

OPEN SOCIETY

SOROS FOUNDATIONS NETWORK NEWS
SPRING-SUMMER | 2002

NEWS



EU Accession:
Opening the Door to
a New Europe

OPEN SOCIETY NEWS

SPRING—SUMMER 2002

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Jeremy Sutton-Hibbert, Transylvania, Romania

The numerous nonprofit foundations established by the philanthropist George Soros are linked together in an informal network called the Soros foundations network. At the heart of this network are the regional, national, and local foundations that operate in more than 50 countries around the world. These foundations share the common mission of supporting the development and maintenance of open society. To this end, they operate and support an array of initiatives in educational, social, and legal reform. *Open Society News*, published by the Open Society Institute in New York, reports on the programs and grantees of the foundations in the network. For additional information, see the Soros foundations network website at www.soros.org or contact the Open Society Institute, 400 West 59th Street, New York, NY 10019, USA; TEL (212) 548-0600; FAX (212) 548-4605; or E-MAIL wkramer@sorosny.org

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EDITOR'S NOTE

A dozen years ago, change swept through Central and Eastern Europe, bringing an end to communism and launching the development of democratic open societies in many countries. Ten states from the region—Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia—are now poised to enter the European Union. With the exception of Bulgaria and Romania, all of these accession candidates are likely to join the EU by 2004.

In all of the accession candidate countries, the Open Society Institute and its foundations supported political and legal reforms and civil society groups that helped these countries prepare for eventual EU membership. Joining the EU is an important achievement for them, marking a new phase in their evolution as they leave transition behind and join a community of stable, democratic states.

Yet significant challenges remain. This issue of *Open Society News* calls attention to how EU membership may affect open society issues such as harm reduction, media freedom, and the protection of marginalized groups. The views and analyses in the following pages make it clear that EU accession will not resolve these issues overnight.

The Soros foundations network will continue to promote open society in the European Union accession process through programs and grantees like those mentioned in this newsletter, such as the EU Accession Monitoring Program and the Hungarian Press Freedom Center.

In addition to articles and photography, this issue of *OSN* also includes a number of illustrations that express the hopes and concerns that people from the region have about the accession process and the European Union.

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European Union Accession: Complexity and Contradiction

Leonard Benardo, OSI's regional director for Estonia, Hungary, Latvia, Lithuania, Poland, Russia, and Ukraine, provides an overview on OSI's changing role in EU accession candidate countries and the EU's possible impact on open society issues. ■

LEONARD BENARDO

The European Union accession process wherein eight countries in Central and Eastern Europe (CEE) are on a “fast track” to EU membership in 2004, serves as a capstone to OSI's work in the region. Since the establishment of a foundation in Hungary in 1984, the Soros foundations network has worked in CEE supporting programmatic efforts in important open society issues, including the rule of law, independent media, public access to information, and public health.



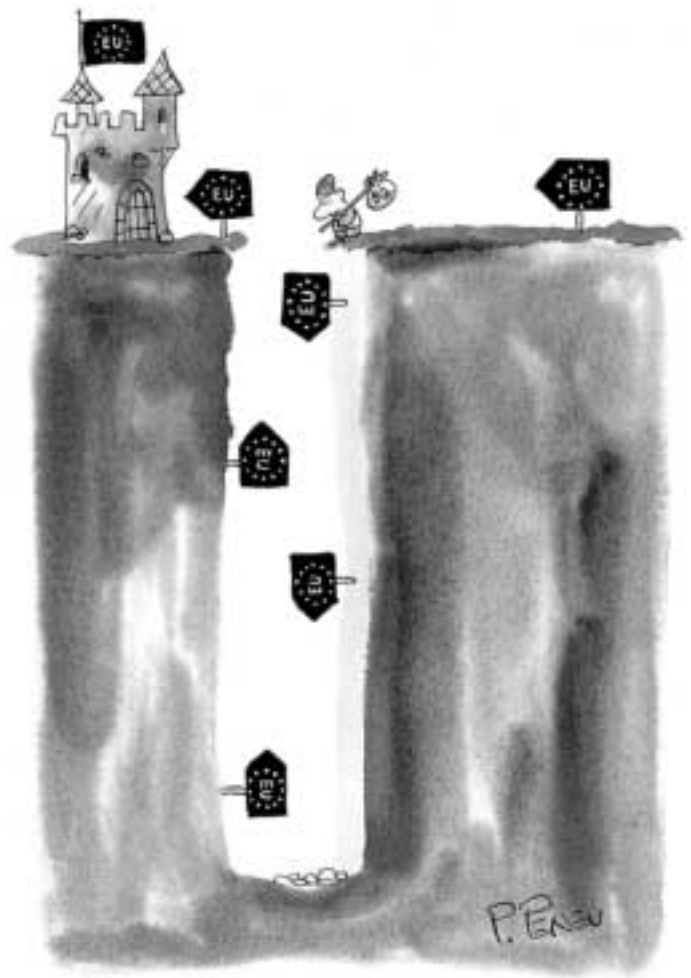
With European structural funds available to newly acceding states, OSI's investment in the region will diminish considerably starting in 2004. Yet cognizant of the ultimately partial nature of EU funding, OSI will continue to target support to those indispensable areas not adequately covered through EU financing—broadly speaking, those sectors affecting the lives of vulnerable populations. OSI will also seek to leverage its long-standing institutional partnerships to influence, where possible, the policy arena. Integrating a large cohort of new states is unprecedented and will require thoughtful policy to ensure equity and effectiveness.

Conceptualizing the region in terms of “problems of transition” is no longer the most useful framework for evaluating social and political development. Accession to the EU reflects a changed status in CEE states in which formal democracy has been largely consolidated and transition has given way to regional imperatives and global realities. It is more useful now to seek the ways in which the eight “fast track” CEE accession states—the Baltics, Visegrad countries, and Slovenia—will work within the framework of an institutionally expanded Europe, and how membership in this key international regime will afford greater opportunities for open society development.

But as the contributions to this edition of the *Open Society News* make clear, joining the EU is in no way a panacea to open society challenges. Such challenges remain, and indeed might intensify, amid emerging social and economic fissures. Monika Mihalickova's piece is instructive here. Describing the life chances of two Romani men with divergent educational and employment histories, Mihalickova emphasizes the utility of considering issues of class as well as race. Capitalizing on the potential opportunities afforded by EU membership is often predicated on possessing a particular social background. While race will continue to play a prominent role in exclusionary politics, it would be negligent to ignore the all-important dimension of class when considering the factors that shape Romani lives.

Jim Goldston widens the perspective, outlining the unique opportunity provided by accession to amplify Romani issues on the pan-European agenda. Goldston describes how “Europe's most despised minority,” while fewer in number in EU member states, still confronts unrelenting racism and xenophobia in Western Europe. While such discrimination is surely part of a larger, more dangerous anti-immigrant trend, Goldston submits that Roma are nevertheless singled out amongst other groups. A focus on institutionalizing human rights reform throughout the European Union can only be to the advantage of Romani rights on the whole continent.

In their discussion of the challenges facing the accession process, Aap Neljas and Antoinette Primatarova warn of potential contradictions to integration. Whereas Goldston seeks a united Europe to take responsibility for



basic rights, Neljas is apprehensive of the asymmetries that could result from traditional European powers dominating future decision-making processes. Primatarova concurs, suggesting that integration might result in the unfortunate scenario of stratification among EU states.

Alongside the above cautionary words, Krzysztof Krajewski and Peter Bajomi-Lazar provide evidence of the concrete opportunities that integration offers. Krajewski, who recounts the heated debates surrounding harm reduction in Poland in the past few years, sees EU membership as helpful in securing greater legitimacy for needle exchange. And Bajomi-Lazar, in discussing efforts by Hungary's recently departed Fidesz-MPP government to manipulate the press, sees the push toward harmonizing Hungarian media with EU regulations as a major step forward.

Finally, Nils Muiznieks writes of how the EU has already played a formidable role in pushing for preservation of Russian language rights in Latvia. Yet he also points out the deficits on both sides of this hotly politicized question. Over a decade after independence, the need to achieve balance between language rights guarantees and the imperative of functional adequacy in a state's titular language remains a vexing concern.

All the opportunities and challenges described above accurately reflect the complex processes now underway in Central and Eastern Europe. To what extent European Union membership can offer some form of resolution to these vast issues is an open question. But the degree to which Europe can function as an exemplar for human rights protection and democratic governance may depend on it.

“Accession to the EU reflects a changed status in CEE states in which formal democracy has been largely consolidated. But joining the EU is in no way a panacea to open society challenges. Such challenges remain, and indeed might intensify, amid emerging social and economic fissures.”

Open Society and EU Accession: Two Views

Joining the European Union means many things to people in accession candidate countries. Their enthusiasm, animosity, or ambivalence is often shaped by the politics, the media, and the economy of each candidate country. In the following interview, Aap Neljas, an Open Estonia Foundation board member and an advisor to the Estonian Minister of Regional Affairs, and Antoinette Primatarova, project director at the Center for Liberal Strategies in Bulgaria, discuss how the EU may affect open society issues in two countries at different stages of the accession process. ■

“The difficulties of transition have caused problems throughout Bulgaria. It is not only specific ethnic groups that are suffering. Preaccession aid from the EU is needed not only for targeted minority groups and women, but for all those marginalized in the wake of transition.

—ANTOINETTE PRIMATAROVA

The chances that the EU will be voted down in Estonia are small, although they do exist. Opponents believe the EU is another undemocratic structure like the Soviet Union. Proponents of accession believe that the EU is essential for the continuation of our economic progress and our security as a democratic country.

—AAP NELJAS

What can be done in your country to help people identify with the values of the EU and also feel secure about their own culture, language, and national identity?

AN: In the beginning of the 20th century writer Gustav Suits set the goal for the nation: Let's be Estonians, but let us also become Europeans. Fear of Europe is less a fear of diversity, and more a fear that national democratic decision-making will be transferred and important decisions will be made by a faceless Brussels bureaucracy or by Europe's great powers.

There are fears that the interests of smaller nations, including the safeguarding of their cultures and languages, are not sufficiently taken into account. If the great powers are not inclined to give up their language and culture in the name of a federal ideal, then they can't really argue that smaller states should accept less for their culture and language.

AP: A 2001 Eurobarometer poll published in March 2002 showed that 30 percent of Bulgarian respondents ranked fear of “losing their language” as one of their top three concerns about joining the EU.

While I was a bit surprised by the results, I don't think Bulgarians are that sensitive about language issues. If the question were formulated in an open way such as "Do you have any fears with regard to future membership in the EU?" the results would be much different. The same Eurobarometer poll also indicated that 80 percent of Bulgarian respondents supported EU membership.

Bulgarians are proud of their heritage, and based on my personal experience, Bulgarian art, music, and culture in general are strong "ambassadors" of Bulgaria to the world. Agriculture is another point of pride, and I think few people doubt who would win a free competition between Belgian and Bulgarian tomatoes!

Current accession activities appear to focus almost exclusively on financial and trade issues. Human rights, media freedom, civil liberties, and public health issues are receiving much less attention. Is it still possible to use accession to improve conditions for open society in your country?

AN: Accession negotiations focus on financial and trade issues in their final stage because basic issues such as democracy and human rights are solved earlier. The so-called Copenhagen criteria, spelling out minimum conditions for democracy and human rights, must be fulfilled before negotiations can even start. This is why Turkey, a country with an excellent market economy compared to many other accession countries, has so far been unable to start the EU membership negotiations.

OSI's EU Monitoring Program has had an impact in Estonia, especially in highlighting corruption. The most interesting aspect of the Program has been its focus on NGOs. While this is a bit of a guess, I feel that since most official reports concentrate on questions of law and treaties, the Program's focus on NGOs has helped officials responsible for integration policy, as well as NGOs, particularly ones representing national minorities.

AP: During advanced negotiations, political criteria are not on the forefront of discussions between candidate countries and the EU. Highlighting issues related to the political criteria carries the potential danger of creating the impression of applying double standards to candidate countries as compared to member states.

At one point some EU-member state officials implied that member states might drop the visa requirement for Bulgarian citizens if Bulgaria found a way to stop Roma from traveling abroad. Fortunately the visa issue was resolved without compromising the rights of the Romani population. EU institutions have demonstrated a lot of understanding about the problems of Romani populations in candidate countries. Enlargement Commissioner Verheugen has made it clear that the EU does not have unrealistic expectations that all the social and economic problems of the Roma can be resolved before accession.

EU regulations and institutions will give ethnic, racial, and linguistic minorities as well as women access to equal treatment laws. Will the laws work effectively to improve conditions for women and minorities?

AN: Basic equality and nondiscrimination provisions are already a part of

the Estonian Constitution. No doubt, some people always think that the specific nondiscrimination measures are utter nonsense. I hope that most complaints concerning discrimination can be solved with the help of the Legal Chancellor's (Ombudsman) office, which is responsible for protecting citizens against bureaucratic wrongdoing and discrimination. Enforcement of the nondiscrimination provisions concerning women in the private sector will be more difficult, and it will probably take many years before the provisions seriously influence the practice of companies.

AP: In the former communist states women had fewer reasons to complain about inequality. But the equality women had under the previous system was also a liability, since most women had to do all the housework as well as work outside the home. And in the Soviet bloc housework was a greater burden than in the West because of underequipped households and shortages of goods. No wonder some women got fed up with this kind of "emancipation." The issue for women in candidate countries is not so much conquering new territories of equal treatment, but rather not losing what they've already gained.

The difficulties of transition from a centralized to a market economy have caused problems throughout Bulgaria with unemployment, social welfare, and health care. It is not only specific ethnic groups that are suffering. Preaccession aid from the EU pays a lot of attention to social and economic cohesion, but this type of aid is needed not only for targeted minority groups and women, but also for all those marginalized in the wake of transition.

The EU accession process is causing resentment among populations in accession candidate countries because they feel their countries are being held to higher standards in areas such as minority rights and corruption than some EU member states. What can be done in your country to reduce this sense of unfair standards and hypocrisy?

AN: I believe that this resentment is partially justified. I hope that the European Convention, which has to present its final proposals at the next EU Intergovernmental Conference in 2004, will draft a treaty that clearly establishes the obligatory human, social, and minority rights for all EU member states. I also hope that the expected 2002 OSI Monitoring reports on minorities, comparing the practice of minority rights protection in Central and Western Europe, will help clarify matters for Estonians and other Central Europeans.

AP: As I said earlier, minority issues in most candidate countries are not a question so much of human rights as of social and economic issues.

With corruption, the issue is not a question of double standards but the tendency to present corruption as an explanation for everything that went wrong in transition economies. Corruption is a problem in all transition countries, but accession candidates realize it is a problem they have to tackle, regardless of EU membership. I don't feel that the EU has disproportionately focused on corruption in Bulgaria compared to other candidates. Bulgaria and the EU agree on the need to closely pursue the link between corruption and judicial reform.

Some fear that the EU will neglect NGOs and the development of grassroots civil society organizations in new member states. Do civil society groups in your country have the resources and expertise to work effectively with the EU?

AN: I believe that we have a serious problem here. Even the government does not have enough people with sufficient expertise to work effectively with the EU. So NGOs are clearly in an even more complicated position. The work that the Open Estonia Foundation has done in this field, creating a network to inform other NGOs on European issues, has been remarkable and must be continued. Accession to the EU will also open new possibilities for financing NGO activities, especially in the framework of the European Social Fund and Community Initiatives, which focus on urban and rural development, gender equality measures, and cross-border cooperation.

AP: Self-sustainability is still a big problem for NGOs in Bulgaria. Most NGOs started their activities with assistance from the EU, member states, or other foreign donors, and many continue to depend on this help. During the preaccession period, NGOs have also expressed concern that financial aid is too dependent upon governmental approval.

Many people from government have joined the NGO sector, thus transferring expertise to NGOs. In government positions, officials face certain restraints on being too critical or demanding in talks with the EU. But once former officials join the NGO sector, they may be free to use their valuable government experience for more critical analyses of the EU.

In most accession countries, young, well-educated urban dwellers support EU accession while older, less-educated rural residents and pensioners oppose it. Is this the case in your country? Could the EU be voted down in a referendum?

AN: Yes, this is true. Older people tend to be more conservative than younger people and do not like changes. Agriculture has seen difficult times during the last 10 years and EU regulations raise costs for smaller farmers. Yet at the same time, future EU subsidies will improve their situation, and the possibility of receiving funding for regional projects could make Estonia a financial winner and improve living conditions in less developed regions.

The chances that the EU will be voted down in a referendum are small, although they do exist. Opponents believe the EU is another nondemocratic structure like the Soviet Union, and will destroy our independence and identity. The proponents of accession believe that the EU is an organization of democratic states, fundamentally different from the Soviet Union. For them, membership is essential for the continuation of our economic progress and accession to the EU is vital for our security as a democratic country. Roughly two-thirds of Estonia's population is for accession, about one-third is against it. All of Estonia's major political parties support accession, and the result of "yes" to membership in any referendum is highly probable.

AP: Because of a strong public consensus in favor of EU membership and because there is no constitutional obligation to hold a referendum, Bulgaria is not currently planning to organize a referendum on EU membership.

For Bulgaria, EU membership can hardly be thought of in terms of con-

cessions. The perspective is not so much, "What does it mean to become a member of the EU? Can we afford membership?" but rather "What does it mean not to become a member of the EU? Can we afford nonmembership?" For many historical, geographical, economic, and political reasons, inclusion in the EU is the only way to confirm that Bulgaria is part of Europe. What currently causes concern is that the accession of up to 10 new members in 2004 might delay Bulgaria's membership. Delays in achieving membership might provoke anti-EU sentiments, which I hope will not be the case.

On a personal level, what aspects of the EU worry you? What aspects give you hope?

AN: For me personally a cause of concern is the present debate about EU decision making. I believe this is often just a cover for the European great powers to make all the important decisions in the EU themselves. I hope that the European Convention will consider key questions about the future development of the European Union. Among the issues to be discussed is the writing of a constitution for the EU or the revising of basic treaties and human rights clauses. By bringing together representatives from EU institutions and national governments and parliaments, the Convention could result in solutions that are democratic, efficient, and easily acceptable to EU members large and small, new and old.

As inhabitants of candidate countries, we hope that the financial arrangements of accession do not discriminate against our farmers or poor regions compared to those in older member states. And I hope accession will enhance the rule of law in our society and give a new and more generous definition to human rights. The most important emerging issues of human rights for Estonia and other accession candidates will not be so much protecting groups and individuals against violence, but rather questions about the state's obligation to provide economic support to vulnerable groups, guarantee equal opportunities, and moderate conflict between consumers and big corporations.

AP: I am convinced that what is good for my country is good for me as well. I don't expect EU membership to provide any special gains to my personal life or career. But I would definitely be happier in a country where people around me are better off than they are today. And the EU has already proven that it can deliver in terms of prosperity through enforcing the principles of democracy, rule of law, and a market economy.

I am concerned about any kind of "enhanced cooperation" which allows further integration between only some member states. This could create a strong divide between old and new member states, making newly admitted states second-class members. Secondly, I fear that the EU might not be consistent on its basic principle of "solidarity." If politicians in the EU do not find the courage to develop a tailor-made cohesion policy for new members (as they did for Greece, Portugal, Spain, and Ireland), then achieving social and economic cohesion in an enlarged EU will be much more difficult, painful, and tense.

On the positive side, I firmly believe that membership in the EU will bring multiple economic and social benefits for Bulgaria because as a small country in a globalized world it cannot expect to flourish in isolation and on its own.



Restoring Harm Reduction in Poland

Harm reduction strategies are a well-established component of national drug policy in many EU member states. Yet they are often viewed with skepticism and subject to legislative defeat or repeal in accession candidate countries. Criminologist Krzysztof Krajewski describes how alliances among concerned advocates and impending EU membership have helped beat back recent “get tough on drugs” policies that undermined harm reduction efforts in Poland. ■

KRZYSZTOF KRAJEWSKI

During the last two years, Poland’s relatively progressive drug policies have been threatened by efforts to dismantle the country’s moderate legislation and introduce a more law-and-order approach to drugs and drug users. Yet recent hard work by harm reduction advocates coupled with the prospect of EU membership has started to reverse this trend and offers the possibility of firmly establishing harm reduction in Poland.

The challenge to harm reduction peaked in 2000 when Social Democrats and liberals, once strong supporters of Poland’s moderate 1997 drug law, joined forces with conservatives to pass a set of strict amendments to the law.

“The culture of tolerance toward drugs is spreading,” said conservative MP Wojciech Hausner, arguing for the amendments. “And it is undermining all efforts in preventing drug use.”

The amendments deleted provisions that reduced the penalties for possession of small quantities of drugs for personal consumption. Most dis-

turbing was that other amendments changed provisions that punished drug dealers in a way that could also criminalize syringe and needle exchange programs, both of which are key components in harm reduction efforts to prevent the spread of HIV and reintegrate drug users back into society.

Hausner did not specifically identify harm reduction programs as helping spread “tolerance” of drugs, but his remarks and support for the amendments reflected a growing “war on drugs” attitude toward drug policies in Poland.

Within a year, a more assertive approach by police toward drug users led not only to rising arrest rates, but also the increasing harassment of harm reduction outreach workers and needle exchange sites. In Krakow, Poland’s third largest city, police targeting of drug users receiving clean



“ Amendments changed provisions that punished drug dealers in a way that could also criminalize syringe and needle exchange programs, both of which are key components in harm reduction efforts. ”

needles and syringes from harm reduction programs led to a 60 percent drop in needle and syringe exchanges.

“Drug users do not trust us anymore,” said Grzegorz Wodowski, director of Monar, an NGO in Krakow supported by OSI’s International Harm Reduction Development program (IHRD). “After they come to us and exchange their needles, drug users have been stopped and searched by the police.”

In this climate, the prospects of building and expanding harm reduction efforts were bleak. Yet some organ-

for Drug Abuse has remained a supporter of harm reduction strategies. By September 2001, the Bureau had helped get Parliament to change the amended drug law so that it recognized harm reduction as an official component of state drug policies. This change was intended to prevent the police, courts, and officials from using the new drug law’s other provisions against harm reduction efforts. Shortly afterwards, the problems and harassment faced by needle exchange programs and the addicts using them virtually disappeared.

EU membership for Poland should help entrench the long-term role of harm reduction in public health policies. Although most EU states share a

tough law enforcement position on punishing drug dealers, their approach toward drug users is more diverse. Neighboring Germany provides a good example. In recent years, decreasing the punitive measures against users has been accompanied by an increased role for methadone maintenance and syringe and needle exchange programs. Needle exchange programs have been legal for many years in Germany and last year authorities gave clear legal status to “injection rooms,” places where drug users use sterile needles and syringes, which prevents them from endangering themselves or others. Holland, Denmark, Austria, Spain, Italy, and, to a lesser extent, the United Kingdom have also embraced a range of harm reduction programs similar to Germany’s, and have made prevention, education, and drug-related public health issues such as HIV containment top priorities in their drug policies.

The experience in Poland demonstrates how strong relationships between harm reduction advocates and members of the medical and public health policy communities can fend off challenges to harm reduction efforts. Yet in Poland and other accession countries, opposition to humane policies for

drug users is likely to persist. The access to new expertise, innovative models, and financial resources potentially available through EU membership could do much to strengthen harm reduction and make it an integral part of drug policies in Poland and the region.

Krzysztof Krajewski is a professor of criminology at Jagiellonian University, Krakow, Poland.

FOR MORE INFORMATION

To find out more about OSI’s support for harm reduction throughout the Soros foundations network, visit www.soros.org/harm-reduction.



izations and government agencies that support harm reduction efforts have managed to counter the hard-line approach of many politicians and law enforcement officials. And Poland’s approaching EU membership presents opportunities for the country to have greater contact with EU states that have recognized the importance and legitimacy of harm reduction.

Cooperation and low-key efforts by Polish health and welfare policymakers and harm reduction advocates kept the country’s well-regulated methadone maintenance programs running and legal. These programs have strong support from the medical profession, and some have even expanded in recent years. Within Poland’s Ministry of Health, the Bureau

Looking to Europe for Equal Rights at Home

Many feel that EU membership will result in substantial improvements and protections for Central Europe's Romani population. Monika Mihalickova, the first Romani woman elected to the Czech Parliament, provides a closer look at the possible impact of accession and reveals that potential benefits for the Roma are a complicated matter of ethnicity, education, and class. ■

MONIKA MIHALICKOVA

The predominant view in the Czech Republic and other EU accession candidate countries with significant Romani populations is that the Roma receive special treatment and legal protections, yet they still gripe about discrimination and their complaints jeopardize the membership chances of candidate countries.

A more accurate view, however, is that the governments in accession countries are jeopardizing their own chances by not consistently guaranteeing Roma the same rights as other citizens. Equal rights, not special treatment, is the issue.



Many candidate countries have a history of ignoring their obligations to protect the basic rights of the Roma, so there is hope that the process of accession and integration could strengthen these rights throughout the European Union.

To help assess accession's potential impact, let us compare Karel and Michal, Romani men from the Czech Republic with different levels of education and social status.

Karel, 31, is married to a public administrator. They have one child. He is fluent in English and French and has a university degree in history. A

“ Using EU law on human rights should not be difficult for the educated and well-off Karel. But Michal, with little knowledge of either domestic or European law, is unlikely to consider taking legal action the next time he is refused service in a shop or restaurant. ”

teacher of European history at Charles University in Prague, Karel is considering studying abroad and eventually working as a professor at a college or university in the European Union.

Michal, 30, has three children, and his wife is on maternity leave expecting a fourth. Michal does not speak any foreign languages. Instead of a conventional school, he was placed in a special school for problematic children and eventually was trained as a laborer. He can only find temporary employment due to discrimination and his low levels of education and skills. He is eligible for state social and unemployment benefits.

Technically, if Karel and Michal become citizens of the European Union, they will have the right to visit and stay in any of the member states. If Karel or Michal decides to go on holiday in Great Britain, there should be no special controls by British immigration officers at the Czech airports. Both men should be able to move freely throughout the European Union regardless of their Romani origin. An expanded EU should resolve the European dilemma of Romani emigration—no longer will Roma seek asylum because the EU will be a single territory. It would be as preposterous as an American living in Mississippi applying for asylum in New York.

Both men will also have the right to study and receive job training in European member states. And they will be able to participate in elections for the European Parliament and initiatives as well as run for EU offices and local councils.

There is little doubt that Karel will use his education and language skills to take advantage of the opportunities that accession seems to provide. However, some current EU members, particularly those directly bordering the Czech Republic, are under pressure from domestic interest groups not to open their markets completely to goods, services, and workers from new EU members. As a precondition to membership, candidate countries might have to accept second class status. People like Karel may have to wait up to seven years after the Czech Republic joins the EU before they can apply for work in other EU countries.

Moving to another EU member state would provide fewer opportunities for Michal. If he is unemployed when he moves, proposed regulations would allow him to stay for three to six months, depending on the country. However, he would have to prove that he has enough resources to cover his cost of living expenses and health care contributions during this time. Michal would not be eligible for unemployment benefits in the state he moved to and could only receive allowances from his country of origin.

His lack of language skills and general education, and the higher costs of living in other member countries, means that moving to another EU country most likely would worsen Michal's already precarious situation.

The contrast of Karel and Michal demonstrates that leaving for other parts of the EU to seek opportunities and receive better treatment will not be easy. It will not be determined so much by race, as by education, skill levels, finan-

cial background, and the policies of neighboring EU states.

The most immediate, positive impact of EU membership for Roma like Karel and Michal is that it can bring new legal protections to help them obtain basic rights and equal treatment without leaving the Czech Republic.

If Karel or Michal feel that local, regional, or national authorities have violated their rights, for example by placing their children in “special” but inferior schools simply because they are Roma, they can appeal to national courts based on EU human rights laws that the Czech Republic is bound to abide by and enforce. Further appeals can be directed to the European Court of Justice in Luxembourg, the highest authority for interpreting and explaining legal norms adopted by EU member states.

Karel and Michal will also have the option of filing petitions with the European Parliament. If they believe that they have not received a fair hearing from EU institutions, they can appeal to the European Ombudsman, which monitors the European Commission, the Council of the European Union, the European Parliament, and the European Court of Justice.

But what do these new legal opportunities mean in practice? Gaining access to and effectively using EU law on human rights and antidiscrimination should not be difficult for the educated and well-off Karel. But Michal, with little knowledge of either domestic or European law, is unlikely to consider taking legal action the next time he is refused service in a shop or restaurant. Unfortunately, Michal's—not Karel's—experience and situation are closer to the majority of Roma in the Czech Republic. Activists believe that the prospect of EU membership could act as a stimulus for the Czech Republic to make immediate changes to the education system and take steps to inform all Roma of their legal rights.

Romani citizens in the Czech Republic, while preparing for EU integration, must also increase their own efforts to secure their rights and improve their situation. Without Roma themselves demanding and exerting their rights, it will be difficult to set examples and force decisions that build a legal framework to fight discrimination and establish human rights protections.

Once the Czech Republic joins the EU, acceptance should not be used to sweep Romani issues under the carpet. Membership will not solve Romani problems immediately. But by continuing and increasing their efforts to secure their rights now, Romani communities and their advocates can use the accession process to enable people like Karel and Michal to become fully fledged citizens of both the Czech Republic and the European Union.

Monika Mihalickova is a member of the Czech Parliament.

FOR MORE INFORMATION

To learn more about EU policies toward the Roma and minority rights, visit www.eumap.org.

An End to Government Meddling with the Media in Hungary?

Peter Bajomi-Lazar, an OSI International Policy Fellowship alumnus and winner of the 2002 Hungarian Pulitzer Memorial Award for journalism, analyzes the outgoing Hungarian government's efforts to manipulate the media, and how EU membership may end years of conflict between the government and a free press in Hungary. ■

PETER BAJOMI-LAZAR

Since the collapse of state socialism in 1989, each elected government in Hungary has tried to control the media to improve its press coverage and increase its popularity. That these efforts have often been met with widespread protest is an indicator of the health of Hungarian democracy. However, government wars against the media have also weakened open society by hindering the Hungarian media's ability to criticize those in power and hold them accountable to the public.

Legislative elections in April 2002 brought a new socialist-liberal coalition to power. And many observers are asking if this new government will also wage a media war, or if it will take genuine steps to guarantee the autonomy of the media and put an end to government interference.

The new government's decision has particular urgency since its policies toward the press and media may have a decisive impact on whether Hungary can join the European Union in 2004.

The defeated conservative government led by Prime Minister Viktor Orban of the Fidesz-Hungarian Civic Party (Fidesz-MPP), was part of a particularly intense chapter in the history of Hungarian media conflict.

Upon taking office in 1998, the Orban government immediately pursued a path of conflict rather than consensus. It used its power to influence media ownership and regulation, and used public funds to cultivate progovernment journalists and media outlets and subvert the media's ability to monitor and

criticize the government. As a result, the boards of trustees for Hungary's three public service broadcasters are now composed exclusively of Fidesz-MPP appointees.

Hungary's National Radio and Television Board (ORTT) is also highly politicized. The Board's conservative majority refused to renew the license of Forbidden Radio, one of Hungary's oldest independent radio stations. At the same time it was shutting down Forbidden Radio, the Board granted a license to Radio Pannon, whose programming and staff unabashedly support the extreme right-wing Hungarian Truth and Life Party (MIEP), led by Istvan Csurka.

The government attempted to pass a law that would have granted a right of response to public figures criticized in the press, allowing them to react not only to statements of fact but also statements of opinion. The law was widely criticized and finally rejected by the Constitutional Court. Fidesz-MPP and its coalition allies also granted exclusive information and gave financial support to progovernment newspapers and broadcasters, while denying information and funding to critical journalists and media outlets.

Yet all the efforts to influence and control the media failed in one crucial area: Fidesz-MPP lost the elections.

There are indications that Hungary's new government, a coalition between the Hungarian Socialist Party (MSZP) and the Alliance of Free Democrats



(SZDSZ), may take steps to finally end the country's media troubles. According to a recent study by the Hungarian Press Freedom Center, an NGO supported by OSI-Budapest, the new government's media program includes several provisions to re-establish the autonomy of the media and end the government's decade-long war against the media.

Looming EU accession is a clear incentive to pursue change. European Union representatives involved with Hungary have made it clear that harmonization of Hungarian media policy and legislation with European standards is crucial to Hungary's admission to the EU. Despite the difficulties facing the new government, the glory of overseeing Hungary's entrance into the EU may be rewarding enough to prompt it to initiate reforms and give up political control over the media.

The European Union's annual report on Hungary, published in 2001, identifies Hungarian Television as the country's most urgent media problem. The major public service broadcaster is in ruins and racked by debt. Since the rise of competition from private commercial television in 1997, Hungarian Television's audience share has dropped to about 10 percent and it still lacks a competitive programming policy. The political bias of Hungarian Television has damaged its credibility with viewers. Media policy advisors have suggested that the government replace the existing public service channel with a new one.

Hungarian Television is not the only media outlet whose political independence has been questioned. The ORTT's use of fines and other sanctions to exert pressure on private, commercial broadcasters has contributed to the development of news programming that, though not blatantly progovern-

LEFT: Newspaper vendor in Budapest

RIGHT: Campaign billboard for Viktor Orban. Slogan reads "Actions first, words second."

“Despite the difficulties facing the new government, the glory of overseeing Hungary's entrance into the EU may prompt it to initiate reforms and give up political control over the media.”

ment, is largely apolitical and generally fails to inform the public about current affairs or take a critical look at Hungary's politicians. The new government's agenda also includes reform of the selection process for ORTT's board.

Government efforts to control the media have distorted the press as well. The Orban government used taxpayer money to subsidize progovernment publications. MSZP proposals to end government favoritism would create a press fund to provide nonpoliticized subsidies to publications that lose money. Coalition ally SZDSZ has more liberal plans that would end all state ownership and financing in the print media market.

Efforts to harmonize Hungary's media legislation with European standards face further problems. There is, first and foremost, the question of program quotas. While the Hungarian Broadcasting Act gives priority to programs produced in Hungary, the EU rejects the use of national program quotas. In addition, unlike EU regulation, the Hungarian Broadcasting Act's provisions do not have content standards for measuring potentially inappropriate or offensive advertising. The need to amend the Hungarian Broadcasting Act to meet European norms has an added urgency because harmonization is a precondition for European media programs that grant financial support to candidate and member countries.

The newly elected socialist and liberal coalition has much to do to end the media war. However, it remains unclear whether the new government will be determined enough to end conflicts with the media. Breaking with the tradition of media war will require political courage and the ability to seek consensus. Changes to Hungary's current broadcasting laws require a two-thirds majority. Fidesz-MPP, which used the media against MSZP and SZDSZ when it governed, now stands as the most powerful opposition party in Parliament and could obstruct media reforms.

Any substantial reform in policy also requires a real change in how Hungarian political elites view the media. It is time they understood that control of the media is not only undemocratic but, as the recent elections demonstrated, it does not even pay politically. Coupled with the strong desire among many Hungarian policymakers for EU membership, the previous government's election loss could serve as a powerful lesson about how interfering with the media is more trouble than it's worth.

Peter Bajomi-Lazar is the author of The Hungarian Media War and a founding member of the Press Freedom Center in Hungary, where he is currently a media researcher.

FOR MORE INFORMATION

To find out more about conflict over the media in Hungary, visit www.pressfreedom.hu and www.cpj.org/attacks01/europe01/hungary.html.

Accession and the Politics

Some of the most complicated human rights questions of the EU accession process are not based on sex, race, or religion, but on language. Nils Muiznieks examines the situation in Latvia, where the Russian language remains a significant political and human rights issue 10 years after the disintegration of the Soviet Union. ■

NILS MUIZNIEKS

A lingering Soviet legacy in Latvia is the enormous number of Soviet-era settlers with no knowledge of Latvian. Indeed, 36 percent of the country's 2.4 million inhabitants speak Russian as a native language and almost every ethnic Latvian speaks Russian as a second language. Yet the government has been slow to change policies that require proficiency in Latvian for political participation and citizenship but that also potentially marginalize many residents. Sufficient command of Latvian by ethnic Russians is also becoming crucial for education and employment.

The complex language politics in accession candidates like Latvia represent one of the most significant challenges for the European Union as it tries to develop policies for countries with large—and not always welcome—linguistic minorities.

The situation in Latvia is rooted in its history under Soviet rule. Soviet language policy gave special privileges to Russian, making it an unofficial state language. It was also used as a barometer of loyalty—getting ahead in work and politics required knowing and using Russian.

Following communism's collapse, Latvia tried to reclaim its national identity by instituting a policy that made Latvian the state language. Unfortunately, some language policies have gone beyond what is appropriate in a democracy.

Latvia's increasing involvement with NGOs and its aspirations of joining regional and international organizations like NATO and the EU, however, are beginning to restore balance to its language policies.

EU requirements and international human rights conventions signed by Latvia require that the rights of minorities, including Russian language speakers, be protected. Policymakers are welcome to promote Latvian and help people learn it, but they are legally bound not to force the assimilation of Russian speakers or other minority groups.

Education has been one response to Latvia's language dilemma. Since the mid-1990s, Latvian authorities have implemented ambitious language training programs for Russian speakers. By 1999 the European Commission's Phare program was the largest single contributor to the government's Latvian language training initiatives.

Yet some minority activists have criticized government plans to have almost all public secondary school instruction conducted in Latvian by 2004. The shift to Latvian instruction, they charge, would displace other languages, increase nonnative-speaker dependency on Latvian, and diminish linguistic minority groups' command of their own languages.

In an effort to balance teaching Latvian with the preservation of minority languages, the EU played an active role in shaping language legislation adopted in 1999 and 2000. It strongly backed human rights arguments by the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe that government interference in language use remain limited to cases of public health, order, and safety.

All the arm-twisting had an impact: Latvia's parliamentary Commission on European Affairs adopted all the EU recommendations in the final version of the law. Former OSCE High Commissioner on National Minorities Max van der Stoep concluded that the legislation conformed to international human rights standards.

Other problems remain, however. The OSI EU Accession Monitoring Program has taken the EU to task for not engaging Latvia on the effect of its language policies on political participation, freedom of expression, and access to information.

Until May 2002, Latvia required candidates for public office to demonstrate Latvian language proficiency at the highest level of a six-tiered rating system. Earlier rulings by the UN Human Rights Committee in 2001 and

of Language in Latvia

the European Court of Human Rights in April 2002 acknowledged that Latvia's system violated a number of articles and provisions. It was only recent pressure from the United States linking elimination of the rating system to NATO membership, however, that prompted legislation abolishing the requirements.

Yet the changes are not necessarily a triumph for human rights. Although these cases highlighted how language requirements can limit voter choice and deny certain groups full participation in politics, the UN and the Council of Europe rulings were based on procedural violations in each case. Neither decision challenged the basic legitimacy of state-imposed language requirements on political participation. Latvia's recent legislative changes are very much a calculation by the government to improve its standing with NATO by eliminating a law that the United States did not like, while also being able to tell domestic constituencies that they were forced into it by powerful Western states.

Language restrictions on Latvian television and radio are another problem. Current legislation stipulates that only 20 percent of all public radio and television broadcasts can be in a language other than Latvian, while the limit for commercial radio and television is 25 percent. The European Court of Human Rights has yet to establish precedents in this area, but UN case law indicates that such restrictions represent serious freedom of expression violations.

Local broadcasters with a minority audience have received fines from regulatory agencies for exceeding the limits, and they have difficulty competing with satellite and cable broadcasts from Russia, which face no language restrictions. The regulations also limit the access of Russian speakers to news about Latvia, hindering their understanding and participation in public affairs.

These examples represent both the complexity and importance of protecting the rights of minority language speakers in Latvia and throughout Europe. Yet claims of imminent, compulsory assimilation by Latvia's Russian speakers seem exaggerated. More serious, immediate threats of forced language eradication and assimilation are faced by Latvia's smaller minority languages such as Polish, Ukrainian, Belarussian, and Romany. And this situation may require more attention from Latvian and EU officials as well



Voting in Latvia

“ Latvia tried to reclaim its national identity by instituting policies that made Latvian the state language. Unfortunately, some language policies have gone beyond what is appropriate in a democracy. ”

as OSI's EU Monitoring Program. Last year, the Program focused on the rights of Russian-speakers. In 2002, it is examining whether Russians and other minorities are benefiting from the Latvian government's social integration program, which lays out the goals and means for minority policies and promotes social cohesion in areas such as civic participation, education, and culture.

Meanwhile, in Latvia, Russian remains a vigorous but declining language while Latvian is an ascendant “upwardly mobile” language. The status of Russian is likely to erode further, not only due to Latvian, but also because of the new lingua franca in the EU—English.

Nils Muiznieks is director of the Latvian Center for Human Rights and Ethnic Studies.

FOR MORE INFORMATION

The following websites monitor and provide updates on minority rights and EU accession issues in Latvia and the region: www.policy.lv; and Minority Electronic Resources (MINELRES) at: www.riga.lv/minelres.

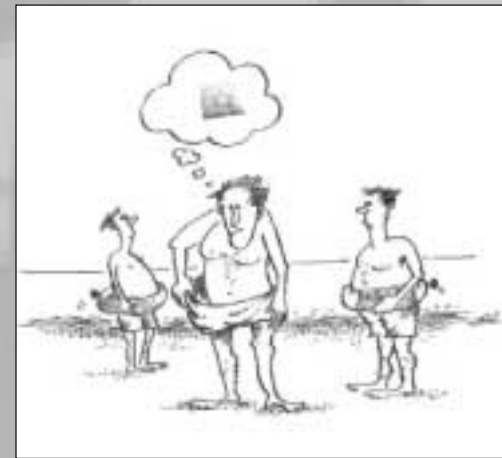
Outside looking in:



Juozas JUOZAPAVICIUS



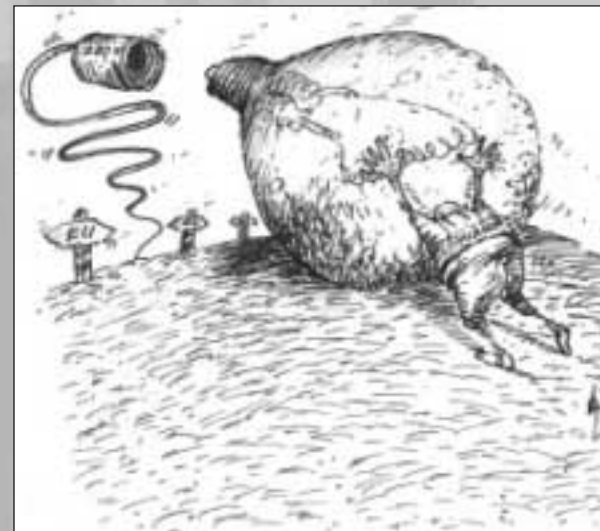
Fridrikas Jonas SAMUKAS



Adomas ZILINSKAS



Vitalijus SUCHOKIS



Antanas BUNIKIS

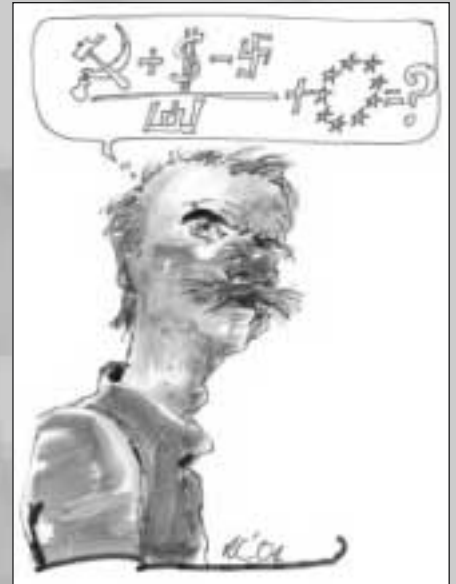


Vytautas JURKUNAS 1 Sweden; 2 East Europeans; 3 Enlargement

A selection of cartoons from Lithuania



Zenonas JONAITIS



Vytautas JURKUNAS



Fridrikas Jonas SAMUKAS



Roma Rights: A Challenge for EU Members Old and New

Holding EU accession candidates to high standards for fair treatment of minorities and human rights is understandable and important. In the following excerpt from a recent article in *Foreign Affairs*, James Goldston, OSI deputy director and senior counsel of the European Roma Rights Center, notes that the accession process can have a dramatic impact if EU members apply these high standards to themselves as well. ■

JAMES GOLDSTON



In Europe today, negative myths about the Roma penetrate childhood stories, family legends, and the fabric of everyday life. People reveal their anti-Romani prejudices unhesitatingly, in the most casual conversations. “I don’t like them,” says a Budapest florist as she wraps up some daisies. “Can’t trust them,” warns a taxi driver. The stereotypes about Roma are so insidious that even some leading human rights activists share the tendency

to minimize the extent of Romani mistreatment, to react defensively when their national governments are criticized for their Romani policies, or to blame the Roma for their own troubles. Fortunately, conditions may finally be starting to change for Europe’s most despised minority.

Europe’s accelerating process of political integration offers the prospect of improved legal protection for the Roma and other minorities through human rights laws and strict conditions imposed on countries eager to join the European Union. And accession may also lead the EU’s older members to look inward and address their own shortcomings in this area.

The EU accession process has focused most attention on the rights of Roma and other minorities in the candidate countries. Western European leaders, determined to forestall a large influx of Roma fleeing the East, have lectured their foreign colleagues on how to do better. But this attention on Central and Eastern Europe has at times obscured the fact that EU member states have also struggled, with limited success, to address racism and xenophobia in their own ranks. The numbers of Roma in the EU may be smaller, and violence against them less common, but Western Roma, and Romani refugees from outside the EU, also suffer serious discrimination.

The anti-Romani sentiment in the EU may reflect a broader hostility toward migrants and foreigners and the emergence of racist attitudes in countries—such as Finland, Ireland, and Sweden—where they had previously been less evident. Although general xenophobia may exist, however, the Roma still suffer special vilification. According to one report, Roma in Italian schools suffer worse discrimination than do foreign students. Teachers reportedly find it “impossible to blend the nomad culture with ours”—despite the fact that, as in most places, few of Italy’s 100,000 Roma are actually nomadic.

In Greece, members of the more than 150,000-strong Romani community suffer frequent ill treatment from the police, including excessive use of force and verbal abuse. Yet police are rarely disciplined or prosecuted for such offenses. In Germany, Bavarian police records single out Roma and Sinti for preventive crime measures; in Spain, non-Romani parents protest the integration of Romani children into schools.

Nor have all EU governments proved equally determined to address racial discrimination, despite the union’s equality provisions. The United Kingdom and the Netherlands boast strong antidiscrimination laws, public bodies that investigate complaints, and lawyers and minority activists capable of effective advocacy and litigation. Six EU states, however, have still not ratified the principal European convention securing the rights of national minorities, and legislation in a number of other EU countries is seriously deficient.

Part of the problem is that in the EU, as in the candidate countries, governments have frequently sought to recast racial discrimination as a social and economic problem. However well-intended, such thinking often focuses

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on the Roma—on their insufficient skills, their purportedly inadequate emphasis on education, or their alleged “unadaptability” to hard work—rather than on the discriminatory treatment they receive. Such arguments displace official responsibility and hinder reform by suggesting that the majority need do little to change. Although improved opportunities for adequate jobs, health care, and housing are essential, real progress requires that governments directly confront discriminatory practices and entrenched racist attitudes among their populations.

Expanding the EU is commonly seen as the best way to spread democratic values and respect for human rights from the west of Europe to its east. And there is much truth to this notion, as can be seen from the way the rule of law was consolidated throughout the accession region over the past decade. EU expansion will have even greater significance, however, if it is not a one-way street but can be made into a vehicle for broadening protection of human rights—including minority rights—throughout Europe. The very process of asking membership candidates to satisfy certain standards requires articulating those standards and the shared ideals and agreed common values for which Europe stands. And simple fairness demands that EU member states subject themselves to the same principles.

As the United States and other countries with legacies of racial discrimination continue to learn, centuries of prejudice are not easily overcome. The EU and national governments have already made substantial progress in this regard, but they should now use the accession process to more fully realize their progressive ideals. These governments should start this process by establishing yardsticks that are clear, unconditional, and apply to all EU members—new and old. To this end, the union’s current 15 members should set an example by bolstering their own legal measures to conform to the EU’s Race Directive, improving the enforcement of their laws against racial violence, and ensuring that all Roma and others with genuine asylum claims receive due consideration.

Accession offers an unprecedented chance to institutionalize reform both within the EU and in the candidate states. These changes can permanently ground the new Europe on a foundation of respect for human rights. This chance must be seized—for who knows when Europe will get another one like it.

FOR MORE INFORMATION

This essay, excerpted from the March/April 2002 *Foreign Affairs* article, “Roma Rights, Roma Wrongs,” by James A. Goldston, is reprinted by permission of *Foreign Affairs*, copyright 2002 by the Council on Foreign Relations, Inc. To find out how to obtain a complete version of the article, visit “reader services” at www.foreignaffairs.org. The following websites offer further information about Romani rights issues in the EU and accession candidate states: www.errc.org and www.eumap.org.



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