identify themselves as being Roma. Thus, the issue is not the census itself but the Roma's attitude toward it. According to this participant, in order to increase the participation of the Roma in the census, they will have to see the benefits of being counted. They must realize, as other minority groups do, that their strength lies in their numbers.

Another Romani participant said that the Roma do not trust the state's censuses because of their experiences with discrimination, segregation, and violence. Many

Roma hide their identity out of fear of discrimination. That is why they either will not participate in the census or will declare another ethnicity. He emphasized that his organization is against any data collection on Roma. Until trust is established, ethnic statistics will not reflect the reality of the Romani population.

A non-Romani participant presented an alternative position. The argument that the Roma should not participate in the census rather than improving its procedures is self-defeating. It is counterproductive to object that the Roma are being undercounted when it is the Roma themselves who contribute to the undercounting. Moreover, how does one account for the figures given earlier that show, with some variations, that the numbers of people who identified themselves as Roma significantly increased? The Roma are reluctant to be counted, and then they criticize census data for not being reliable. The Roma leadership has to find a way out from that contradiction. The Roma will not achieve what they intend to without full participation, and that means being counted

and doing what everyone else does. The suspicions of being miscounted or having numbers misused will need corrective action, but the best place to start with is the census. That will need a real mobilization on the part of the Romani community.

A Romani participant agreed that sometimes Romani leaders ignore existing data. Census data are the facts. Variations depend not so much on participation but on how the census operation is prepared and implemented. There are gaps between census data and Romani leaders' estimates, but the latter are claims, not facts. A non-Romani participant said that one would not resolve the problem by saying to the leadership, "It's time for you to urge your people to participate, because ultimately it's the way to get political power." Given the context in which Roma live in today's Europe, characterized by a lack of human rights, fear of violence, and discrimination, which lead to extreme alienation, the focus should be on making this context friendly. Thus, if someone wants to get Roma fully participating and freely self-identifying in official statistics, the state has to develop measures that will make the whole process as open, friendly, transparent, and encouraging as possible.

Thus, if someone wants to get Roma fully participating and freely self-identifying in official statistics, the state has to develop measures that will make the whole process as open, friendly, transparent, and encouraging as possible.

A Romani participant said that the arguments that self-identification exposes the Roma to discrimination, and that the government's responsibility is to create a more civil environment, although strong, should not obscure the fact that the Roma also have responsibilities. If the Roma seek equality in society, they have to challenge threats themselves. They have to identify the advantages of a situation they are exposed to, as in the case of the census, not only the dangers. Similarly, he continued, recalling past experiences, including that of the Romani Holocaust, might not always be appropriate for every situation. When considering the census, the Roma have to decide what they might gain from it themselves.

Participants were divided as to what the benefits of the census actually are. Participants who claimed that data are and will always be unreliable refused to see any good coming out of the census. They also questioned

the assumption that census data are in fact utilized in policy-making. However, they acknowledged that data collected at the local level might be appropriate for solving some of the concrete problems of the Roma.

Questions were raised about the “European approach” to data collection and the inclusion of the term “Roma” in the census. One Romani participant noted that nothing is currently available that would allow for a comparison of Western Europe’s Romani population to Eastern Europe’s. He suggested that either Roma should stop being included in censuses in Eastern Europe or they should be included in Western European censuses.

A Romani participant strongly objected to the argument that census data on Roma are irrelevant. This kind of reasoning discourages Roma from identifying themselves as Roma. Due to the low level of self-identification among the Roma in the 1991 census in the Czech Republic, authorities questioned whether the Roma form a “national community” there. But, he continued, the number who were identified as or declared themselves to be Roma is in fact “real.” The census data provide sufficient information on that community to identify problems and undertake political decisions. The missing part is a political will of the government to act.

The Czechoslovak census mentioned by several participants brought to the debate the issue of fairness and trust in census-taking. An expert from the Council of Europe presented the case of Macedonia, to date the only case in which an international organization provided assistance to a government in conducting its census.

In 1991, the Albanian minority of Macedonia boycotted the national census out of fear of being undercounted. The Geneva commission requested that the Council of Europe provide assistance with the census in FYROM, and a team of experts was appointed in 1993, nine months before the census was to take place.

The aim of the experts’ work was to provide minorities with confidence and trust in the census operations and to ensure that all international standards of protection and processing of census data were observed. The team of experts scrutinized the draft of the census law that had been prepared by the Macedonian authorities and introduced drastic changes. They required that census data be used strictly for statistical purposes, that census commissions be set up at local and national levels, and that representatives of minorities be present in training sessions for the mem-

bers of these commissions. The training sessions dealt with the language of the questionnaire and helped census-takers refine their abilities to communicate with respondents. Experts also remained in Macedonia after the census was taken to assist in processing the data. As a result, there was no dispute over the correct number of Albanians in Macedonia.

Some Romani participants asked if such assistance could be provided in other countries. The expert noted that it is in the interest of the state to raise the level of trust of Roma in the census in order that it may be successful. However, the Macedonian case was exceptional. Usually, democratic governments carry out a census themselves, and a request for assistance must, therefore, come from the government itself. Romani leaders might try to convince authorities that such assistance will inspire the trust of Roma in the census.

THE FORTHCOMING CENSUS AND ROMANI EXPECTATIONS

The forthcoming census operation of 2001 in a number of European states made the debate even more urgent. Some participants, however, were rather pessimistic about whether this discussion could contribute positively to the already ongoing census preparations. Several commented that such a discussion should have taken place much earlier and that the Roma missed the opportunity to have more impact on the operation. Henceforth, the Roma should employ a long-term perspective on the issue.

In the case of Hungary, for example, an expert explained the census law that was adopted in December 1999. It forbids, among other things, the use of personal codes and the use of census data for other than statistical purposes without the consent of the individual. Names will not be recorded on census questionnaires for the first time. Particular questions that relate to “sensitive” data, including ethnicity and mother tongue, will not be compulsory. Regarding self-declaration of nationality, the census will allow up to three choices. The content of the census questionnaire has already been finalized; there is no possibility of introducing any changes in it. Consultations with all the minority self-governments, including the Roma self-government, were held. The expert also said that the state intends to involve minorities in conducting the census. An advertising campaign is being organized in order to promote it.

Romani representatives at the roundtable from the Czech Republic, Slovakia, Romania, and Bulgaria said that they had not been consulted by the state census commissions in their countries. As one of them bitterly noted, Romani activists usually do not participate in decision-making but are requested to help implement decisions. He added, however, that it might also be partly the fault of the Romani leadership, because of its failure to take advantage of opportunities to participate in the decision-making process.

A non-Romani participant pointed out that including the Roma in the process of census preparation encourages them to perceive the census as something meaningful for them.

Several Romani participants said that problems might arise in future censuses that would require their assistance. For example, confusion may arise over the self-declaration categories listed on the questionnaires. In Romania, some Roma identify themselves as “Roma,” others

as “Tsigan.” Similarly, in Kosovo there are Roma, Ashkalijae, and Egyptians. A non-Romani participant pointed out that including the Roma in the process of census preparation encourages them to perceive the census as something meaningful for them.

In Hungary, noted an expert, some Romani leaders are critical of the census because there is no connection between the numerical strength of a minority and its representation in parliament. They also contest the way in which minority self-governments are elected—for example, all citizens are allowed to vote for the members of a self-government. Census data might help to aggregate the Romani electorate and eventually change the way the Roma self-government is elected.

Concluding this part of the discussion, a demographer stressed that what the census provides has relative validity. One cannot expect that census data will be absolutely accurate. On the other hand, the assertion that the numbers provided by a census have no significance at all is also wrong. The census should be seen in the long-term perspective as a tool to identify trends and processes. Its data provide us with a picture of the situation at a given moment. In this way, the census helps to define the objectives of the state and its minorities. However, as some of the participants have observed, those objectives usually are strongly influenced by politically contentious factors; thus, the numbers might still be a sensitive issue for both parties.

ALTERNATIVE SOURCES OF DATA

Despite the criticisms of survey methods expressed by some Romani participants, several experts at the meeting recommended that this method of obtaining data might be more appropriate to the needs and problems of the Roma than the use of the census. As one expert observed, the census tends to underestimate the size of the Romani population, but at the same time overestimates particular indicators, like birth rates, fertility, family size, and criminality. This is due to the fact that many Roma, for a variety of reasons, refrain from identifying themselves as Roma in censuses. The census data, therefore, differ greatly from those provided by surveys and from estimates presented by Roma organizations.

One must notice, however, that the size of the Romani community in various official statistics has increased sharply.¹⁴ That means that despite all the reservations and objections Romani participants raised during the discussion, a growing number of Roma are being reported in official statistics. It is unclear to what the Romani leadership objects: censuses that underestimate the size of their population or surveys that show larger numbers. If the objective is to prove the relative strength of the Romani community, surveys promote that interest better than censuses.

It has also been noted that data collection on Roma is predominantly carried out in Central and Eastern Europe. To have some comparable data on Roma in Western Europe, as some of the participants suggested, surveys might be the only way to obtain them. Illegal or clandestine Romani populations present in the West, as a rule, will not appear in any kind of official statistics. Surveys would be better adapted to such situations.

A non-Romani participant stressed that research surveys, which some Romani participants were so critical of, can be challenged but not restricted or limited by legislators, policy-makers, or Romani activists. A better solution would be to have Roma consulted or included in conducting such research studies. Romani organizations themselves, however, can collect data they deem important and try to challenge existing data. Some NGOs have already started such efforts in the Czech Republic, Hungary, and Romania. Also, there are new developments in the field of official statistics that the Roma need to be aware of, such as their use as a tool for observing and measuring the implementation of human rights.¹⁵ It was suggested that these developments be discussed thoroughly at another meeting.

RECOMMENDATIONS

Participants in the Strasbourg roundtable agreed to call on government officials and Romani leaders to collaborate in acquiring more legitimate information on the Roma. Accordingly, the Project on Ethnic Relations issued a “Communiqué from the Meeting on the Roma and Statistics” containing the following recommendations:

Romani leaders present at the discussion agreed that the censuses of 2001 are a viable option for obtaining information on their communities, as long as the Roma participate in collecting data. Although most countries in Europe have already begun census preparations, the political will among government officials and Romani leaders to cooperate in census procedures is not yet evident. With this in mind, government officials and Romani communities should take advantage of this opportunity to collaborate in acquiring more accurate information on Roma. Such information should serve to help Romani communities while conforming to current data protection laws. In accordance with the recommendation of the OSCE High Commissioner on National Minorities to protect the Roma from unethical use of data, it is imperative that governments take essential steps to prevent harmful and discriminatory data collection practices. Furthermore, governments should include the Roma in the development of data collection policies and procedures based on human rights principles. In addition, the following recommendations were proposed by the participants:

■ **Elimination of unlawful data collection**

Unlawful data collection on the Roma should be stopped. This refers to any data collection procedures that are not in accordance with standards set by the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (ETS No. 108) and other legal instruments existing in this field.

■ **The protection of data**

In disseminating and using data collected on Roma, government institutions and agencies should abide by all of the rules and protection mechanisms provided by the above mentioned legal instruments.

■ **Training and monitoring**

Romani organizations, leaders, representatives, and NGOs should have access to, or should be provided with, information on existing legal standards and instruments on the protection of personal data.

In this respect, international organizations, like the Council of Europe and NGOs, should consider launching a training program for Romani leaders on data collection and data protection.

In countries where the EC PHARE programs to improve the situation of Roma are in motion, it is important to monitor whether or not state agencies are abiding by existing standards of data collection and data protection.

■ **Clarification of purpose**

In all the efforts of data collection on Roma, it should be made clear that those efforts are closely tied to policy-making.

■ **Roma involvement**

In all such efforts, be it at local or national levels, Roma should be involved in all decision-making, preparatory, and implementation processes. This is vital to restoring the Roma's trust in the state and its institutions.

Proper institutions, like census commissions, should invite Romani representatives to work with them and should include them in the preparation of and carrying out of all procedures.

■ **Education**

Census commissions should launch an education and information campaign for Romani communities explaining rules, protection standards, and meanings of self-identification or self-declaration entries in the census questionnaire.

As part of this action, authorities should consider commissioning partial surveys in connection with the census to assess the proper categories of self-identification of Roma and to find out what prompts Roma to avoid identification.

■ **International assistance**

For some countries where dramatic decreases in self-identification in censuses are recorded, the assistance of international organizations should be considered.

■ **Further discussion**

A series of roundtables on data collection among Roma in relation to Romani asylum-seekers and refugees should be organized. Such roundtables or workshops could be included in the Contact Point for Roma and Sinti Issues of the OSCE's program for Roma. Results of

this meeting should be reported at the forthcoming OSCE Human Dimension Implementation Meeting in Warsaw, Poland.

In response to Romani concerns about the Schengen Agreement and the growing leverage of Europol and Interpol in dealing with Romani emigration, a meeting should be organized with high officials representing those institutions within the Council of Europe and with Romani leaders.

NOTES

- ¹ “Report on the Situation of Roma and Sinti in the OSCE Area,” OSCE High Commissioner on National Minorities, The Hague, 2000, p. 3.
- ² Here are several principles of the Rotterdam Charter:
 - A blunt presentation of ethnic crime statistics should be avoided. Statistics never speak for themselves and are open to misinterpretation. At most, statistics report what happened, but they cannot explain why things happen.
 - The danger of merely focusing on the crime rate in minority ethnic communities needs to be addressed. One must question whether such a focus is necessary and what its purpose is. There is a risk of stigmatization of the whole ethnic community. Also, criminalized stereotypes are likely to be given publicity in the popular press and other mass media.
 - The police should acknowledge that inaccurate reporting and stereotyping by media have a harmful effect on community relations. Particular care must be taken by police in interacting with the press in order to avoid perpetuating stereotypes in the descriptions of minority ethnic communities.
 - Statistics can be used to monitor ethnic crime patterns, but can also be used to monitor whether the police are treating minorities fairly and equally.
 - A code of conduct for the police, which indicates when references to national or ethnic origin of crime suspect or convict are relevant, should be introduced. The police should be aware of possible effects of making such references.
 - The police have a responsibility to understand crime rates of specific groups in society in order to focus attention on underlying problems, which may require wider, preventive action. They should also encourage other organizations to take responsibility for preventing or intervening early in situations that could be damaging for community relations.
- ³ E. Zamfir and C. Zamfir, “The Romany Population. Socio-Economic Situation and Coordinates of a Support Programme,” Centre of Economic Information and Documentation, Bucharest, 1993, p. 7.

- ⁴ I. Kemeny, G. Havas, and G. Kertesi, "Report on the Research Completed between October 1993 and February 1994 on the Situation of Roma (Gypsy) Population in Hungary," Hungarian Academy of Science Institute of Sociology, Budapest, 1994.
- ⁵ J. Ladanyi and I. Szelenyi, "Who is a Rom?" *Kritika*, March 12, 1997.
- ⁶ I. Tomova, "The Gypsies in the Transition Period," International Center for Minority Studies and Intercultural Relations, Sofia, Bulgaria, 1995, p. 20.
- ⁷ W. Haug, "Introduction: Statistics on Minorities between Science and Politics," in *The Demographic Characteristics of National Minorities in Certain European States*, *Population Studies* 1:30, ed. W. Haug, Y. Courbage, and P. Compton (Directorate of Social and Economic Affairs, Council of Europe, Strasbourg, 1998 pp.16-17). Among those principles are the following:
- The definitions and classifications used are of key importance, and their choice fundamentally influences the results.
 - To determine an individual's religion, national or ethnic affiliation, the main criterion is the subject's own declaration.
 - Both individual and collective identities are multi-faceted and complex.... Consequently, scope for multiple answers should be provided in surveys.
 - Statistical surveys should not be linked to minority-policy measures and investigations because these can promote or even provoke wrong answers.
 - Suitable guarantees and controls should be introduced to secure secrecy and personal data protection.
 - To improve trust and transparency, a general effort should be made to involve and include members of minorities in the preparation, conduct and analysis of statistical surveys at all levels.
- ⁸ See also Y. Courbage, "Survey of the Statistical sources on Religion, Language(s), National and Ethnic Groups in Europe," in Haug, Courbage, and Compton, op. cit., pp. 23-74.
- ⁹ For more on use of personal data for statistical purposes, see Recommendation No. 18 (1997) and Explanatory Memorandum of the Committee of Ministers to Member States. For example, point 4.1 says: "Personal data collected and processed for statistical purposes

shall serve only those purposes. They shall not be used to take a decision or measure in respect to the data subject, nor to supplement or correct files containing personal data which are processed for non-statistical purposes."

- ¹⁰ See in particular Recommendation No. 15 (1987) of the Committee of Ministers to Member States Regulating the Use of Personal Data in the Police Sector. For example, point 2.4 says: "The collection of data on individuals solely on the basis that they have a particular racial origin, particular religious convictions, sexual behavior or political opinion or belong to particular movements or organizations which are not prescribed by law should be prohibited. The collection of data concerning these factors may only be carried out if absolutely necessary for the purposes of a particular inquiry."
- ¹¹ See Recommendation No. 18 (1997) and Explanatory Memorandum, op. cit., chapter on "Lawfulness."
- ¹² See "Report of the Working Group on International Statistical Programmes and Coordination on its Sixteenth Session," (E/CN.3/1994/2), chapter 5, "Fundamental Principles of Official Statistics."
- ¹³ For more, see N. Gheorghe, N. Bitu, J. Tanaka, and S. Stefanescu, "Policy Making on Roma in Central and East European Countries," International Expert Symposium on Roma Questions, Embassy of Finland in Romania, Cluj-Napoca, Romania, January 28-29, 2000, table 4, p. 84.
- ¹⁴ See Y. Courbage, "Demographic Characteristics of National Minorities in Hungary, Romania and Slovakia," in Haug, Courbage, and Compton, op. cit., pp. 147-156.
- ¹⁵ See the forthcoming report on the IAOS Conference 2000 on Statistics, Development and Human Rights, Montreux, Switzerland, September 4-8, 2000.

Communiqué from the Meeting Roma and Statistics

By the Project on Ethnic Relations (PER)

On May 22-23, 2000, the Project on Ethnic Relations (PER) and the Council of Europe (CoE) co-organized a roundtable discussion in Strasbourg, France, with Romani leaders and activists, representatives of government institutions from Central and Eastern Europe, and experts on statistics and demographics. Titled *Roma and Statistics*, the roundtable addressed issues surrounding ethnic data collection, specifically on the Roma. At the conclusion of the meeting, participants called on government officials and Romani leaders to collaborate in acquiring more legitimate information on the Roma. The following summarizes their recommendations.

Romani leaders present at the discussion agreed that the censuses of 2001 are a viable option for obtaining information on their communities, as long as the Roma are an integral part of the data collection process. Although most countries in Europe have already begun census preparations, the political will among government officials and Romani leaders to cooperate in census procedures is not yet evident. With this in mind, government officials and Romani communities should take advantage of this opportunity to collaborate in acquiring more accurate information on the Roma. Such information should serve to help Romani communities while corresponding with current data protection laws. In accordance with the recommendation of the OSCE High Commissioner on National Minorities to protect the Roma from the unethical use of data, it is imperative that governments take obvious steps to prevent harmful and discriminatory data collection practices. Furthermore, governments should include the Roma in the development of data collection policies and procedures based on human rights principles.

The meeting in Strasbourg was organized based on the recommendation of the OSCE High Commissioner on National Minorities that a seminar explore the various dimensions of ethnic data collection, including the legitimate concerns of the Roma on these issues. The discussion also served as a continuation of a meeting held in Paris in October 1999 (also organized by PER and CoE) on crime statistics and the Roma. At the Paris meeting, the Romani participants saw some advantages to collecting ethnic data in general, but they rejected any legitimate use of ethnic crime statistics. They considered ethnic crime statistics to be

discriminatory and often racist, especially when the Roma and their crime rates were singled out. Non-Romani participants, in contrast, viewed the collection of crime statistics as a legitimate tool. They pointed out that in a democratic society, compiling data is not harmful or discriminatory; they conceded, however, that data can be misused (a PER report on the meeting has recently been published called *Roma and the Law: Demythologizing the "Gypsy Criminality" Stereotype*). The debate in Paris provided the context for the meeting in Strasbourg.

In Strasbourg, participants discussed further the complexities surrounding ethnic data collection. Although concise data on the Roma is often deemed necessary by several experts and government officials for the creation of legitimate policies and programs, it is important to consider how, in the past (during the Holocaust), statistics were used as a tool to harm Romani communities. Through their discussion, participants considered strategies to overcome the dearth of accurate information on the Roma while addressing the ramifications of the past. Furthermore, they discussed the challenges that ethnic data collection poses for data protection standards in Europe. Several participants concluded that the census may be a viable means to gather reliable information on the Roma while assuring, through the existence of legitimate data protection laws, that the information could not be used to the detriment of Romani communities.

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