



**Organization for Security and Co-operation in Europe
High Commissioner on National Minorities**

SUMMARY:

**SEMINAR ON ROMA IN THE OSCE AREA
14-15 JUNE 2000, BRATISLAVA**

The Hague, October 2000

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FOREWORD

Mr. Max van der Stoel

OSCE High Commissioner on National Minorities

The situation of the Roma and Sinti in Europe is a matter of serious concern. From a European and domestic public policy perspective, their systematic exclusion from the general social, economic and political development of our countries constitutes a challenge to our declared values and, in practical terms, the basic quality of our societies. In a profound way, their alienation and poverty challenge the integrity of European public policy. In this sense, the situation of the Roma and Sinti is not “their problem”, but our collective problem.

In my April 2000 Report on the Situation of Roma and Sinti in the OSCE Area, I endeavoured to draw to the attention of OSCE participating States the breadth and depth of the problems affecting Roma and Sinti across Europe. I also tried to show how, taking into account our common values, these problems should be evaluated and addressed in terms of concrete policy and legal reform. I invited OSCE participating States alone and together to act, consistent with OSCE values, to address the evident problems.

On 14-15 June 2000 in Bratislava, I sought to bring together representatives of Romani communities and European governments, along with independent experts and some interested civil society organisations, for an open discussion with the aim of reflecting upon my April 2000 report in terms of policy implications for all OSCE States. I am grateful to the Government of the Slovak Republic, and more specifically to the Office of the Deputy Prime Minister for Human Rights, Minorities and Regional Development, H.E. Mr. Pál Csáky, for having immediately agreed to host such a seminar and for having so ably facilitated the meeting. I am also grateful to the Governments of Germany, the United States of America, Austria and the Czech Republic for having generously supported the seminar with financial contributions without which the meeting could not have taken place. Further, I am grateful to the participants of the seminar who so enthusiastically contributed to the constructive discussions. Finally, I am grateful to the dedicated, tireless and professional efforts of my staff – Mr. John Packer, Ms. Rachel Guglielmo, Ms. Sally Holt and Ms. Karen Foley – without whom neither my April report nor the June seminar would have seen the light of day.

It is my fervent hope that Europe will soon be, in every corner, the social, economic and political community we all wish it to be: open, inclusive, stable, secure and prosperous for all, including for Roma and Sinti as for all other Europeans.

I hope my report and the seminar discussions reflected herein may constitute a modest but meaningful step in this direction.

The Hague, 13 October 2000

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OPENING REMARKS 14 JUNE 2000

Mr. Max van der Stoel

OSCE High Commissioner on National Minorities

May I welcome all of you to this conference on Roma issues in the OSCE area. I am very pleased that you have come here in such great numbers – representatives and observers from governments and from Roma organisations. I welcome especially the Minister responsible for minority issues, including Roma affairs, in Slovakia, Mr. Csáky. I take this opportunity of your presence, Mr. Csáky, to express the gratitude of my office for the willingness of the Slovak Government to act as host for this conference. I also want to express my thanks to the Governments of Germany, the United States of America, The Czech Republic and Austria for their contributions which helped to make it possible to have this exchange of views here in Bratislava.

I am not at this moment going to go into detail about the Roma problem. There will be excellent speakers who will do this job in a very competent way. I think especially of Professor Diane Orentlicher who played such a key role in the preparation of the report of my office issued in April of this year, and I think, of course, of our good friend Mr. Nicolae Gheorghe who plays a key role in Roma affairs as the lead man at the OSCE Contact Point for Roma and Sinti Issues, within the framework of the Office of Democratic Institutions and Human Rights (ODIHR) in Warsaw.

The Roma problem is an important one because of its seriousness, scope and complexity. It has sometimes been said that it will take generations to solve this problem. If that is really the case, then my response is that there is all the more reason to start as quickly as possible to work on solutions. Steps have been taken here and there, a beginning has been made, but we still have a long way to go and this conference is aimed at discussing what could be done to make more rapid progress. It is especially important that we have before us the aforementioned OSCE report regarding “The Situation of Roma and Sinti in the OSCE Area” which I believe provides a firm basis for our discussions and puts forward some provocative ideas. I hope this will lead to very intensive discussions. May I now call on you, Mr. Minister, to take the floor.

*H.E. Mr. Pál Csáky
Deputy Prime Minister of the Slovak Republic
for Human Rights, Minorities and Regional Development*

Dear Mr. High Commissioner,
Dear Guests, Ladies and Gentlemen,

It is a great honour for me to welcome you to our capital of the Slovak Republic. The possibility to host this conference offers us a unique opportunity to reaffirm the sincere interest of the Slovak Government in further open dialogue and cooperation in activities addressing the problems of the Roma.

The improvement of the situation of the Roma communities is a great challenge, not only for our society but the entire OSCE area, the whole of Europe. I am pleased to learn that this conference endeavours to define this issue from the point of view of international cooperation. I am especially pleased that the OSCE has become most innovative in this area. I am extremely grateful to the High Commissioner, Mr. Max van der Stoel, for his personal contribution to the solution of this extremely complex issue and his support for all efforts aimed at the prevention of all forms of discrimination against national minorities, among them the Roma.

Ladies and Gentlemen,

permit me to take this opportunity to inform you of the efforts of the Slovak Government aimed at the solution of the problems of the Roma community in our country. We are most pleased that, in spite of the many difficulties faced by our country, our commitment and some of the positive developments have been recognised by international experts in this field.

Immediately after taking up office, among the first steps taken, the Government issued a declaration on our intention to build a multi-ethnic State in the Slovak Republic, a country where the rights of all minorities are granted. Among further political commitments, for the first time this year we officially welcomed the "International Roma Day" on 8 April. Back in February 1999, the Government established the post of Government Plenipotentiary to address the problems of the Roma national minorities in the Slovak Republic and set up their related secretariat under the Government Office. Both in 1999 and 2000, the Government reserved a special part of the State budget for supporting Roma projects. This year further resources were allocated from the budget of relevant ministries to regional offices.

A year ago the Government adopted the first part of its strategy for the solution of the problems of the Roma national minority. As of 3 May 2000, the second part of

the strategy was approved and elaborated into concrete measures to be taken by the concerned departments, districts and regional State administrations.

In 1999 the Government prepared a project entitled Minority Tolerance Programme within the EU Phare programme, budgetted to the tune of 1.8 million Euros, and this year a further project aiming at the improvement of the Roma in Slovakia is budgetted to the tune of 3.8 million Euros. These are mainly various educational programmes, supported also from the State budget, including support for the so-called zero grades or preparatory classes, as well as support for secondary schools and two university departments of Romani studies. Extensive programmes have been launched for the Police Corps, for mayors and for representatives of the Roma communities at the local self-governments. These are programmes for strengthening the self-organisational ability of the Roma community, as well as training for staff of the public administration, the judiciary and the prison service. All this is being implemented with extensive assistance from abroad.

Apart from the European Union, we have also been cooperating with governments and non-governmental organisations from various countries. An integrated project is under preparation with the European Development Bank to support activities in social housing. The World Bank is providing us with a grant for capacity building of the Secretariat of the Government Plenipotentiary for the Solution of Problems of the Roma National Minority. In the interest of the amendment of the Penal Code in the context of the fight against racial discrimination, our legal system is being analysed with the assistance of experts from Great Britain and the Council of Europe. We have also been cooperating with the governments of the four Visegrad countries.

As of 3 May 2000, the Slovak Government approved our Action Plan for the Prevention of all Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Manifestations of Intolerance for the Years 2000 and 2001. All the official documents of the Government of the Slovak Republic which have been mentioned here are also available in English for the distinguished participants of this conference.

Apart from the above-mentioned activities, the Slovak Government has supported several specific projects. In 1999 financial contributions were allocated for more than 50 projects amounting to 15 million Slovak Koruna and this year more than 60 projects have already been approved for funding from relevant State resources to the tune of approximately 14 million Slovak Koruna. We will continue with these efforts in the second half of the year too.

Our priorities are the following: education of the Roma, implementation of social programmes including activities for reduction of unemployment, and support for the increase in the self-organising ability of the Roma Community. However, I must

say openly that our efforts have been considerably restricted by the economic possibilities of our country. We have been aware of certain deficits in this area which are becoming more and more serious for having been accumulated in the previous decades. However, we do not underestimate this worrying issue and we try to do our utmost in order to solve these concerns operatively. This is why we welcome any form of assistance and international cooperation.

Ladies and Gentlemen, let me finally welcome you once again to Bratislava on behalf of the Slovak Government and on my own behalf. I would like to wish the conference every success, fruitful discussions and conclusions that may be implemented as soon as possible.

Thank you very much for your attention.

ADDRESSES 14 JUNE 2000

Prof. Diane Orentlicher
Professor of Law, Washington College of Law
American University

It is both a pleasure and privilege to address you tonight. With so many others, I have been inspired by Max van der Stoel's leadership on issues relating to Roma in the OSCE area, and so it was with very special pleasure that I accepted his invitation to address this seminar.

I was also delighted at the prospect of returning to the Slovak Republic, which was the first country that I visited with Mr. van der Stoel while researching the study on "The Situation of Roma and Sinti in the OSCE Area". I will never forget the graciousness extended to us by Mr. Csáky and other officials during that visit, and I am grateful for the opportunity once again to experience this country's hospitality.

My visit to the Slovak Republic in March 1999 provided a first glimpse of patterns that were to become familiar over the next seven months. Here, as in other countries I visited last year, I saw the distressing conditions in which many Roma live. Government officials told me that in some areas the unemployment rate for Roma was as high as 100 percent, and the impact on the daily lives of the poorest Roma was, quite simply, devastating. But I also saw the results of recent efforts to improve these conditions. Initiatives in the Slovak Republic are cited in the report of the High Commissioner as models in which others may find inspiration. And so, early on in my work with the High Commissioner, I found in this country tangible cause for optimism about our ability to meet the challenges we will be exploring together during this seminar.

For me, this was an invaluable lesson. Let me explain why: Throughout my research for the report of the High Commissioner, I heard many people press the same point: *Issues relating to Roma are extraordinarily complex*. We all know this is true, and we also know how important it is to take account of these complexities if we hope to develop successful programmes and policies. Even so, I often sensed that when people spoke of "complexity" in the context of Roma, they were signaling their pessimism about prospects for meeting the challenges that confront many Romani communities. My early experiences in this country helped inoculate me against that pessimism, for I had the chance to see first hand the motivation – *and achievements* – of Roma who bear burdens many of us can scarcely even imagine. And I had the chance to observe the positive impact of leadership by

public officials who are committed to improving the situation of Roma in their communities.

I have been asked to summarise the report of the High Commissioner on “The Situation of Roma and Sinti in the OSCE Area”. It is a long report and the evening is short, so I’m going to approach this somewhat thematically. In brief, the report does three things: First, it identifies key concerns relating to Romani communities. Second, it describes a broad range of initiatives that governments, individuals and non-governmental organisations have undertaken to address those concerns. Finally, the report offers recommendations, which draw on insights gained from programmes that have been adopted in various countries and which reflect the democratic principles to which OSCE participating States have made common commitment. If I had to summarise the report’s overarching theme in the proverbial “25 words or less,” I would put it this way: The contemporary condition of Roma is deeply troubling and demands urgent attention. But if we act with urgency and wisdom, much *can* be accomplished.

A moment ago I cautioned against the hidden message that sometimes lies behind the observation that “issues relating to Roma are complex.” I’d like to suggest still another caveat to this obviously true point: While many of these issues *are* complex, some patterns are unambiguous. Above all, and in the words of the High Commissioner’s report, “discrimination and exclusion are fundamental features of the Roma experience.”

Sadly, racism and xenophobia have been hallmarks of the past decade, at times with tragic consequences. But even in this context, anti-Roma prejudice has been singular in its tenacity, in its intensity, and in its broad sweep. A telling, and distressing, indication of this is the license that many public figures have felt in making overtly hostile statements about Roma.

Such statements diminish our common humanity. Unless they are countered effectively, they can foster an environment in which the very security of Roma is at risk. One of the most alarming patterns addressed in the report of the High Commissioner is the prevalence of attacks against Roma by skinheads and others. These accounts are chilling, they are searing, they are unforgettable. And they continue. Just last month a 13-year-old Romani schoolgirl was attacked by a group of fellow students and skinheads. She was walking home from school in Belgrade when the group accosted her with knives. As they stabbed her repeatedly, the assailants taunted the girl, “your Gypsy blood will pour out of you.” Earlier that day, the group had threatened to rape the victim and cut her “to pieces.”

Physical violence may be the most stark form of anti-Roma prejudice, but perhaps its most enduring impact is in the realm of education. Separate schooling is

commonplace in several OSCE countries; sometimes segregation has been achieved by routing Romani children to “special schools,” the term by which schools for the mentally disabled are known, or to classes for mentally disabled children in regular schools. This practice consigns generations of Romani children to a future in which the most they can expect is a lifetime of menial work.

These patterns help explain the disproportionately low levels of academic achievement by Romani children. Imagine, too, the effects on Romani families whose children are at risk of skinhead attacks like the assault I described earlier. Understandably, Romani parents in the neighbourhood where the 13-year-old girl was attacked are now anxious about sending their children to school. This was not the first time Romani children from this neighbourhood were attacked, yet school authorities have repeatedly failed to respond to threats against these children.

The report of the High Commissioner examines the effects of discrimination against Roma in other areas as well, from employment and housing to health care. The overall effect is one of general exclusion of Roma from our political communities and, as the report notes, from the general prosperity of our societies.

The trends I have mentioned are the principal *concerns* addressed in the report of the High Commissioner. Much of the report is devoted to the question, what can we do – what *should* we do – to reverse these trends?

Over the course of this seminar, we will be exploring together specific policies aimed at addressing these and other problems that disproportionately affect Roma. Here, I would like to mention several overarching themes of the High Commissioner’s report.

One of the most important points emphasised in the report is that Roma themselves must be *centrally* involved in developing and implementing policies aimed at addressing their concerns. This recommendation reflects core values of the OSCE – in particular, the Organisation’s commitment to principles of democracy and basic human dignity. But it is also compelled by pragmatism. It is, after all, basic common sense that policies developed for Roma without their active involvement and support bear a high risk of failure.

The report also underscores the crucial role of political leadership in combating discrimination against Roma. In particular, when Roma fall victim to racially-motivated violence, it is incumbent on political leaders to condemn the acts. When public officials have publicly condemned such violence, they have made a significant contribution in alleviating racial tensions.

I had the opportunity to observe both of these principles being put to practice in the town of Kremnica, here in the Slovak Republic. For many years, more than 30 Roma had been living illegally in two historical buildings in the centre of the town. Local authorities would like to restore these buildings, and the Mayor of Kremnica, Miroslav Nározny, was pressed to move the illegal occupants out of town. In his view, however, and in his words, removing Roma from the town was “not the solution.” Instead, he thought that social housing should be developed within Kremnica, and that it should be designed in a fashion that would enable the beneficiaries to be agents of their own destinies.

A housing project that reflected this approach employed both Roma and non-Roma to build the houses they would occupy as neighbours, side by side. Roma were involved both in designing and building their own housing. With their industry and initiative literally on display, this project has helped dispel negative stereotypes of Roma as passive recipients of social benefits.

At the same time, the programme provided a long-sought opportunity for the tenants to obtain safe and suitable homes for their families. One of the Romani tenants had been forced to abandon two previous homes when they were attacked – in the first case by unknown arsonists and in the second by skinheads.

This was not the first time Mayor Nározny had provided leadership in the face of anti-Roma sentiment. In 1996, some Roma in Kremnica, including the tenant I just mentioned, were victims of skinhead violence. The Mayor condemned the attacks and pledged that Roma would receive police protection. In the view of local residents, his forthright position helped prevent a broader pattern of racial violence toward Roma in Kremnica. To be sure, the challenges confronting Roma in this town have scarcely vanished. But this community has been better equipped than many to meet those challenges in a constructive fashion.

While political leadership is indispensable in combating discrimination, it is not enough. As the report emphasises, governments must ensure that Roma, and indeed all of their citizens, are protected by the rule of law. At a minimum, it is essential that national law prohibit discrimination and provide adequate remedies when violations occur. When Roma are victims of racial violence and other forms of discrimination, their rights must be vigorously enforced in national courts.

It is also, of course, essential that governments commit the resources that are necessary to have a real impact in addressing the very serious concerns outlined in the High Commissioner’s report. Many governments in the OSCE area have recently established offices devoted to addressing the concerns of their Romani communities. This is, of course, a very welcome trend. I have had the opportunity to meet many public officials who are deeply dedicated to improving conditions for

Roma. But I also know that many of these officials feel isolated within their own governments and worry that, without meaningful resources behind them, they will be unable to achieve their important objectives. However inspiring in principle, government programmes for Roma will accomplish little if they do not receive adequate support, both politically and in terms of financial resources.

As the report emphasises, primary responsibility for combating anti-Roma discrimination and violence lies with national governments. The report recognises, however, that the OSCE can play a constructive role in assisting participating States in meeting their responsibilities.

The OSCE took an important step in this regard when it decided in December 1998 to strengthen the Contact Point for Roma and Sinti Issues in the Office for Democratic Institutions and Human Rights, or “ODIHR”. It is a great credit to ODIHR’s vision that it appointed our next speaker, Mr. Nicolae Gheorghe, to head the Contact Point as its Advisor on Roma and Sinti Issues. I think all of you know what I mean when I say that this was an inspired choice.

Among other recommendations, the report notes the special contribution the Contact Point can make in advising governments in respect of their efforts to ensure that Roma participate effectively in governmental processes – particularly in the design of policies that will directly affect Romani communities. It is now crucially important that the OSCE and its participating States provide the support, both material and political, that the Contact Point needs to perform its work effectively.

In closing, let me say that, in the course of my own work on issues relating to Roma, I have frequently had the sense that I was witness to a watershed moment in the history of Europe – a moment that resembles the early years of the movement to secure racial equality in my country. One of the hallmarks of this moment is the dawning of a new consciousness by government officials of the importance of strengthening their own efforts to address the concerns of their Romani citizens. The report of the High Commissioner cites a number of significant measures adopted in the past year alone to address those concerns. It is, of course, now incumbent on all of us to build on these initiatives, to press forward, for the task ahead remains both urgent and demanding.

Recent years have also seen the revitalization of a dynamic Romani movement in Europe. A number of its extraordinary leaders are here tonight (one of them will address us shortly). With their dedication and vision, and with the renewed commitment of OSCE participating States, the disturbing trends described in the report of the High Commissioner *can* be reversed. This is, in short, a moment to be seized.

Mr. Nicolae Gheorghe
Adviser on Roma and Sinti Issues
OSCE Office for Democratic Institutions and Human Rights

Your Excellencies, Mr. Deputy Prime Minister, Mr. Van der Stoel, Prof. Orentlicher and distinguished guests,

After reading the High Commissioner's report, for a while I had to figure out where to place this piece of thinking in the small library in my head and the first name that came to mind was that of Alvin Gouldner with his book on the American dilemma in the early 1950's. You might take this as a compliment, Mr. High Commissioner and those of you who edited this powerful document, because when I read the book of Gouldner in the early 70's (the book was published in the early 1950's) it was one of the books that motivated me to do the modest work that you just evoked. I hope that this report, if it manages to enter into the professional culture of officials such as you who are working in different capacities and those who are NGO or Roma activists, will have a powerful message for you.

The main point of the report is expressed in a single phrase that was quoted already by Professor Orentlicher: that discrimination and exclusion are fundamental features of the Roma experience. I think that we have come a long way since the 1990 Document of the Copenhagen Meeting of the CSCE, when the governments acknowledged the particular problems of the Roma, to this report which spells out clearly that the main problem that the Roma are confronted with is one of discrimination. I was impressed by the elaboration of this thesis in the report because discrimination against Roma, as it is reported, is substantial, widespread, systematic, occasionally systemic, pervasive and institutionalised – you will find these words throughout the report. The report sets a standard which we have to live up to from now on.

In the debate around the Roma issue we were, at least in this part of Europe, used to speaking about Roma as a social problem, as a problem of poverty, of illiteracy, of deviance or criminality. I think that with this report we may begin to look at the Roma problem as being, first of all, one of discrimination in applying the core values of our society and the principles, legislation and resources of our institutions. Each of us has to make this transition in our own thinking. In my own experience, in the past I sometimes became increasingly involved in solving specific problems, of poverty or education, without addressing the discrimination or violence or racism which underlie those problems. This approach on my part derived from the discourse that was, and is still, prevailing. This report is inviting us to take a different perspective and, if we are seriously dedicated to the core values of our societies, we have to solve this problem by first acknowledging it.

The Implementation Meeting of the OSCE this autumn in Warsaw, when we discuss the Roma and Sinti issue on the agenda, will provide one of the first opportunities for us to try to apply the language of this report, its perspective and the tools of analysis which it provides when we report the achievements of different States and when we express our concerns. I will be very glad to hear, at the beginning of this Implementation Meeting, more statements from governments and NGO's on how to tackle the particular problem of discrimination against Roma and on how to find more interesting and innovative ways to break down this system which is generic in every day life – of exclusion, discrimination, negative ethnic portrayal of Roma and sometimes violence. I say this because over the last years I think that we have started to employ a sort of routine language; we derive a little bit of comfort from reporting that we have adopted a governmental programme or created an institutional mechanism. It is commendable that in the last years of the decade we have achieved this, but I think that now it is time to assess the effectiveness of our measures and to indicate our weakness in confronting this complex problem of institutionalised discrimination against Roma.

The report made clear the acuteness of the Roma problem and I would like to say a word here about the scale, the scope, the magnitude of the problem. We are talking about a population of millions, and I stress this. We may dispute the figures, whether there are four million or eight million, depending on the estimates which are offered either by State censuses or by different sociological studies, but we are talking about a people or population which is equal to at least the population of Slovenia or the Former Yugoslav Republic of Macedonia or the population of the three Baltic States together. If we bear this in mind together with the acuteness of the situations that are reported in the study, then I think that it is more than a wake-up call: it is a serious warning. If we don't cope with the problem in time with the instruments that we have, we will have violence in the next years or decades between Roma and the majority population or against Roma.

I brought here a document that I have presented frequently. It is a map of the distribution of Roma in some countries in Central and Eastern Europe and in South Eastern Europe. Next is a map of the remaining ethnic population in Kosovo, including the Roma in Kosovo. I invite you to look at them together to see that, as the report shows, what has happened in Kosovo – although it may be unique because of the scale of destruction or the intensity of hatred among groups which were there – is not a unique situation. To tell you frankly, I have experienced the smell of houses that were burnt down in my country of Romania in the early 1990's. When I was in Kosovo, I was shocked by the scale of the destruction, but I knew in myself that, although the scale and complexity was different, this was not so new. That is the warning that I would like to stress, not to generate negative side-effects against the Roma because of the perceived demographical threat for the ethnic majority in the States in which they live, but just to say in time that the issue is

complex. The issue is also urgent because if we do not react in time we run the risk of an undeserving number of people becoming victims of violence.

In the second part of my comments I wish to react to the study as an officer of the OSCE. I have here, just to remind you, an organisational chart of the OSCE to indicate the position of the Office of the High Commissioner on National Minorities (HCNM), from which the study comes, and of the Contact Point for Roma and Sinti Issues within the OSCE structure. The Contact Point is part of the Office for Democratic Institutions and Human Rights (ODIHR) which itself has two main sections, democratisation and elections. Within ODIHR, the Contact Point for Roma and Sinti is emerging as a small, distinct unit.

I inform his Excellency, Mr. Max van der Stoel, that when the study was under discussion with governments and civic associations, I received a number of telephone calls asking me why the Roma issue was being tackled by both HCNM and ODIHR within the OSCE. Our reply, for those of you who are interested, is that while the HCNM provides the vision on how to analyse the Roma issues and gives wisdom and political leverage to the issue, we in the ODIHR office are dealing with the operational aspects. We are acting, and we are acting with the array of tools of democratisation. Apart from the cultural linguistic component of the complex Roma issue, we are dealing, first of all, with an issue of how to combat discrimination, of how to build civil society, and increase participation in democratic institutions all over the OSCE space. In doing so, I carefully try to follow the recommendations of this report.

I had wanted to start to report to you all, to the High Commissioner and the participants, how I try to find ways to implement the recommendations of the report. I do not want to take up too much time, so perhaps we can discuss more of this during the specific sessions. I would like very much to encourage you tomorrow to be as creative as possible and to indicate the concrete steps which may be taken in order to implement the recommendations of the High Commissioner's report. I will be very glad to receive suggestions, guidelines and instructions for the time that I still have at the ODIHR.

I think that I have found some ways to advise governments on Recommendation 3 on ensuring the effective participation of Roma in policy-making at different levels. The instrument that I found that I would like to discuss with you is that of trying to cope with the diversity of Roma associations by stimulating the creation of task forces or working groups of Roma and non-Roma associations dealing with particular issues. I cite here the experience in Romania where we were effective in generating a working group of Roma associations and elaborating a partnership with the government on Roma-related policy-making. I look also to the experience in Bulgaria (whereby NGO's, representatives of the government and of the Roma

community agreed upon a Framework Programme for Equal Integration of Roma in Bulgarian Society) which was carefully reported in the study and I try to replicate this. With regard to experiences in Macedonia, Asmet Elezovski (Roma National Congress RCC DROM) who is here can inform us about an attempt to create a working group of Roma and civic associations and inter-governmental organisations, along with the Macedonian authorities, to deal with the issue of the refugees in Macedonia.

We embarked on a similar process here in Slovakia, following the seminar organised by the Project on Ethnic Relations (PER) and ODIHR, held on 13-14 March in Bratislava addressing the issue of migration of Roma from Slovakia. Our office is financially supporting the working group of Roma associations which will try to produce their own report and their own policy visions about the causes of migration from Slovakia and try to find alternatives and ways to address the roots of this problem. In the next days I will have a meeting with the working group and I will be very pleased to meet with you, Mr. Deputy Prime Minister, and inform you about the results of this working group. We try to continue and to be effective with these, I would say ad-hoc, solutions when the interest of different Roma groups can be captured to address a particular issue for a limited period of time.

I am not very satisfied with the current implementation of Recommendation 4 concerning advice to governments on effective mechanisms for alleviating tensions between Romani and non-Romani communities and on effective means for combating anti-Roma discrimination by public officials and institutions including the police. So here I still await some good ideas and, I repeat, guidelines on how we may implement this recommendation. For the moment I am in contact with the steering group of the programme to stimulate the participation of Roma in relation to public institutions. The secretariat of this programme is supported by the European Dialogue in the U.K and we may have some information tomorrow about this programme.

I do not yet have a clear mandate to implement Recommendation 5, which proposes the carrying-out of on-site inquiries as necessary to investigate conditions affecting Roma populations. The Contact Point should be assured of the necessary resources and facilities to conduct these inquiries and I will ask the opinion of the officials who are here representing governments on how we can move towards this. I would like to hear how you think that we can implement this recommendation of the study, bearing in mind that my mandate does not for the moment especially indicate that I am to act in this way. We are still mainly a clearing house, a “contact point” and facilitating mechanism, not carrying out this kind of activity. I would therefore be thankful to you if you would advise us during the debate tomorrow on how to implement this recommendation.

I will close by indicating to you another echo of my reading of the High Commissioner's report. I asked myself what might be the reaction of Roma activists – of the group from which I come and to which I will return after my experience at the ODIHR – to this point of view that discrimination is the main issue or the main definition of the Romani experience? Should we now be satisfied that this point has been acknowledged? Should we continue to report cases of discrimination? Should we take the position of being – I am hesitant to say the word – victims all the time?

Maybe one effect of reading this report is to react with increased responsibility as Roma activists and Roma leaders. My friend Andrzej Mirga and I, in the report published by the PER, use the phrase “Roma elite”. The phrase is not meant to imply an elitist point of view – those of you who are here including myself are part of this elite, an emerging group of people who are frequenting international meetings and who are interfacing with different authorities and I think that we have to accept this role and the responsibility that goes with it. I think that we can do more for our people than we are actually doing now, and I tell you this not as a criticism but as an incentive to move in the direction that is opened up by the report. I think that over the past decade we have been a little bit too much project entrepreneurs – running our small NGO's and running our projects. We are too much donor – rather than policy –oriented in our activism and I think that the report is inviting and encouraging us to combine the perspectives and to take this role of policy-making more seriously.

I notice moving around the countries that some Roma leaders are not very much interested by the governmental bodies in charge of generating policy measures for Roma. They look all the time with skepticism and a kind of wisdom: “we know that this is cosmetic, we know that this is not serious”, and so on. If we take this attitude, of course everything will remain cosmetic.

The point I wish to make is that for the next few years we need to increase our own responsibility in the process affecting our people. If I say that the total number of Roma is equivalent to the population of many countries, then we have to accept the role as being those who are leading a people out of a desperate situation. For this we have to be partners with governments and one of the recommendations that I would suggest stressing from the report is the need to recruit more Roma as officers in governmental or policy-making bodies. Positive programmes to have more reference to Roma opinion and to have more Roma advisers and Roma officers have been launched in some sectors in the Czech Republic, in Slovakia, in Bulgaria and in Romania. Once we become your colleagues in these offices, then we will share with you the sense of responsibility and we will understand better your difficulties when addressing the complexities of Roma issues. At least this was my experience over the last year. I moved from the position of an NGO – always active, always criticising, always providing good examples of discrimination and

mistreatment – to that of an officer who has to solve the problem, who has to deal with the issues with the limited competencies and resources actually available to governments. Such an experience is not easy or pleasant. It is frustrating and sometimes I felt nostalgic for the NGO world. But I think that one advancement in addressing the Roma issue might be to have a courageous programme of recruiting Roma into governmental offices and this is something that is in our hands, the people that are here this evening.

I thank you very much for your attention.

SESSION I: DISCRIMINATION

15 JUNE 2000

Introduced by

Dr. Andrzej Mirga

Chairman, Roma Advisory Council of the Project on Ethnic Relations

Co-chair of the Specialist Group on Roma/Gypsies of the Council of Europe

“We are of the firm conviction that if Roma are killed by their neighbors, if they are driven from their homes by hate crimes, if walls are put up around their quarters, if they are stripped of citizenship, and if swastikas and slogans appear calling for darker-skinned members of a nation to be destroyed, then humanitarian programs for improving literacy or increasing employment will have few chances of success.”¹

Having this opportunity to address the issue of discrimination and racial violence against the Roma in conjunction with the much welcomed High Commissioner’s Report on Roma and Sinti, let me first congratulate the High Commissioner for the excellent work he has done. The report reveals his dedication to address and provide guidelines for solutions to what has been rightly named by J. Goldston of the European Roma Rights Center as “the flagrant ill treatment of Roma” and “the most important human rights concern in Europe today”.²

Asked to share with you some reflections on that issue I found myself challenged by the excellence of the approach, the methodology and the focus of the High Commissioner’s report. Identifying key manifestations of these phenomena, pointing out their persistent character and presence in the OSCE area, the High Commissioner makes clear that the patterns of discrimination and violence the Roma face are contrary to the OSCE values and breach core norms of international law. That is a powerful message to reflect upon, both for governments and the Roma leadership and its communities across Europe.

Facing that challenge of the High Commissioner’s work I decided to focus my reflections on a larger context and perspective of historical and current changes that Europe and the Roma have undergone or are undergoing. By doing so I intend to

¹ Livia Plaks, “Roma and Majority Community Relations in Central and Eastern Europe”, Hearing before the Commission on Security and Cooperation in Europe, US Senate, 21 July, 1998.

² Hearing before the Commission on Security and Cooperation in Europe, US Senate, July 1998.

determine where the Roma are placed in an overall picture of recent changes and what kind of challenge they bring to society and the State.

Most of us, especially those who are active in the Romani movement and in numerous Romani and non-Romani NGO's, are well familiar with the issue. In fact many Romani NGO's emerged as a response to the discrimination and violence that erupted after 1989-90 in Europe against the Romani community. Since then, the human rights and anti-racist approach constitutes one of the few dominant orientations present in the Romani movement, along with the "national or ethnic minority" approach and the "social" one.³

Racial or ethnic discrimination refers to a differential that is unequal treatment because of someone's race or origin. It contains both cognitive and behavioural aspects. Cognitive refers to a stereotyped and prejudiced mind, whereas behavioural refers to the action of individuals or groups or institutions. In this latter case when differential treatment enters into policies and practices of public or State actors we are dealing with institutional or systematic discrimination. In this field especially, instances of abuse of power take place including violence and torture with deadly results sometimes by law enforcement officers. The most serious racist crimes are hate crimes, that is racially motivated violence against members of a racial or ethnic group committed either by individuals or communities (i.e. mob or community violence) or organised groups like skinheads but also by law enforcement forces. In my presentation I will focus on this latter case, including overt abuses of power by police, leaving the issue of institutional or systematic discrimination to be addressed by other speakers.

Various racial and ethnic groups throughout their history have experienced such a differential treatment – the case of Jewish people in Europe or Blacks in America can serve as examples. The Roma fall into that category. However, the Jews after the horror of the Holocaust and the Blacks after the human rights revolution of the 1960's found some redress – anti-Semitism became outlawed and it entered into international law. In the case of Blacks, racial discrimination practices and policies were reversed by positive discrimination. The Romani community, however, has had to wait a few more decades to make their case heard in Europe.

In the divided post World War II Europe, there was little room to address the plight of the Roma. Their needs and rights were ignored both by the West and by the East; eventually they were considered as a "social problem", and last but not least, they did not threaten international order. With the collapse of communism and the transition period the Romani issue emerged with new intensity. The transition obviously contributed to the resurfacing of discriminatory elements that the Roma

³ See: PER Policy Paper by Mirga and Gheorghe.

had experienced earlier. The context, however, was new – the recognition and concern for human rights as a basic principle of democracy throughout the OSCE area, as well as the scale of violent anti-Roma behaviour.

The international institutions' approach towards the Roma was and is essentially that of human rights. It evolved as a serious concern in the face of mounting evidence of violations of the human rights of Roma, including deadly ones. Calls to counter and combat racial violence and discrimination and undertake effective measures became a constant reference in numerous recommendations, resolutions and reports issued by those organisations since the beginning of the 1990's. That concern was strengthened later on, even more due to Romani waves of refugees and asylum seekers' migrations to the West that make the issue of Roma ostensibly an international one.

Looking at the public and political responses toward the Roma challenge of the last decade, some stages encompassing positive developments can be traced. In Central and Eastern European countries it followed a more or less similar path. In general, however, the State authorities found themselves unprepared to face both the tremendous declines in the Roma's social and economic situation and growing anti-Gypsy feelings marked by numerous cases of deadly violence. The State reaction and response to it was either ambiguous or biased. Since the mid 1990's however, we can notice some positive change – the States attempted to develop “national policies” to address the complexity of Roma issues.

The States' response to the challenge of “Romani issues” has been evolving since then. Partnership relations with Romani leadership and representatives have replaced the State authorities' paternalism – doing for, by doing *with* the Roma, including a noticeable practice to employ Roma in the governmental structures and develop consultative bodies. The authorities' monologue is being replaced by dialogue with the Roma. Last but not least, the State has slowly changed its perception of Roma from considering them as a “risk” or “marginal” group to a legitimate ethnic community.

Even more importantly, the State has changed its discourse on the Roma. Initially, notions of “social problems” dominated the public discourse on the Roma; both those they face and those they cause. Often the question of those they cause took over and dominated. In the State perspective, “social” meant “non-ethnic” or “non-racial”. By doing so, the State intended to prove that the Roma are not discriminated against or persecuted because of their ethnicity. They thus downgraded the issue of human rights violations. Moreover, it was not exceptional to blame the Roma community itself for their present marginal position and the problems they encounter. “Social” used to mean also “non-political”, that is, of low political significance.

Notions such as both “non-ethnic” or “non-racial” and “non-political” in States’ public discourse have been challenged by all the efforts of numerous Romani and non-Romani NGO’s and by the standpoint on Romani issues taken by international organisations, including the OSCE, that continuously stressed its human rights character. As a result, the Romani issue has now become predominantly an issue of human rights and, increasingly, a political one. Regarding all of these as improvements, we can notice that still the State has not reached the turning point in its response to the challenge posed by the Roma situation – to effectively *remedy* the inequality and racial discrimination and violence that the Roma community experiences in OSCE member States.

The racial discrimination and violence the Roma face indicates a far larger issue that Europe today has to deal with: growing intolerance, xenophobia and racism are general phenomena. It is not circumstantial that the Committee of Ministers of the Council of Europe decided to set up the European Commission against Racism and Intolerance (ECRI) in 1993. Placing the Roma in that general picture the Roma experience is, however, singular. It is significant therefore that the ECRI’s General Recommendation No. 3 from 1998 deals exclusively with “Combating Racism and Intolerance against Roma/Gypsies”. The very fact that ECRI produced such a recommendation reflects the seriousness of the issue.

Let me recall here the ECRI’s Country Reports from last year. Recurrent and stable in each of the reports is one theme: the discrimination that the Roma suffer. After the message of these reports, as after the High Commissioner’s report, it is difficult to escape a question: what is wrong with the society or democracy we have now that makes the Roma so uniformly a victim everywhere? Comparison with the Jewish historical experience and anti-Semitism immediately comes to mind. The racial discrimination and violence they face uncovers democracy’s deficiencies and forces governments to find solutions from which all citizens can benefit. Of course, to tell a racist that Roma contribute to democracy may sound like an insult. The Roma have to learn what democracy is about and how its various means and institutions can be used for their own benefit – a difficult task to realise when they experience insecurity, intolerance, discrimination and racist attitudes in everyday life.

Human rights violations come under the scrutiny of international opinion but also under the jurisdiction of international law. They are not under the exclusive competence of the State. For this reason such cases are monitored and victims, as a last resort, can find redress in the European Court of Human Rights. As painful as it can be for the State to acknowledge that such situations exist, this recognition is a first step to combat it. The next step is to implement existing legal provisions designed to combat discrimination with a great deal of integrity and consistency.

Where there is no such comprehensive legislature it should be worked out. Along with this legalistic approach, which is the *conditio sine qua non* to counter racism and racial violence in society, political and other elites should work to improve the democratic political culture that maintains and upholds such values as “moderation, tolerance, efficacy, knowledge and participation”. Here the climate of moral condemnation for any racist act has to be achieved, especially the condemnation of political elites, lawmakers, enforcement officers. The media has a responsibility to learn what is politically correct behaviour. To learn that, however, they have to know what they can lose, whether it be position, respect or career.

Violent racist attacks pose a challenge to societal solidarity. The issue is one of how to mobilise, after such an act, the solidarity that overcomes ethnic or racial divisions in society. Too often Roma experience biased and partial reactions of the political elites who do not realise that their suffering is somehow down-played and so diminished. Too often they experience a lack of solidarity from society who do not realise that the Roma are part of it. That insensitivity is in itself appalling. It is, as well, difficult to comprehend why States do not recognise the fact that countering “flagrant” racism and xenophobia against the weakest segment of society such as the Roma today will only help to combat such behaviour towards other groups tomorrow. Multi-ethnic and multi-racial society is something that is around the corner.

The most devastating effect on people’s mind is not that someone has been a victim of racial violence, but the fact that the victim has been provided no legal redress, either criminal or civil. It undermines people’s trust in the justice system and in the rule of law and encourages racists to do the same in future. And that is a common experience of the Roma.

While the State can counter the behavioural aspect of discrimination and violence by implementing and enforcing appropriate anti-discrimination legislation, it is much more difficult to change the way people think and perceive others. Here, educational efforts are needed, but are not enough. The prejudiced mind is fed not only by ignorance, by common beliefs and traditions but also by the existing “reality” of the group in question. It is rather difficult to expect that non-Roma will change their minds by educating them on Roma history and culture when, in everyday life, they see and encounter impoverished, marginalised, segregated Romani communities that most of them avoid and wish to disappear. Two things have to occur simultaneously: education of the public, including through unbiased execution of the rule of law; and real improvement in the situation and conditions of life of Roma – and here positive measures seem to be inevitable.

In this context, efforts to eradicate the most alienating among the stereotypes, that is the “Gypsy criminality” stereotype, should be undertaken. Such an attempt has been

undertaken by the Project on Ethnic Relations from Princeton in cooperation with the Council of Europe⁴.

It may be interesting for the audience to know as well that just after this meeting the Project on Ethnic Relations and The Parliamentary Commission on National and Ethnic Minorities with the cooperation of ECRI will hold a conference on introducing and implementing a comprehensive body of anti-discrimination legislation in Hungary. The willingness of Hungary to face that challenge should be appreciated.

My concluding remark is that we should not miss the opportunity and momentum that the High Commissioner's report is bringing, to organise a follow-up seminar in the framework of the Human Dimension. This is the right time to have such an event that can be a turning point in dealing with the Romani issues in Europe.

I wish all participants, Roma and non-Roma, to have a fruitful discussion.

⁴ See: "Roma and the Law: Demythologising the Gypsy Criminality Stereotype", Report of the meeting held by PER in cooperation with the Council of Europe, March 2000.

SESSION II: EDUCATION

15 JUNE 2000

Introduced by

Ms. Erika Csovcics

Director, Gandhi Secondary School (Hungary)

Ladies and Gentlemen,

I am really happy to be invited to this conference and I hope I can give you some idea about one concrete alternative form of education for Roma children. Reading the High Commissioner's report, I felt a little bit sad to discover that everything on Roma issues is written in several acts, reports, documents, recommendations and conventions, but usually the governments fail in complying with their obligations – they ignore the results of these conferences. The living conditions of the Roma and the discrimination towards the Roma have not been ameliorated so much as could be presumed, and low levels of achievement persist among the Roma, while our requirements towards them from the side of the majority increase.

I think that I must react to Nicolae Gheorghe's speech because he said that some obstacles emerge at the governmental level and we do not know why the principles are not put into practice. I think that at the governmental level it seems to function in the "speech – act" concept. I do not know if you know what this is. It was written by Austin who is a linguist and who means by this phrase that there are some words in the language that act as actions in themselves. For example, when I say "I promise" then it is an action in itself, it is not just a word. So, I think that the governments and the officials think that when they say or write down anything about the Roma issues, that it is an action and they think that the problem is finished. Sometimes the obstacles emerge in this way. A lot of conferences and a lot of meetings are held on Roma issues and at the end of these conferences some documents are born. But usually the governments cannot realise what they have put down because for them just the action of saying or putting down these things means that the problem is solved.

On the other hand, obstacles seem to emerge *during* realisation of the principles. For example, we say "lets teach tolerance in the schools", but who will be the actors, who will teach the tolerance – the intolerant teachers of the majority society? Who will be the agents of the realisation of these principles on a practical level? So I see that the Roma problem seems to be a huge bag with a lot of holes in it and the

governments always try to hurry to plug these holes but they don't seem to utilise the proportional means to achieve their aims.

One of these holes is the problem of education. I do not want to repeat all the statements written in the report. I would just like to remind you of some extreme problems. Romani children encounter widespread discrimination and rejection in public schools. It is commonplace for them to attend schools that are largely comprised of Roma or to be relegated to Roma classes within mixed schools. In its most pernicious form segregation is achieved by routing Romani children into special schools which are for the mentally disabled. I think everybody here knows these facts.

Then what about the Gandhi school? If it is especially for Roma children and if the case of special schools constitutes segregation, then why do we say that the Gandhi school is not segregated? I think that the words "segregation" and "separation" do not have the same meaning. In the first case the students of the minority are routed into Roma schools or classes in order not to be given the same quality of education. The parents and the children do not chose that form, but they are compelled to participate in the segregated forms and thus the children have no chance to go on to further education. The Gandhi secondary school, by contrast, was founded for the purpose of giving the same quality of education on the basis of a national form of school. As General Comment No.18 of the Human Rights Committee states: "distinctions based upon reasonable and objective criteria that are undertaken in pursuit of a legitimate aim do not breach the Covenant's prohibition of discrimination". The Committee has indicated that positive measures to protect the identity of a minority may constitute such a legitimate differentiation and may even be necessary provided they are aimed at correcting conditions that prevent or impair the enjoyment of the minority rights guaranteed by Article 27 of the Covenant⁵.

So, let us see what is special about this school. It was founded for the purpose of helping the Gypsies living in Hungary stimulate the development of their own intelligentsia which can play a leading role in constructing their nation as a nationality and their group identity. The school's most important aim is to educate a significant number of Romani professionals who are devoted to their people and who will be capable of reorganising the disintegrated Gypsy communities. To these ends the school seeks to prepare students to attend university. I must tell you here that I think that this national movement is coming from within the Gypsy community, I mean that it is not compelled or forced from outside by governments. In Hungary the Gypsy Community – there are three main groups, the Beash, Lovari and the Romungro groups – are working together on a national construction. They are at the same stage as the European nations used to be, I think, two or three

⁵ 1966 International Covenant on Civil and Political Rights

hundred years ago. They try to construct their nation, they try to codify their languages, and try to build their institutions. I think that this secondary school belongs to that movement because it was founded mainly by Gypsy persons and it is legitimated by several Gypsy associations and organisations and minority offices.

So, what functions does the Gandhi gymnasium⁶ fulfil? First of all it is a national school – it would like to be like the other national schools in Hungary. There are thirteen nationalities in Hungary and all of them have their own school systems. For example, the German nationality, which is one third the size of the Gypsy population, has nineteen secondary schools. It is very common in Hungary to send the children belonging to several nationalities to national schools and the aim of these schools is to enforce a little bit and to emphasise the identity of their own nationality and to give them a chance not to be assimilated into the Hungarian nation. Roma, like other national minorities in Hungary, are entitled to establish their own educational institutions.

Although the language of instruction is Hungarian, the curriculum includes courses in Lovari and Beash, two distinct Romani languages, and features various courses in Romani history and culture. But, do not think that such specialised so-called “natural” education is widely accepted in connection with the Roma. Why can it occur that in the case of the other minorities the question of whether this is a form of segregation never arises? The answer to this puzzle can perhaps be found in Hungarian law which stipulates that all minorities are entitled to extra special education to reinforce their minority languages and identities, but that Gypsies are entitled to special extra education to address their social disadvantages.⁷ This regulation has been criticised by the Hungarian Parliamentary Commissioner for National and Ethnic Minority Rights and he reports that this regulation classifies Gypsies as disadvantaged as a group, thereby setting the stage for the creation of separate Gypsy classes. Since almost all the Gypsy children are thus classified to be disadvantaged, a lower quality of education can be justified because reducing these disadvantages takes a lot of time and the teachers do not have time to waste on teaching language, using the gym or labs or on explaining the learning materials in detail, and so forth. As a result, the existence of a national school for Gypsy children, a school that emphasises the Gypsy identity, can be irritating and hard to understand not only for the public but for the thinking and argumentation of sociologists or politicians.

⁶ Secondary school

⁷ For other matters of language regulation see: The Oslo Recommendations Regarding the Linguistic Rights of National Minorities and Explanatory Note, The Foundation on Inter-Ethnic Relations, February 1998.

It can be stated that it is not our purpose that all Gypsy children should be trained in the framework of schools like the Gandhi secondary school. Our school represents a kind of choice for the parents who would like their children to get acquainted with their own culture which differs from the majority one, to learn their mother tongue more thoroughly or just to feel themselves and their culture to be equal to other nationalities or minorities. So, the first and main function is to be a national school.

The second function is, in connection with the condition of the Gypsies in Hungary, to try also to compensate for the social disadvantages which are generally a characteristic feature of the Roma experience and to provide advisory and educational facilities that the Roma families could not afford if their child went to another school, because of their poverty. For example, the school provides material and logistical support for students to return home for a long weekend every second week. The books are free and the cost of boarding including meals five times a day is really low. Without financial aid these children tend to drop out because they cannot keep up with the children of the middle class who are able to overcome such basic financial difficulties.

I think that poverty is not such an ethnic feature of the Roma. It should be considered, rather, as a result of the life conditions created by the surrounding non-Roma environment. If poverty is considered as ethnic in character then what about a Gypsy person rising higher in the social hierarchy – is he a Gypsy anymore? What about the non-Roma poor man who lives in the same way as a Gypsy? Supposing that poverty is not an inherent attribute, the significance of the function of compensating disadvantages will presumably cease or at least not be so much emphasised.

The third function of the Gandhi secondary school is that it aims to provide an alternative model of pedagogical methods. The reason is that we think that, if a child is treated in a really empathetic and caring way, it does not matter or it should not matter whether he is a Gypsy or not. When a teacher gives attention to children as independent personalities, he must have time to take every circumstance into consideration. I think this means the artistic side of pedagogy that can hardly be trained, but it may be developed. Thus, the widespread idea of Roma pedagogy whereby the Roma children need a special kind of treatment should be reviewed. Of course this distinction should not be mixed with the need for a special content of the teaching material. The former refers to the problem of *how*, while the latter refers to the problems of *what*.

Gandhi school administrators establish early contact with the parents, visiting the homes to explain the school's objectives and methodology and to answer their questions. This contact is maintained through regular parent-teacher meetings at the school after the students have enrolled. All the students have their own tutor who

knows everything about him or her, takes care of his or her achievements and failures and tries to examine the possible reasons when something goes wrong. The school employs two social workers as well in order to help the class teachers and the tutors by providing the background data.

With regard to the fourth and the last function of the Gandhi secondary school, the school stimulates by its very existence the rest of the population to review its prejudices and it generates positive secondary effects as well. People in the surrounding society who come into contact with capable Romani children can not help admitting to having been mistaken in subscribing to the popular prejudice that Gypsies do not care for education. Of course this goal is not easy to attain and we deliberately aim at reducing prejudicial behaviour towards Roma. We have made a communicational training with some other school students who were very proud of not loving the Roma. This training programme is conducted by a Slovakian/Hungarian psychiatrist, Peter Hunčík and his team, and I can say that it seems to be more successful than merely teaching Roma culture and history at the schools.

Although I consider conferences on the so-called Roma problem very useful and I agree that the surface of the problem seems to be similar in the different countries, I warn everybody against copying methods of realisation because, without examining carefully the conditions and the possible response of the society, these can have the wrong effect. During my work I have met with a lot of questions arising from the tension between the majority and the minority or from the inevitable difference between the intentions and actual results in implementing a project such as the Gandhi secondary school. I do not think that such a type of school can solve all the educational problems, but it can contribute to the development of the Roma intelligentsia who can represent the community and who, through competent participation, can help to overcome the difficulties. Thus, they will be involved in the decisions which at the moment are made about them – and usually without them.

SESSION III: LIVING CONDITIONS 15 JUNE 2000

*Introduced by
Ms. Nicoleta Bitu
Consultant, Rromani CRISS (Romania)*

I would like to thank the High Commissioner on National Minorities for inviting me here today and for giving me the opportunity to express my thoughts. To start with, I would like to make some general comments on the High Commissioner's report as a whole and after that I will pass to the specific questions of living conditions and Roma women.

The report as a whole is a complete work which gives us a complete perspective, mainly of what has been done in the OSCE region concerning Roma up until now. In this report the High Commissioner, Mr. Van der Stoel, as he has done previously, again puts an accent on discrimination against Roma. The report emphasises very clearly the effects of discriminatory legal mechanisms and of the stereotypes existing in the region towards Roma. Poverty, the so-called "Roma as a social problem", is not presented as a separate issue but is mainly presented as a result of discrimination. This raises the discussion that has been taking place among members of civil society – as to whether this is a discrimination issue or a social issue – onto the international level.

Reading the report of the High Commissioner we can find two key concepts which repeat themselves throughout. The first one is that of discrimination and the primordality of civil and individual rights for the construction of the full citizenship of Roma and Sinti in the region. The second key concept is one of participation, and this is the one that provoked my thoughts the most. I have noticed that emphasis in the discourse about Roma has changed from the role of Roma as *victims* until now to one of *participants* who are fully responsible for their rights. The issue is no longer a reason for controversy between governments and Roma, with each party blaming the other for a lack of objective understanding. It is becoming a subject for negotiation and the development of forms of partnership rather than a simple source of conflict.

I will comment now on the chapter related to living conditions. The whole chapter, which is divided in two parts – housing and health, places emphasis on the quality of the public services provided by the State as well as the necessity of anti-bias programmes. I think an important aspect of this chapter shows the consequences of

State policies towards the Roma and Sinti throughout history and how these policies influence the present living conditions of the Roma and Sinti population in the region. This should be a signal that we should not ignore history or think that this is the first time that governments are starting to design policies for the Roma and Sinti population.

What appears too in this chapter is not only references to the international norms regarding the individual rights for adequate housing and living conditions, but also references to the cultural dimension, to the meaning of “adequacy”. This cultural dimension of adequacy should be kept in mind by governments involved in policy-making as well as by civil society involved in community development and local infrastructure programmes addressed to Roma and Sinti in the local communities. This should be the key for the future steps that such projects take. The best option is to keep the cultural dimension together with the participation of Roma and perhaps, in this way, we can construct our multicultural and tolerant societies.

Regarding the housing chapter, the message of this section is that the programmes addressing the needs of the Roma and Sinti population should be flexible in responding to the diversity among Roma. The chapter underlines the different levels of mobility among Roma and Sinti groups and gives positive examples. As far as I know, in the whole report there is great accent on the diversity of Roma among themselves, which gives us a comprehensive perspective of what the Roma issue means today in the region.

One of the most sensitive and controversial issues related to housing is that of Roma ownership of their own houses. On the one hand, we have the States which raise the question of the payment of taxes by Roma and of the allocation of resources generated by taxes. On the other hand, we have the effect of discrimination throughout history. This can be a concern for both governments and Roma civil society. This issue is proof that the legal system left Roma and Sinti out because of their lack of legal education, as the report states. The issue of tax payments is mainly addressed in order to challenge Roma and Sinti leaders to construct a discourse and a strategy related to these specific problems. In fact, the first step is for everybody to admit that this problem exists and after that to find an acceptable solution, on a partnership level, in order to answer to very local specific situations.

One of the main issues also in the chapter is the fact that some of the most successful projects have been those where Roma have participated in the construction of their own houses. I can give you an example from the Roma Federation and Rromani CRISS from Romania where, at the beginning of the 1990's, we had conflicts between Roma and non-Roma communities and the houses of Roma were burned. We had two main examples of how the participation of

Roma themselves influenced the results of the post-conflict intervention of these two associations. First, we had the case of Mihail Kogalniceanu which is based in Constanța. After the conflict, the project succeeded, with the support of the Romanian Government and the Sinti Association from Germany, in starting to build houses. We did not, however, take into account the cultural dimension of what this meant for Roma at the local level and we built the houses without the full participation of the Roma. The result is that now the Roma do not feel that these are their own houses; it is rather as though they were given a gift of something that should be in the place. Consequently, they do not care a lot about their houses.

After the results from Mihail Kogalniceanu, the same two associations took the initiative in the case of Valenii Lapusului which is a village located in Marmures county in the north of Romania. Following the evaluations arising from the project in Mihail Kogalniceanu it was decided that these houses should be built in cooperation with and the full participation of the Roma themselves. They then participated by making the bricks necessary for the reconstruction of the houses. These are two examples and experiences that can be used in the current situation in Kosovo and in other post- conflict situations.

I should say that the chapter on health in the report is very balanced, taking into account the sensitivities of issues related to family planning among Roma and Sinti activists. According to the report, which refers to the conference of Romani Women in Bucharest from December 1999⁸, the whole concept is based on the creation of the opportunity of choices. Another key point is the danger and fear of institutionalising family planning as part of a State policy addressed to Roma. The whole discussion in Bucharest centred on the need for us to address the issue of family planning in the Roma communities, not as part of States' policies addressed to Roma, but rather through informational campaigns that would give access to rights and access to choices for Roma women at the local level. Family planning should not become a main part of governments' Roma strategies because, on the one hand, we have the reactions of the Roma communities which are in a way justified because of the history of the community. On the other hand, I think this is an issue that should be addressed not only to Roma communities but also to the other rural communities in our countries.

In comparison to the section on housing the health section does not make very specific references to the differences among Roma themselves in terms of the level of integration and early marriage. The chapter makes an analysis of early marriages among Roma and, from my point of view, this was too generalised because this is

⁸ See: Report on the international conference "Public Policies and Romani Women in Central and Eastern European Countries" organized by the Association of Roma Women in Romania, 3-5 December 1999, Bucharest.

not an issue that you find in all Roma and Sinti groups. It is only the case in some groups. If we want to maintain the approach of the report, which provides us with very specific information on the diversity of Roma, it may be good if we also review this chapter.

The whole chapter gives a clear picture of the sensitive issues for the Roma and Sinti community which can be another incentive for Roma and Sinti activists to work on a clear political position concerning these issues, and for the States too.

One main issue, which appeared frequently, is the one related to Romani women's role in improving access to the public services as social mediators and in creating role models for the local communities. The report also recognises the state of health and the attitude of the Roma and Sinti women towards health care. There are very positive examples of the way that the gap between the health institutions and the Roma communities has been covered by the so-called health mediators. Rromani CRISS also has a health project in five localities in Romania where they have employed mainly women who maintain relations between institutions and Roma communities. This has a health aspect in increasing the access of the Roma community to the institutions. It also has a "women's" aspect in the sense that we can find on a local level medium-educated Roma women who do not have access to other jobs and who also want to support their families and to maintain elements of Romani culture. If we bring the resources to the local level and we give women the opportunity to use their knowledge for the public interest, then this is a solution that also affects the health of women in the local communities.

To end, I would like to make some remarks about Romani women in the report. In the beginning when I started to read the report I was thinking that the discourse about Roma is very similar to the discourse used by governments for women's rights, in the sense that in both cases (Roma and women) the governments put the accent on the lack of education. When there are discussions about the access of women to their rights, the lack of education is accentuated as explanation or justification for their lack of political participation. It was very interesting to me to discover this similarity and I think it is a signal for both governments and civil society that we should move the accent from educational problems to one of political participation and of improving the skills of our women or men Roma activists to better advocate policies on the national and international level.

Another similarity, which was raised during the United Nations session on the evaluation of the "Beijing +5" platform for women's rights⁹, was that of family values. When I heard "family values" I remembered the meeting in Sofia of the

⁹ "Beijing +5, Women 2000: Gender, Equality, Development and Peace for the 21st Century", Special Session of the General Assembly, 5-9 June 2000.

Specialist Group of the Council of Europe where I presented the report on the situation of Roma women. The comments to this report were concentrated on family values in Roma communities and again we have a big similarity between the two discourses, discourses that are used by both governments and Roma activists. So maybe we should think about women's rights and Roma rights and specifically about Roma women's rights, not only by invoking family values.

I would say that the issue of Romani women should be seen from different perspectives. These perspectives include: State policies for Roma and their gender component; State policies on gender and their minorities component; the relation between Roma and non-Roma women's NGO's; the relation between Roma activists and Roma women activists; and also the relations in the family and the local communities. We should also see Roma women's issues from the perspective of the influence of the church and religious education on different levels. From the perspective of State policies for Roma and their gender component, I presented a chapter on this in my report to the Council of Europe. The final conclusion was that in our region, in the Central and Eastern European countries, for example, attention to the gender component is not so high. We do not find a lot of references specifically to women's participation, to their different activities or different problems. In another way, however, Roma women are indirectly affected as a group – by proficiency training, for example, or health issues. A very good example of gender awareness is found in Spain, mainly by the practice of the Andalucian Regional Strategy for Roma which in the language of the programme uses both male and female terms, "Roma" and "Romnia". This means that every time they refer to the Roma they have a very clear gender perspective on the language of the Strategy.

Speaking about the Roma and non-Roma women's relationship among civil society, I discovered with regret that we can find among women rights activists some resistance to including minority issues in their activities. This is one of my main concerns, that even when we speak with human rights activists, sometimes we find negative reactions to Roma issues. This is one of the facts that can spur us to work on the policy level, in the sense that if the governments will have gender policies in general then we should advocate for inclusion also of minorities or ethnic groups' rights within these policies.

Thank you

SESSION IV: PARTICIPATION

15 JUNE 2000

Introduced by

Ms. Savelina Danova

Executive Director, Human Rights Project (Bulgaria)

It is a real challenge to address the issue of participation which is vital and also very controversial. I say this issue is vital because the principle of participation is a founding principle of our societies, of *democratic* societies, and if a segment of society is not allowed to have adequate participation in public affairs it is simply excluded from society. On the other hand, it is a controversial issue because of course it has to do with power. But I will not go on with that theory and rather focus on an example of how it was possible to ensure involvement of Roma in policy-making in my own country. Of course, what I am going to describe is just one possible mechanism for involving Roma in policy-making, in decision-making which affects the community. The report of the High Commissioner gives examples of other mechanisms that were applied by various governments in the region with the aim of ensuring adequate representation and participation of Roma in public affairs.

I was invited to talk about the Bulgarian “Framework Programme for Equal Participation of Roma in Public Life” which is the first policy document that originated at the grass roots level and which was elaborated with the substantial involvement of Roma organisations throughout the country. The Framework Programme, I should say, became an official document of the Bulgarian Government in April last year after negotiations between representatives of the Roma community and the Bulgarian Government which lasted between October 1998 and April 1999. Although Bulgaria has seen various programmes elaborated for the development of the Roma community, both prior to 1989 and in the post-communist period, what makes the Framework Programme conspicuous is the fact that for the first time in its drafting, in its formulation, Roma organisations throughout the country were involved. This programme reversed the routine practice of the Bulgarian authorities which was to deny access to Roma in policy-making and it also reversed the common place substitution of social vulnerability for exclusion of and discrimination against Roma.

I will make a very brief outline of the main points of the Framework Programme because its content, its concept of equal opportunity, is something very new for Bulgaria and, I believe, for the countries of our region. By adoption of the

Framework Programme the Bulgarian Government committed itself to eliminating discrimination against Roma, by the enactment of comprehensive anti-discrimination legislation and by the establishment of a specialised body for the prevention of discrimination, with powers both to investigate discriminatory acts and to impose sanctions on private and juridical bodies. The Bulgarian Government also committed itself to a comprehensive policy through affirmative action, including such actions as a long term campaign and plan for desegregation of the Roma schools, establishment of a governmental fund to support businesses which offer employment opportunities to Roma, and other activities aimed at the solution of the problems of Roma. I should say that for the first time Bulgarian authorities acknowledged discriminatory treatment of Roma by the adoption of this programme and committed themselves to implementing comprehensive actions in order to abolish discriminatory treatment against Roma.

Up until the beginning of 1998 when the campaign for equal participation of Roma was launched by the Human Rights Project (the Roma rights advocacy organisation based in Sofia) it was obvious that the Roma issue in Bulgaria was far from taking its place on the national agenda. The post-communist policy of the Bulgarian authorities has been defined by the lack of a comprehensive and responsible approach to Roma problems and failure to achieve inclusiveness of representatives of the Roma community in policy-making and in the elaboration and implementation of various programmes aimed at the development of the community. On the other hand, in the civil rights domain the Roma issue has become a major preoccupation of many national and international organisations.

In the environment of an unforeseeable commitment of the Bulgarian Government to a meaningful plan to solve Roma problems and daily manifestations of exclusion of Roma from Bulgarian society the appearance of the Framework Programme was more than predictable. What was less predictable was the response on the part of the variety of Roma organisations throughout the country to this initiative. This is because although it is undoubted that Roma organisations are all working towards the same goal, i.e. the betterment of the Roma condition, quite often this fundamental synchrony is obscured by political biases, or because generational or inter-personal conflicts are often perceived, or rather misperceived, by outsiders as fundamental discord. However, the campaign for the elaboration and the adoption of the Framework Programme proved to be a matter that entertained the unanimous support of Roma organisations throughout the country. The fact that Roma organisations managed to compromise their differences and to overcome their rivalries between themselves merits a special importance. In this case, the privilege of those in power to treat with favouritism one segment of the community and thus deny Roma the right to chose their own leaders and representatives was no longer potent. It lost its potency and that was possible because what the Framework Programme implied superceded transitory parties and interests.

The Framework Programme called on the Bulgarian State to undertake responsible action to guarantee development for its citizens regardless of the political configurations of one or another government. It is exactly this dominating equal opportunity concept along with the priority that is set by the Framework Programme for the elimination of discrimination against Roma that met the unwavering support of Romani leaders and various Romani organisations in Bulgaria. Once this initial consensus had been achieved the further debates among the Romani organisations in Bulgaria over what should be the specific measures towards the attainment of this single goal of equal status for Roma in Bulgaria only gave strength to the programme because this programme originated at the grassroots level of the Romani movement. It epitomised the cause of equality of the Romani movement and, finally, it gained its strength and resilience through the unanimous support of the Romani movement in Bulgaria. It is very important that the Romani community was able to get together and unite around this policy document which finally proved to be the most important factor which contributed to the adoption of the Framework Programme by the Bulgarian Government.

The results of this campaign in Bulgaria for the drafting of the Framework Programme for equal participation and the advocacy for its adoption by the Bulgarian Government are twofold. On the one hand, Roma organisations had a sense of purpose and responsibility that was derived from their involvement in the whole process, and on the other hand this campaign gave rise to a process of involvement of Roma in policy-making which has a potential to bring about a serious change in the position of Roma in the public sphere. Now, one year after the adoption of the Framework Programme, I would say that these two results seem to have an equal sustainability, that is to say that Roma organisations did not lose their sense of purpose and, due to their efforts to push forward the implementation of the Framework Programme, it was possible to maintain this dialogue with the Government. But the other process of involvement of Roma in policy-making seemed not to be going fluently and the commitment that the Bulgarian Government initially made to support this process turned out to be unsubstantiated.

I am going to conclude this presentation about the Bulgarian model by noting that governments – and this does not apply only to the Bulgarian Government – are as much stake-holders in the equal opportunity policy as are the Roma communities living in their respective countries. What can be sensed in the report we are discussing today is that governments should make more efforts and take more consideration to become more aware of their own stake-hold, and I very much believe that the High Commissioner's report is a very powerful instrument to that end.

CONCLUDING REMARKS

15 JUNE 2000

Mr. John Packer
Director, Office of the OSCE HCNM

The High Commissioner has asked me on his behalf briefly to share some reflections on our discussions. By way of conclusion, I will make some remarks which seem pertinent to us in the Office of the High Commissioner on National Minorities in relation to the various topics as raised in the order of the sessions.

To begin with the question of discrimination and racial violence; the view of the High Commissioner is that this is a matter of basic values – a fundamental commitment in the OSCE context – for all States and is a matter that requires the urgent attention of all responsible authorities. Essentially, this means it is the responsibility of governmental authorities to enact appropriate legislation and ensure there are appropriate institutions charged to carry out and implement that legislation. Practical initiatives should also be undertaken which may take the form of campaigns and other steps to counter entrenched prejudices and discrimination, not least of all against that which results in violence. This is basically an unequivocal point from the position of the High Commissioner: it is imperative.

With regard to education, I think there is a general consensus of everyone here that this is a key to the future solution of many of the problems we have discussed. This is a matter not only of general education, but of a kind of education that, in a sensitive manner, accommodates the special needs and diversity of interests among the Roma, Sinti and Traveller communities. It is also a matter of educating the general population, of teaching tolerance and inter-cultural skills. In terms of educational policy, the Office of the High Commissioner draws attention to the possibilities which are identified in “The Hague Recommendations Regarding the Education Rights of National Minorities”¹⁰ which include a variety of options which might be relevant in different situations – whether they be corrective in nature and motivation or whether they be part of a normal educational process which is both integrative and also respectful of cultural diversity. Certainly, as was pointed out by one or two participants, a basic feature of the educational problem

¹⁰ See: Foundation on Inter-Ethnic Relations (ed.), “Special Issue on the Education Rights of National Minorities”, *International Journal on Minority and Group Rights*, Vol.4, No.2, 1996/7, Kluwer Law International

with regard to many Roma, Sinti and Travellers is their effective exclusion from educational opportunities of any kind and that needs to be corrected.

With regard to living conditions, we have identified these in relatively limited terms of housing or “accommodation” – which, as was pointed out, is perhaps a more appropriate term – and also health needs, and in certain specific cases special needs, particularly of women. But, as was pointed out by Nicolae Gheorghe, in fact we have to look at the matter of living conditions through the perspective of the changing role of the State, especially in many post-communist societies in transition in Central and Eastern Europe. Where previously the State enjoyed central control over public functions and matters of public policy in the realms of, for example, the provision of housing and health services, there has been a shift towards the privatisation of public services and the promotion of a free market economy. While States (and others) generally regard this transition as a positive one, care needs to be taken to ensure that those who are already the most marginalised and economically disadvantaged within society do not miss out on the benefits of these developments. This is true not for purely moral reasons. Rather, for practical reasons it is in the public interest that all members of society, including members of minority populations such as the Roma, benefit from adequate accommodation and health provision.

If we focus our attention on public functions, public responsibilities and interests, what we can do is ensure that there be minimum standards respected for everyone with regard to their basic needs, but also that there be effective choice, real alternatives and effective accessibility in relation to health and accommodation for Roma on a par with the majority population.

It may indeed be fitting that we ended this conference on the subject of effective participation. As Professor Orentlicher indicated in her opening speech, without the participation of those who are directly affected and concerned by all of these policy questions, there is a high chance of failure and there is probably little chance of success. So forms of participation – *effective* participation – should be examined. Again, there are standards in this regard. Mr. Gheorghe mentioned at the beginning of the last session that there are international standards that have been further elaborated in terms of guidelines in the text of the “Lund Recommendations on the Effective Participation of National Minorities in Public Life”¹¹. There are many forms, many avenues and many levels for possible participation and these need to be examined in a sensitive manner.

In the course of our discussions some specific issues were raised recurrently, one of which was the question of data. There were concerns expressed about whether it

¹¹ The Lund Recommendations on the Effective Participation of National Minorities in Public Life and Explanatory Note, The Foundation on Inter-Ethnic Relations, September 1999.

needs to be gathered and, if so, how it might be gathered and used. I am sure that no one would disagree that good policy-making in a sense relies on reliable information for *legitimate* policy purposes. Of course it is an old saying in English that “figures lie and liars figure”, so it is quite possible that any data may be used inappropriately or to all sorts of different ends. So, we must be conscious of that and must take steps to assure that that is not the case. But, certainly, we should try to get the most from the data that we can. Data, as was pointed out by the representative from the World Bank, must be linked with good analysis so that we have policies in place that actually work.

That brings me to another question, which is a question of money. Certainly, we all agree there is not enough money, which underlines the necessity that we get the most out of those resources that do exist. But we should also be conscious that there will never be enough money for everything everywhere and that this should not be an excuse for our not tackling important issues. Indeed, the policy questions or subject fields that we discussed in this last day – education, health, housing, participation and discrimination – are in fact already subjects of huge amounts of resources dedicated from our societies, and this is true even for the States in so-called transition. What we must be sure of is that we use existing resources to the maximum effect and we use them in an equitable fashion, and that we not have policies which either leave out the Roma entirely or leave them until last. It cannot be that we have enough resources to address the education or other needs of our majorities and only thereafter that we discuss what is left over for minorities, including the Roma and Sinti.

I might add here that there is a standard in the international community articulated expressly in Article 2 of the International Covenant on Economic, Social and Cultural Rights whereby States are obliged to take steps to the maximum of their available resources with regard to education, health and similar matters, and also to seek international cooperation. In this regard I wish to thank the representative of Austria, the Chairmanship of the OSCE, for her intervention which underlined the fact that possibilities do exist and that there is indeed some responsibility on behalf of the international community and those Participating States that have resources to make them available. Similarly, it is the responsibility of those States in need to seek to cooperate to use them. Some issues, of course, require very little or no expenditure and I wish to emphasise this. For example, the resolution of questions of citizenship normally requires the adoption of a law, some public administration and not much more. It is not a resource-concentrated action. So, it is possible that such steps may be taken even where financial resources are very limited or hardly available at all.

I am not going to continue much further but if you would permit me a little longer I wish just to make reference to the point made by the person from the U.K., which of

course is obviously true, that all these matters are interlinked. For example, education is clearly linked to matters of accommodation, especially for Travellers. Obviously, questions of discrimination and empowerment have relevance with regard to all the matters under discussion. Therefore, we can only conclude that it is necessary to work on all these issues with our full energy at the same time, even if in certain situations some priorities will of course have to be made.

Let me also recall, as Professor Orentlicher mentioned in her opening remarks, that the complexity of all these issues – and I would add the lack of finances, real or otherwise – should not be the reason for our inaction. Indeed, it should be a challenge to action and a challenge to creativity on our part to solve these serious problems. It is, from the OSCE perspective, a matter of our common interest, a matter of our common values and of our integrity in respecting these values, to be respectful and to be consistent; it is indeed a matter of the quality of our civilization. These are serious and these are urgent matters for all of us.

On behalf of the High Commissioner on National Minorities, I express the hope that all participants benefited from this exchange of views, and not only formally in this hall but also informally during these two days, and will continue to do so this evening. We hope that this has stimulated some reflections that might assist in better policy formulation and a more effective use of resources, and that, as a result, this small step will have some meaningful outcome.

Let me thank you, the participants, for coming and for participating. Let me thank the funders of this meeting which could not have taken place without the generous contribution of some States and others. Let me thank the Slovak Republic for their tremendous reception in agreeing and actually delivering the facilities and all the small things you might not be aware of that have allowed this meeting to take place. Let me thank the main speakers, to whom I am sure we all owe a debt. Let me also express appreciation to the staff of the Office of Mr. Csáky and also the staff of the High Commissioner on National Minorities. Finally, permit me to wish you a safe trip home and much success in our collective endeavors to respond to these urgent and serious matters.

RECOMMENDATIONS

[Reproduced from the OSCE High Commissioner on National Minorities' "Report on the Situation of Roma and Sinti in the OSCE Area", published in April 2000]

Discrimination and Racial Violence

Law should establish cause of action, remedies and define discrimination. Among the specific measures needed are:

1. Enactment of comprehensive anti-discrimination legislation (addressing racial and ethnic discrimination in all fields of public life, including access to public accommodations, citizenship, education, employment, health, housing, public and social services, etc.).
2. Enactment and enforcement of legislation prohibiting advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.
3. Enactment of legislation mandating sentencing enhancements for offenses motivated by ethnic/racial animus.
4. Enactment of government regulations or other applicable legal norms specifically prohibiting ethnic-racial discrimination in all activities undertaken and/or funded by the government.
5. Promulgation and implementation of affirmative action policies giving preference to qualified Roma in public employment, public contracting, and in all other activities undertaken and/or funded by the government.
6. Effective enforcement of the above legal norms through promulgation and enforcement of internal disciplinary standards to ensure that public officials who discriminate, including police, are sanctioned swiftly and meaningfully.
7. Establishment of a government office staffed with qualified personnel with responsibility for publicising anti-discrimination norms, and with the power to investigate and prosecute violations.
8. Public officials from the highest levels on down should speak out against racial discrimination against Roma and others, and make it clear that racism will not be tolerated.
9. Pursuant to Article 14 of the UN Convention on the Elimination of Racial Discrimination, declaration of recognition of the competence of the supervisory committee to receive and consider communications from individuals or groups alleging violations of the Convention (NB many OSCE countries have not so declared).

10. Development and execution of training programs for police, prosecutors, judges in international human rights law concerning racial and ethnic discrimination.
11. Development and execution of education programs for the general public – including use of the mass media – concerning the nature of racism against Roma, the legal prohibitions against racial discrimination, and the rights of all individuals to legal redress for violations of their rights.
12. In the field of education, fund and provide language and/or other assistance necessary to ensure equal educational opportunities for Romani children.
13. Adopt measures aimed at facilitating access to justice for Roma, including establishing, funding and implementing effectively an entitlement to legal assistance for indigent persons, including but not limited to Roma, charged with crimes and/or those bringing civil legal action in order to vindicate legal rights.
14. Establish and implement mechanisms to monitor and report transparently and regularly on progress in each of the above areas.

Education

Improving access to education and opportunities for academic achievement by Roma are crucial to the advancement of Romani communities' broader prospects.

1. National Governments must make concerted efforts to eradicate manifestations of anti-Roma discrimination in schools. To this end, governments should ensure that teachers and other education professionals receive adequate training in multicultural education, and that national law includes adequate provisions banning discrimination in the sphere of education and providing effective remedies.
2. Governments should make concerted efforts to eradicate practices that tend toward involuntary segregation of Romani children in schooling, particularly the practice of routing Romani children to schools or classes for mentally disabled students. Governments should commit resources to programs that enable Romani children to succeed in regular schools.
3. Governments may wish to consider supporting pre-school programs that help prepare Romani children for primary schools, as well as “booster” programs that provide appropriate support to Romani children while they are attending regular schools.
4. Governments should take steps to increase the number of Roma educators and teachers' assistants.

5. In light of the distinct cultural identity of Roma, a keystone of educational programs aimed at enhancing their access to education and their academic achievement should be flexibility.
6. To ensure that the dignity of all children is fully respected in schools, governments should ensure that educational texts include material on Romani history and culture, especially in regions and localities with substantial Romani populations.
7. Governments should adopt programs that would ensure that the costs of meals, textbooks, and similar costs related to education are covered with respect to children whose parents cannot afford to pay these costs.

Living Conditions

The housing and health concerns of many Romani communities in OSCE participating States merit concerted attention and commitment of resources. The following are some measures that could be usefully considered.

1. Governments should show greater readiness to assume the risk of guaranteeing loans that may be available from international organisations and financial institutions for housing projects.
 2. Foreign donors should consider funding feasibility studies on specific housing projects, which may in turn encourage local and national authorities to apply to these same donors for loans to implement larger housing projects.
 3. OSCE participating States should review their regulatory systems with a view toward eliminating requirements that serve to block housing programs from moving forward even when sufficient funding may be available.
 4. Romani individuals should be involved in the design of housing policies and meaningfully engaged in the construction, rehabilitation and/or maintenance of public housing projects meant to benefit them.
 5. While respecting the free choice of particular Romani communities to live with other Roma, governments should ensure that housing policies do not foster segregation. One approach that may be productive is to provide financial incentives for housing projects whose intended beneficiaries include a mix of Roma and non-Roma.
 6. Governments must ensure that Roma are not victims of discrimination in respect of housing. Where such legislation does not yet exist, OSCE participating States should enact laws that prohibit discrimination in housing and provide effective remedies for violations.
 7. In view of the extreme insecurity many Roma now experience in respect of housing, governments should also endeavor to regularise the legal status of Roma who now live in circumstances of unsettled legality.
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8. Governments should take immediate steps to address the high incidence of disease and malnutrition among Romani communities.
9. Governments should take steps to ensure equal access of Roma to public health care.
10. Governments should give special attention to the particular situation and needs of women in taking measures to ensure, inter alia, adequate housing and access to health care.

Political Participation

The following recommendations are all meant to support the general objective of ensuring effective Roma participation, and several have application for IGOs as well as individual OSCE States.

1. *Early involvement:* The involvement of Roma at the earliest stages in the development of the broad outlines as well as the specific contours of Roma policy is essential to the effectiveness of such policies.
2. *Influence of Roma views on government policies:* Inclusion of Roma in formal consultation processes will contribute to the effectiveness of government policies.
3. *Inclusiveness:* Mechanisms for securing Romani participation in shaping major policy initiatives are most likely to be effective and legitimate if they involve a broadly representative process.
4. *Transparency:* Governments should ensure that representatives of Romani communities receive essential information about programs and proposals sufficiently in advance of decision-making deadlines to allow meaningful analysis and input by those representatives.
5. *Participation of Roma outside formal meetings:* Valuable input from Romani leaders can be gathered in the course of substantive working sessions, taking place outside the parameters of regularly-scheduled formal meetings with government officials.
6. *Meaningful participation of Roma at all levels of governance:* In view of the central importance of local administrations in realising national Roma policies, Roma participation at these levels is essential to the effective implementation of such policies.
7. *Involvement of Roma in implementation and evaluation:* Roma should be meaningfully involved not only in developing but also implementing and evaluating the success of programs aimed at improving the conditions of Romani communities.

8. *Training:* Donors seeking to enhance Roma involvement in policy-making processes could usefully offer training programs aimed at improving political, policy-making and public administration skills.
9. *Citizenship:* In no case should new citizenship laws be drafted and implemented in such a way as to discriminate against legitimate claimants for citizenship, or to withhold citizenship from long-term inhabitants of the State. Further, OSCE participating States should ensure that laws relating to registration of residency do not operate to disenfranchise their citizens or otherwise have a discriminatory effect.

Enhancement of the Mandate of the OSCE Contact Point for Roma and Sinti Issues

In light of the complexity and magnitude of the issues Roma face, and the various inter-governmental bodies which have developed initiatives related to Roma, the OSCE Contact Point for Roma and Sinti Issues will be most effective if the office establishes targeted priorities in implementing its broad mandate. The following are some of the activities that could usefully be pursued by the Contact Point.

1. Assume a pro-active role in analysing information concerning measures undertaken by participating States in meeting their OSCE commitments vis-à-vis Roma and in advising governments concerning their efforts to meet those commitments.
2. OSCE participating States should respond in a timely fashion to specific questions concerning their policies and practices in respect of Roma that may be formulated by the Contact Point.
3. Act as an advisor to governments on mechanisms that are likely to ensure the effective participation of Roma in policy-making at the national, regional and local level, and in linking national policy to implementation at the local level.
4. Advise governments on effective mechanisms for alleviating tensions between Romani and non-Roma communities, and on effective means for combating anti-Roma discrimination by public officials and institutions, including police. The compilation of a manual of “best practices” in this regard could be a particularly useful contribution.
5. Conduct on-site inquiries as necessary to investigate conditions affecting Roma populations. The Contact Point should be assured the necessary resources and facilities to conduct these inquiries.

6. Governments and inter-governmental bodies confronted with the challenge of protecting Romani communities which are at risk can draw upon the Contact Point as a resource; the OSCE in particular could usefully incorporate Roma issues into its training programs for its mission members who are working in countries with Roma populations.
7. In light of the Contact Point's mandate to include "seminars [and] workshops" in his work program, and of the utility of targeted implementation in this area of the mandate, it would be a particularly useful contribution to organise a seminar on the issue of ethnic data collection by governments.
8. The programs of the Contact Point should be shaped, at least in part, by the possibility of enhancing the contributions of important initiatives in respect of Roma undertaken by other organisations.

SEMINAR PROGRAMME

**ROMA IN THE OSCE AREA
BRATISLAVA, THE SLOVAK REPUBLIC
14–15 JUNE, 2000**

June 14th

18.00 Welcome

Mr. Max van der Stoel
OSCE High Commissioner on National Minorities

H.E. Mr. Pál Csáky
Deputy Prime Minister for Human Rights, Minorities and Regional
Development

18.15 Opening Presentation

Prof. Diane Orentlicher
Professor of Law, Washington College of Law American University

18.45 Opening Presentation

Mr. Nicolae Gheorghe
Adviser on Roma and Sinti Issues OSCE Office for Democratic Institutions
and Human Rights

19.00 Cocktail Reception/Dinner in The Old Parliament Building

June 15th

09.00 – 10.45 Session I – “Discrimination”

Moderator: OSCE High Commissioner on National Minorities

Speaker: Dr. Andrzej Mirga, Chair, Romani Advisory Council, Project on
Ethnic Relations; and Co-Chair, Council of Europe Specialist Group on
Roma/Gypsies

General Discussion

10.45 – 11.00 – Coffee Break

11.00 – 12.45 Session II – “Education”

Moderator: Prof. Diane Orentlicher

Speaker: Ms. Erika Csovcics, Director, Gandhi Secondary School

General Discussion

12.45 - 14.15 – Lunch

14.15 – 15.45 Session III – “Living Conditions”

Moderator: Mr. John Packer

Speaker: Ms. Nicoleta Bitu, Consultant, Rromani CRISS

General Discussion

15.45 – 16.00 – Coffee Break

16.00 – 17.30 Session IV – “Participation”

Moderator: Mr. Nicolae Gheorghe

Speaker: Ms. Savelina Danova, Executive Director, Human Rights Project

General Discussion

17.30 Concluding Remarks

19.00 Dinner for Participants

Location: Vináreň Veľki Františkáni
Františkanske námestie 10

LIST OF PARTICIPANTS

ROMA IN THE OSCE AREA BRATISLAVA, THE SLOVAK REPUBLIC 14-15 JUNE, 2000

Mr. Max van der Stoel, OSCE High Commissioner on National Minorities

H.E. Mr. Pál Csáky, Deputy Prime Minister for Human Rights, Minorities and Regional Development

Speakers

Prof. Diane Orentlicher, Professor of Law, Washington College of Law, American University

Mr. Nicolae Gheorghe, Adviser on Roma and Sinti Issues, OSCE Office for Democratic Institutions and Human Rights

Dr. Andrzej Mirga, Chair, Romani Advisory Council, Project on Ethnic Relations; and Co-Chair, Council of Europe Specialist Group on Roma/Gypsies

Ms. Erika Csovcics, Director, Gandhi Secondary School

Ms. Nicoleta Bitu, Consultant, Rromani CRISS

Ms. Savelina Danova, Executive Director, Human Rights Project

Participants

Germany - Mr. Ulrich Wüsthof, Division of Minority Law Issues, Ministry of the Interior of the Federal Republic of Germany

U.S.A. - Ms. Tamara Resler, Officer for Europe, U.S. Department of State

Austria - Ms. Stella Avallone, Counsellor, Permanent Mission of Austria to the OSCE
- Ms. Renata Erich, Executive Secretary, Romano Centro

- Bulgaria - Ms. Daniela Mihaylova, Legal Program Director, Romani Baht Foundation
- Croatia - Mr. Nusret Seferović, President, Union of Roma of Croatia
- Spain - Amb. Estanislao de Grandes, Embassy of Spain, Slovak Republic
Mr. Javier Martín Mena, Asociación Nacional Presencia Gitana
- Finland - Mr. Harri Kämäräinen, First Secretary, Permanent Mission of Finland to the OSCE
- France - Amb. Hervé Ladsous, Head of Delegation, Permanent Representation of France to the OSCE (Session I)
- Mr. Jean-Luc Fauré Tournaire, Counsellor, Permanent Representation of France to the OSCE [Sessions II-IV]
- Ms. Daniella Mercier, General Secretary, Union Socio-Educative Tzigane d'Aquitaine
- U.K. - Amb. David Lyscom, British Embassy, Slovak Republic
- Mr. Peter Mercer, Director, The Traveller's Site
- Greece - Mr. Michael Stellakatos, Adviser, Legal Department, Ministry of Foreign Affairs
- Hungary - Ms. Gabriella Varjú, Deputy president, Office for National and Ethnic Minorities
- Ms. Klára Trencsényi, International Relations Officer, Roma Press Center
- Ireland - Mr. Gerard Keown, Second Secretary, Delegation of Ireland to the OSCE
- Mr. Martin Collins, Community Development Worker, Pavee Point Travellers Centre
- FYROM - Amb. Ognen Maleski, Head of Mission, Permanent Mission of the former Yugoslav Republic of Macedonia to the OSCE
- Mr. Asmet Elezovski, Board Member of Roma National Congress, RCC DROM
-

- Romania - Minister Péter Eckstein-Kovács, Department for the Protection of Minorities
- Prof. Letitia Mark, Lecturer in Classical Languages, University of Timișoara
- Slovak Republic - Mr. Vincent Danihel, Plenipotentiary for Romani Affairs, Office for Human Republic Rights and Minority Affairs
- Ms. Klára Orgovánová, Director, Inforoma Foundation
- Czech Republic - Mr. Roman Kristof, Executive Vice-Chairman, Inter-Ministerial Republic Commission for Roma Community Affairs
- Council of Europe - Ms. Françoise Kempf, Assistant to the Coordinator, Specialist Group on Roma/Gypsies
- UNHCR - Mr. Jean-Claude Concolato, Representative, Prague
- UNICEF - Ms. Marty Rajandran, Project Officer, Regional Office for Central and Eastern Europe
- World Bank - Mr. Ross Pavis

Secretariat

Mr. John Packer, Director, Office of the HCNM

Ms. Rachel Guglielmo, Project Officer, Office of the HCNM

Ms. Sally Holt, Legal Assistant, Office of the HCNM

Observers from OSCE Permanent Delegations

Ms. Ann C. Blank, Political Officer, United States Mission to the OSCE

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Mrs. Margarita Trajkova, Deputy Head of Delegation, Permanent Mission of the former Yugoslav Republic of Macedonia to the OSCE

Mr. Johannes Landman, Ambassador, Head of Mission, Permanent Representation of the Netherlands to the OSCE

Mr. Pedro Soares de Oliveira, First Secretary of Embassy, Permanent Delegation of Portugal to the OSCE

Mr. Anton Pinter, Ambassador, Head of Mission, Permanent Mission of the Slovak Republic to the OSCE

Mr. Peter Birčák, First Secretary, Permanent Mission of the Slovak Republic to the OSCE

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Mr. Maike Gosch, Embassy of Germany

Mr. Juan Darte, Embassy of the Kingdom of Spain

Amb. Bernard Paqyeteau, Embassy of France.

J.E. p. Miklós Boros, Embassy of Hungary

Mr. András Ágh, Embassy of Hungary

Mr. Andreas Kupich, Embassy of Poland

Amb. Gheorghe Dinica, Embassy of Romania

Mr. Octavian Oltenau, Embassy of Romania

Ms. Stanislava Bartosova Wanatoviczova, Embassy of the Czech Republic

Other Observers

Mr. Samuel Abraham, Slovak Coordinator, Project on Ethnic Relations

Mr. Béres Attila, Institute for Public Affairs in Bratislava

Mr. Markus Bogner, Project Officer, Institute for the Danube Region and Central Europe

Mr. Levan Bouadze, Adviser, United Nations Development Programme, Slovak Republic

Ingrid Bričková, Project on Ethnic Relations, Bratislava

Mr. Claude Cahn, Research and Publications Director, European Roma Rights Centre

Ms. Federica Donati, Human Rights Adviser, Save the Children, UK

Mr. István Farkas, Independent

Mr. Stefan Hatys, Ministry of Foreign Affairs, Poland

Mr. Jef Helmer, SPOLU International Foundation

Ms. Agnes Horváthová, Executive Director, Slovak Helsinki Committee

Ms. Anca Ilinoiu, Director of OSCE Department, Ministry of Foreign Affairs, Romania

Mr. Gèza Krasesenits, DUNATU

Ms. Dagmar Kusá, Slovak Helsinki Committee

Mr. Matti Lassila, Counsellor, Finnish Embassy, Prague

Mr. Lukás Machoň, Department of Human Rights, Ministry of Foreign Affairs, Czech Republic

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Mr. Sándor Neszmeti, DUNATU

Mr. Sándor Palásti, Deputy Head of Department, Office of the Parliamentary Commissioner for National and Ethnic Minority Rights, Hungary

Ms. Alena Pániková, Executive Director, Open Society Foundation Bratislava

Ms. Livia Plaks, Executive Director, Project on Ethnic Relations

Ms. Monika Raffael, Roma Programme Officer, Minority Rights Group Budapest

Ms. Eszter Regény, Legal Executive, Office of the Parliamentary Commissioner for National and Ethnic Minority Rights, Hungary

Ms. Adriana Richterova, Director, Civil Society Development Foundation, Bratislava

Ms. Silvia Rigová, Inforoma Foundation, Slovak Republic

Mr. Jan Sadek, Embassy of Sweden, Prague

Ms. Eva Sabotka, Independent, Czech Republic

Ms. Judit Solymosi, Office for National and Ethnic Minorities, Hungary

Ms. Daniela Stábová, Head of Mission, International Organisation for Migration, Slovak Republic

Ms. Jennifer Tanaka, Project Officer, Autonomy Foundation

Mr. Michal Vašečka, Researcher, Institute for Public Affairs in Bratislava and consultant to The World Bank

Mr. Ivan Vilečk, Independent, Prague

Mr. John Young, Office of the European Commission Delegation, Bratislava

Prof. J.W. de Zwaan, Professor of Economy, Independent

Parliament of the Slovak Republic

Mr. Imrich Tóth, Chairman, Subcommittee for the Roma Minority National Council of the Slovak Republic

Government Office of the Slovak Republic

Prof. Miroslav Kusý, Adviser to the Prime Minister on Human Rights and Minorities

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