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## **I. INTRODUCTION**

The Human Dimension Seminar on Roma in the CSCE Region took place on 20 - 23 September 1994 in Warsaw.

The Seminar was jointly prepared by the CSCE and the Council of Europe. It was organised under the auspices of the Office for Democratic Institutions and Human Rights and the CSCE High Commissioner on National Minorities in cooperation with the Council of Europe.

This Seminar was the seventh in a series of specialized meetings organised by the ODIHR in accordance with the decision of the CSCE Follow-up Meeting in Helsinki 1992 and the CSCE Council Meeting in Rome 1993. The previous seminars were devoted to: Tolerance (Nov. 1992), Migration, Including Refugees and Displaced Persons (April 1993), Case Studies on National Minorities Issues, Positive Results (May 1993), Free Media (Nov. 1993), Migrant Workers (March 1994) and Local Democracy (May 1994).

The main theme of the Seminar was Roma in the CSCE Region, including: domestic and international legal and policy issues; equal opportunities and community relations.

The Seminar was not mandated to produce any negotiated texts, but summary reports of the Moderators of the two Discussion Groups were presented in the final Plenary Meeting.

## **II. AGENDA**

1. Opening of the Seminar by the Director of the ODIHR and a representative of the Council of Europe.
2. Address by the CSCE High Commissioner on National Minorities.
3. Keynote speech.
4. Discussion on Roma (Gypsies) in the CSCE Region, including: domestic and international legal and policy issues; equal opportunities and community relations.
5. Summing up and closure of the Seminar.

### **TIMETABLE AND OTHER ORGANIZATIONAL MODALITIES**

1. The Seminar was opened on Tuesday, 20 September 1994 at 3 p.m. in Warsaw. It was closed on Friday, 23 September 1994.
2. All Plenaries and the Discussion Groups were open.

3. Agenda items 1,2,3,4 and 5 were dealt with in the Plenary. In addition, the Closing Plenary, scheduled for Friday morning, focused on practical suggestions for dealing with the issues and problems raised during the Discussion Groups.
4. Agenda item 4 was dealt with in the Plenary, as well as in the two Discussion Groups.
5. Meetings of the Plenary and Discussion Groups took place according to the attached work programme.
6. An ODIHR representative chaired the Plenary Meetings.
7. The ODIHR invited the Moderators to guide discussion in the Discussion Groups. ODIHR representatives assisted the Moderators.
8. Standard CSCE rules of procedure and working methods were applied at the Seminar.

DG1: Domestic and international legal and policy issues

Topics may include:

- legal provisions to ensure respect for human rights, non-discrimination and equal treatment for Roma;
- action to combat incitement to ethnic violence in the community;
- the administration of justice including the prevention of violence and the training of law enforcement officers;
- mobility (inter- and intra-State movements, migration and repatriation) and citizenship;
- participation in decision-making processes of national government;
- existing and possible future international cooperation; priorities for action;

DG2: Equal opportunities and community relations

Topics may include:

- dialogue and participation in public life at local and regional level;
- cultural identity including language issues, and education;
- economic issues (including work, income and training) and social issues (including housing and health care);
- promotion of tolerance and mutual respect, inter alia through confidence-building measures (including government-community and inter-community dialogue) and the media;
- role and future priorities for governments at national, regional and local level, as well as intergovernmental organizations and NGOs;
- research and advice: organization, dissemination and financing;
- creation of conditions to enable Roma to play a full part in the economic and political life of the community;

## II. PARTICIPATION

The Seminar was attended by a total of **259 participants**. Representatives of **34 CSCE participating States** were present. Among the participants was also delegation of the Non-participating State, Japan.

In addition **6 international organisations** were represented: United Nations Development Programme, International Labour Office, International Organisation for Migration, UNESCO, United Nations High Commissioner for Refugees, Phare Democracy Programme.

At the Seminar, **96 representatives of 71 non-governmental organisations** were present, among them many representing Roma from 31 countries.

## IV. SUMMARY OF PROCEEDINGS

The Seminar was opened by the Director of the ODIHR, Ambassador Audrey F. Glover and the Deputy Secretary General of the Council of Europe, Mr. Peter Leuprecht. Their contributions were followed by the address of the CSCE High Commissioner on National Minorities, Mr. Max van der Stoel. The keynote speech was delivered by Mr. Nicolae Gheorghe from the Standing Conference for Cooperation and Coordination of Romani Associations in Europe.

Opening contributions were made by 13 national delegations and 5 NGOs.

During the course of the week, two Discussion Groups met. The topics were divided as follows:

### **Discussion Group 1: Domestic and international legal and policy issues**

Moderator: Dr Helen KRAG, University of Copenhagen  
Rapporteur: Livia B. PLAKS, Associate Director, Project on Ethnic Relations,  
Princeton, USA  
ODIHR: Jacques E. ROUSSELIER  
Council of Europe: John MURRAY

### **Discussion Group 2: Equal opportunities and community relations**

Moderator: Ivan STANCIOFF, Board Member, International Centre for Minority  
Studies and Intercultural Relations, Sofia, Bulgaria  
Rapporteur: Sir Angus FRASER, Adviser to the Council of Europe  
ODIHR: Elizabeth WINSHIP  
Council of Europe: Claudia LUCIANI

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The closing plenary meeting was chaired by the director of the ODIHR. The Moderators presented their reports. Statements were made on behalf of 5 national delegations, Council of Europe and one non-governmental organisation.

The press conference was organized after closing of the Seminar and 22 representatives of press and radio were present.

## **V. PLENARY MEETING**

### **ADDRESS BY THE DIRECTOR OF THE ODIHR AMBASSADOR AUDREY F GLOVER**

Warsaw, 20 September 1994

Your Reverence, Excellencies, Ladies and Gentlemen,

I would like to welcome you very warmly to the Seminar on Roma and other groups belonging to the Gypsies.

You recall the history of the Seminar the High Commissioner on National Minorities when he made his report on Roma suggested that if there were time and money there should be a seminar to consider the problems which Roma faced.

We have found the time and made sure that the funds have been made available because we realise it is important to deal with the problems which Roma are experiencing in Europe today.

We are breaking new ground with this Seminar in two ways. Firstly because we have organised this seminar jointly with the Council of Europe and in co-operation with the Office of the High Commissioner. We have found this co-operation very fruitful and successful and I hope that it will bring a new and broader dimension to the discussions which will be taking place in the next few days.

This Seminar is also breaking new ground because we have organised some cultural events in order to learn more about Roma. There will be a film tracing the history of the Roma, a play produced by Roma which is a modern setting of Romeo and Juliet in Bosnia and we also will have some Roma music. You may in addition have noticed exhibition of Roma culture on the second floor.

I am delighted to see that so many participating States have sent representatives. Not only are they here in force but it is good to know that we have a large number of international organisations as well. In addition 69 NGOs are with us today. Many of them representing Roma from countries all around the continent. NGOs are always very welcome at our seminars. We appreciate the contributions that they make. Their experience and expertise particularly at the grass root level is always of great value.

There are many who will hope that the discussions in the next few days will lead to the formulation of a new international regime for Roma. There will be others who will think that this is too hard to achieve and that if the problems are addressed domestically and States apply the existing norms that will considerably alleviate the Roma's difficulties. There are of course many approaches to trying to resolve the problems and I hope that when trying to do so full account will be taken of the views of Roma themselves. I am sure that your discussions will be frank and critical and that you will produce some concrete suggestions for future work which could be developed at the Budapest Review Conference so that what we achieve here

is not lost. One cannot but be struck by the fact that despite numerous recommendations, resolutions studies etc., nothing much appears to have been done for Roma to date in real terms. It would be good if we could change that.

We are very lucky to have with us today Mr. Peter Leuprecht , Deputy Secretary General of the Council of Europe who has found time to be with us to address us. We are also fortunate to have Mr. Max van der Stoel who is the High Commissioner on National Minorities, another busy man who has kindly agreed to speak to us and last but no means least we have Mr. Nicolae Gheorghe who will be our key-note speaker.

After the speeches we will have general discussion in plenary and tomorrow we will break up into two groups. As you know we have two moderators Dr. Helen Krag and Amb. Ivan Stancioff who will each be assisted by rapporteurs Ms. Livia Plaks and Sir Angus Fraser.

That is enough from me. I would like to turn straight away to Mr. Leuprecht and give him the floor.

HUMAN DIMENSION SEMINAR ON ROMA IN THE CSCE REGION

**OPENING SPEECH BY MR PETER LEUPRECHT  
DEPUTY SECRETARY GENERAL OF THE COUNCIL OF EUROPE**

Warsaw, 20 September 1994

1. This Seminar, jointly prepared by the CSCE and the Council of Europe and organised in close cooperation with the Council of Europe, marks a welcome new step forward in cooperation between our two institutions.

2. It is probably the first time that a high-level intergovernmental conference has been devoted exclusively to the situation of the Roma. This reflects:

- the fact that the Roma are an important and distinctive component of the mosaic of peoples that make up the population of our continent;
- concern at the very vulnerable situation in which the Roma - with no national State to protect them - often find themselves amid the upheavals and the nationalist extremisms in Europe today;
- the admirable work of Mr van der Stoep in bringing the situation of the Roma to the attention of the CSCE bodies.

3. The current situation of the Roma and Sinti in Europe gives rise to serious concern.

They are:

- victims of economic insecurity (although their traditions give them the potential to be champions of a free enterprise economy);
- victims of the splitting up of certain multi-national states in Central and Eastern Europe, with a tendency to consider Roma as stateless;
- victims of serious and widespread prejudice, leading to discrimination and often spilling over into violence;
- victims of intolerance of their distinctive way of life, particularly where this is expressed in a nomadic lifestyle. I have often said in other fora that in many countries of today's Europe the Roma are the main target of intolerance and discrimination.

Many have left their homes because of the insecurity of their lives, and in former Yugoslavia Roma are victims of ethnic cleansing. As refugees they are not wanted anywhere, and they risk being sent back to countries with which they have no real connection and to situations of extreme deprivation and danger.



4. As with other minorities, there can be a tension between the maintenance of a distinctive identity and the desire to integrate fully into society. We have to try and combine two principles which appear to be contradictory but are not really:

- the right to be different (cultural identity );
- the right to be the same (full and equal participation in society).

5. The right to be different calls for recognition of Roma as a minority with rights like those of other minorities. Let us not hide behind legal hair-splitting as to whether this or that definition of minorities applies to the Roma. Let us be honest. We all know that the Roma are a minority and a particularly vulnerable one.

6. The right to be the same means making sure that Roma benefit, in practice and not only in theory, equally with everyone else from the human rights guaranteed to all. It is not enough just to proclaim this principle: action is needed to make sure that Roma are properly treated by officials and administrations, and that discrimination in such areas as housing and employment is eliminated. Most basic of all, Roma are entitled, like anybody else, to live in peace and security. Where they are victims of violence, energetic action needs to be taken to punish the perpetrators of such acts and to prevent them in future. The police in particular need to receive appropriate training in handling such conflicts in a multi-ethnic society, and the Council of Europe has recently published a useful set of practical guidelines.

7. This is all a matter of building good relations within the community. The Council of Europe report "Community and ethnic relations in Europe" proposes a detailed and comprehensive strategy for doing this. In order to build good community relations it is essential to consider the Roma, like any other minority group, not as outsiders who have to be integrated into "our"society, but as full members of society just like everyone else. It is also essential to avoid paternalism. The Roma can speak for themselves (and I'm very glad that they will be doing that during this Seminar) and they should play their full part in social and political dialogue.

8. This brings me to the question of citizenship. The emergence of new States in parts of Central and Eastern Europe has involved a redefinition of citizenship, and sometimes Roma have ended up stateless. There is particular concern about the effects of the citizenship law of the Czech Republic and its implementation which seem to have left a considerable number of Roma stateless even though they have been living in that country for some time. In the Council of Europe, we have listened with great attention to the explanations received from the Czech authorities and are willing to do so in the future. It is not for me to say how this problem should be solved, but I should like to urge the Czech authorities to find ways of regularising the situation of these Roma. I hope this Seminar will provide an opportunity for constructive discussions and for making progress on this issue. I would also recall that the Council of Europe has now built up considerable experience in citizenship issues of this kind, and we are at the disposal of the governments concerned to provide expert advice and assistance.

9. This Seminar should stimulate the Council of Europe to develop further its work on Roma. For example:

(a) The Vienna Summit launched the Council of Europe Plan of Action on combating racism, xenophobia, antisemitism and intolerance. It is important that the various activities carried out as part of the Plan of Action pay full attention to the problem of intolerance directed against Roma. This should apply in particular to the work of the newly created Council of Europe Commission against Racism and Intolerance and our European Campaign against Racism, Xenophobia, Antisemitism and Intolerance which will be officially launched on 10 December 1994.

(b) There is a need for an intensified exchange of information and experience between people trying to improve the situation of Roma in different countries. We have made a start with the network of local authorities set up by the Congress of Local and Regional Authorities of Europe, but we need to go further in developing our networking activities.

(c) Parliamentary Assembly Recommendation 1203 on Gypsies in Europe, which was adopted as a result of the Verspaget report and will be distributed during the Seminar, lays out a comprehensive set of proposals for improving the situation of Roma. In particular it calls for the creation of a "mediator". As I see it, the Roma need a duly authorised person or institution to pass on their concerns to governments and to develop constructive dialogue on their problems. I hope this Seminar will provide an opportunity for all of us to think together about this idea.

(d) An important field of activities concerning Roma has been education. When teachers are made familiar with the culture of the Roma and their difficult relationship with the "gadje", a lot can be achieved for better mutual understanding through school education. May I recommend to you, in this respect, a new Council of Europe publication on "Roma, Gypsies, Travellers".

(e) We need in any case as an Organisation to develop a more intensive dialogue with the main Roma organisations. We are very encouraged by the emergence of the "Standing Conference for Cooperation and Coordination of Romani Associations" which would greatly facilitate this process.

While we are meeting here, a conference at the University of Vienna is devoted to what is rightly called "the other holocaust". Last month the "closing" of the Gypsy section of the Auschwitz concentration camp was commemorated and we all know what this "closing" meant. Up to half a million Gypsies were killed by the Nazi regime and its fascist client-states.

In today's Europe the Roma are still a particularly exposed and vulnerable group. We all proclaim our commitment to human rights. The acid test of their effectiveness lies where the most exposed and vulnerable members of society are concerned. After all their past sufferings, the Roma are entitled to be recognised at last as full members of a democratic, pluralistic and multicultural European society which we want to build together. My hope and wish is that this Seminar will contribute to this aim.

**ADDRESS BY MR MAX VAN DER STOEL  
CSCE HIGH COMMISSIONER ON NATIONAL MINORITIES**

Warsaw, 20 September 1994

Madame Ambassador, Mr. Deputy Secretary General, Ladies and Gentlemen,

It gives me great pleasure to address the opening plenary of this important meeting, the Human Dimension Seminar on "Roma in the CSCE Region."

Importance of the Seminar

The significance of this gathering, I believe, is three-fold. First, this is an excellent example of how the CSCE and the Council of Europe can collaborate effectively on matters of mutual concern, and I commend the organizers on their cooperation. Second, this meeting is the highest-level and most inclusive gathering of its kind to date. Community advocates, independent experts, official delegations, and multilateral agencies from throughout the region are sitting together in one forum to discuss issues that concern us all.

We should not, however, content ourselves with the mere holding of this meeting. This brings me to the third and most important reason for the significance of this Seminar: the topic itself. Quite simply, the vast majority of Roma and others commonly identified as Gypsies continue to find themselves in an extremely vulnerable position within the countries of the region. This vulnerability manifests itself in economic, social, legal, and political terms, and the situation of many Roma communities has largely become worse in the last few years. I will not go into any great detail on this point, as many of you are more familiar with the data than I.

I would, however, like to make a few brief observations on this general predicament. To start with, the enormous diversity among Roma and others known as Gypsies requires us to examine each situation in its specificity. This diversity is reflected even in the variety of names used for the communities, although for brevity's sake in my further comments I will often use the term "Roma" in a generic way. Despite this heterogeneity, there is nonetheless a wide range of often interrelated problems that arise with considerable regularity from community to community, including in the areas of citizenship, political participation, racially motivated violence and relations with majority communities, poverty, unemployment, illiteracy, education and job training, health care, housing, and criminality and relations with law-enforcement officials. The severity and magnitude of these problems require our urgent and clear-thinking analysis. Based on this analysis, government officials, non-governmental organizations, and multilateral agencies must then work together to find constructive solutions for the problems that Roma face. The role of these organizations is all the more important since the Roma have no kin-state or mother country to which to turn for support.

Two major issues: citizenship and violence

At this point, I would like to limit myself to a few issues of great concern with regard to the position of the Roma in the legal and political fields. This assessment comes precisely one year after the report I

submitted to the CSCE on the situation of the Roma in the region, and I regret to say that very little progress, if any, has been made in the areas which I will discuss. For the meantime, I will leave consideration of economic and social issues for those who are better qualified to address them, although I recognize how urgently important they are for Roma.

I would like to preface my remarks on legal-political issues with an observation: human rights guarantees must apply equally and without prejudice to **all** persons, including Roma or others identified as Gypsies. States are politically and legally bound to recognize this inviolable principle: the equal enjoyment of rights. At the same time, states are also bound by the principle of non-discrimination; that is, individuals must be afforded protection against discrimination on the basis of racial, ethnic, cultural, linguistic or religious grounds. Within the context of the 1992 Helsinki Follow-Up Meeting of the CSCE, the participating States decided that they " will consider taking appropriate measures within their constitutional framework and in conformity with their international obligations to insure to everyone on their territory protection against discrimination on racial, ethnic and religious grounds, as well as to protect all individuals ... against acts of violence, including on any of these grounds" [Chapter VI, para. 35). Many states have entered into even further-reaching commitments against discrimination in the context of United Nations instruments in particular, and I would urge all states that have not already done so to consider accession to such instruments.

Needless to say, the principles of equal rights and non-discrimination are not being respected when law-enforcement and judicial systems fail to afford Roma protection against racially

motivated attacks on their persons and property, or fail to provide legal remedies in cases of such attacks.

With regard to legal issues facing Roma, a number of problems have been noted in the area of **citizenship**. In my report of last year, I underscored the issue of citizenship laws in the successor states of formerly larger state structures. I stated a number of principles to help guide such states in devising citizenship laws which I would like to elaborate a bit here. Citizenship forms the basic bond between a person and a state. For the individual, citizenship means he or she is wholly welcome in the state, a full member of the political community. For the state, citizenship underscores the loyalty of the person and confers certain duties and responsibilities on him or her. In granting citizenship, the state should take into account a person's long-term (and often life-long) residence on its territory and should furthermore use citizenship to promote bonds of loyalty to the new political community.

In no case should new citizenship laws be drafted and implemented in such a way as to discriminate against legitimate claimants for citizenship, or even to withhold citizenship from possibly tens of thousands of life-long and long-term inhabitants of the state, most of whom are Roma. As a result, the status of these persons is essentially that of "foreigner" in their own country. This would greatly undermine what I would consider to be in the long-term interest of the state: the unequivocal establishment of a loyal bond between the state and its inhabitants and the prospect that they would be able to participate fully in the political, economic, and social life of the state. I would strongly urge that the clearly negative impact of such legislation be considered, and that appropriate changes be made.

The second issue I would like to highlight today is the problem of racially motivated attacks against Roma and their property. Such attacks cause direct, physical harm - and sometimes even death to the

victims. Racial violence often causes wider social damage as well. Entire communities lose a sense of security and confidence in public authorities to preserve law and order. In the first instance, Roma who already occupy a precarious social position will feel even more vulnerable, even less welcome in their own society. Furthermore, the use of violence and terror by so-called vigilantes will only continue to erode the administration of justice based on the law. If a crime has been committed, then law-enforcement officials - and not the community at large - are responsible for apprehending and prosecuting alleged wrongdoers. When public authorities are unable to bring perpetrators of racially motivated crimes to justice, popular confidence in the institutions of law and order is greatly damaged, and needless to say, the country's international image is seriously harmed.

This problem is not purely a legal one. Certainly a proper legal framework is necessary for protecting persons against racially motivated attacks, but in most cases a basic framework already exists. There must, however, also be clear political will - from the highest to the lowest levels of the state - to combat racial violence. Here I would like to underscore a passage from the Document of the 1990 Copenhagen Meeting of the Conference on the Human Dimension, in which the participating States "commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic cultural, linguistic or religious identity, and to protect their property." [Chapter IV, para. 40]

Backed by an unequivocal public commitment from officials at all levels, such an approach involves a combination of measures. In all sectors of society, efforts should be made to promote greater mutual understanding and acceptance between different groups through education and other means. Social welfare agencies, including non-governmental organizations, should be actively involved in addressing community-level problems proactively, including through training community leaders in communication skills and conflict resolution techniques. Police and local authorities must be given proper training for calming situations of imminent or recently initiated violence. Lawyers, prosecutors, and court officials must be given full support in investigating and trying cases against suspected assailants promptly and fairly.

Preventing racially motivated violence is of course far better than responding to its aftermath. Allow me to stress, however, that in cases when prevention was not possible, the only remedy for such violence is a prompt and thorough investigation of the causes of the attack and a prompt and fair trial of suspected wrongdoers. This course of action will bring justice to the victims and help restore popular confidence in the public authorities. Regrettably, however, various recent cases of racially motivated attacks against Roma and their property have not always been speedily and properly investigated and prosecuted. This state of affairs should be remedied as soon as possible, and I should note that considerable expertise in the governmental, inter-governmental, and non-governmental communities is available for assisting officials in preventing or at the very least combatting such violence.

#### The role of the CSCE and other inter-governmental organizations

These comments bring me finally to a consideration of how regional inter-governmental organizations can best assist states in meeting their human rights commitments vis-à-vis Roma and others identified as Gypsies. Here I will refer specifically to some ideas concerning the CSCE, but much of the following will have some relevance for the Council of Europe and the other inter-governmental organizations as well. Our colleagues from those institutions can perhaps share some thoughts on what the emphasis of their

work could be. Clearly, the need for proper communication, coordination, and if possible, cooperation between the inter-governmental organizations should also be discussed in this context.

Within the CSCE, the so-called Human Dimension, which encompasses human rights, democratic institutions, and the rule of law, is of particular relevance to Roma-related issues, and given its mandate for work in the Human Dimension, I would envision a special role for the CSCE's Office for Democratic Institutions and Human Rights, or ODIHR, in this realm. Through the different meetings held under the rubric of the Human Dimension, the CSCE can continue to serve as a forum for evaluating successes and failures in implementing human rights commitments with special applicability to the Roma. Ideally, this evaluation would take place on a regular basis. Furthermore, the CSCE can be used as a means for assessing specific laws and policies concerning Roma and for offering advice and assistance on insuring their compatibility with international standards. This process can be achieved through the Human Dimension Mechanism, which involves a series of steps for fact-finding and advice-giving, but there may also be informal ways in which ODIHR, for example, can be of assistance to states with regard to Roma-related issues. In cases of egregious violations, the CSCE can provide additional means for urging a government to take corrective action, both through meetings of the CSCE's political authorities and through such means as the Human Dimension Mechanism.

Similar modalities exist within other inter-governmental organizations, particularly the Council of Europe, and this Seminar should be used to scrutinize the role of all of the multilateral institutions in addressing Roma-related issues. There are, in fact, a number of concrete proposals for enhancing action in this field, and this meeting should be an opportunity to examine their potential value more closely. In addition, the above-mentioned need for communication, coordination, and possible cooperation between the region's various inter-governmental organizations should be discussed further.

#### Mutual understanding and acceptance

Longer term solutions, however, are found not at the international level, but within each state itself. This involves a dynamic interaction between policy-makers and Roma representatives, a joint search for solutions to problems that affect the society at large. It also involves a reexamination of some fundamental concepts of identity and social relations. Majority communities must learn to accept the right of persons belonging to a minority such as the Roma to maintain their own cultural identity and ways of life, and majority communities may eventually see how such diversity is in fact a source of enrichment for society. Roma for their part must manifest their interest in equal participation in society by showing civic responsibility and taking an active role in addressing community problems. The parallel existence of separate societies within one state - a sort of uneasy mutual tolerance - is hardly ideal, however. Such a dualism breeds also misunderstanding and distrust. Creative means must be found for communities to learn about one another and to share in their common interests as well as respect their separate needs. I look forward to this Seminar as an experiment in such dialogue and exchange.

Thank you.

**KEY-NOTE SPEECH BY MR NICOLAE GHEORGHE  
STANDING CONFERENCE FOR COOPERATION & COORDINATION  
OF ROMANI ASSOCIATIONS IN EUROPE**

Madame Ambassador,  
Mr Deputy Secretary General of the Council of Europe,  
Mr High Commissioner for National Minorities,

I present my thanks and the thanks of the Roma participants to this meeting, addressed to the CSCE participating States and to the ODIHR and the Council of Europe, organizers of this CSCE Human Dimension Seminar on the situation of Roma in the CSCE Region.

I want equally to express our thanks to the Polish authorities for the opportunity offered to all of us to come again to Warsaw, the city which has also hosted, in April 1990, the 4th Congress of the International Romani Union, which was the first Roma Congress attended by a significant number of Roma delegates from the Eastern and Central European countries.

I notice the presence of Roma representatives among the distinguished members of some of the official, governmental delegations at this high level CSCE and Council of Europe Meeting. This is an encouraging proof of the changes which took place in many countries, over the last years, and which allow the public recognition and the political participation of Roma communities the public life of their countries.

We have to acknowledge that the CSCE Copenhagen Meeting and the commitment expressed then by the participating States to "recognize the particular problems of Roma (Gypsies)" have brought a major contribution to the present saliency of the Roma issues in the CSCE as a whole.

The Roma representatives in the official bodies of their countries - Parliaments members, public officers, experts will play a key-role in the elaboration and implementation of the various ongoing and future policies addressed to Roma populations of the respective countries, whose guidelines will be thoroughly discussed during this Roma Seminar.

Here at the Warsaw Seminar on Roma, there is also a group of us representing the Roma, Sinti, Travellers associations in various countries and the world-wide Roma people as such. It is our responsibility too, to bring to you the Roma voices from within the communities from where we are coming, and to let you know the specific outlook and definition of Roma "Problems" as usually said in the public discourse, as this definition is spelled out by the Roma themselves, sometimes at variance with the definitions formulated from above and frequently imposed against the Romani persons and communities will.

We are here mainly as non-governmental participants. As I was entrusted by some of them to address this key-note speech I referred to this from the desk reserved to the NGOs. Because this is the main status of the associations representing Roma, Sinti and other groups traditionally known as Gypsies, both in their countries of residence and citizenship and in the CSCE region as a whole.

During the Seminar and during the follow-up CSCE and Council of Europe events we are determined to make a full use of the resources allowed to the NGOs by the present rules of both the CSCE and the Council of Europe.

We have to acknowledge, as a matter of fact, that the very fact of having this high-level, prestigious international meeting organised to deal exclusively with the situation of Roma in the CSCE Region is by itself an evidence of the constructive role which the NGOs might brought in the international politics and of the CSCE and the Council of Europe flexibility in adapting their rules to the challenges posed by the every-day life of the common people.

I like here to underline the significant contribution brought by the CSCE High Commissioner on National Minorities in bringing the Roma issues into the attention of the CSCE participating States, especially through his insightful Report on the situation of Roma, completed in September 1993.

I equally remind here the constant involvement of the Roma non-governmental associations in the work carried by the Council of Europe over the last 10-15 years, as proved by the rather numerous documents (reports, resolutions, recommendations) adopted by its various bodies.

In fact, during the preparatory meetings of this Seminar jointly organised by the CSCE and the Council of Europe with the constant support of some non-Roma NGOs, generously involved in the Roma affairs, the Roma non-governmental associations emerged as a better prepared, strengthened actual and potential partner of the Council of Europe, of the ODIHR and of other interested governmental and intergovernmental organisations.

I would say that a significant achievement of the Human Dimension Seminar on Roma is the successful negotiations carried on among Roma associations themselves, up to the creation of the Standing Conference for Cooperation and Coordination of Roma Associations in Europe (hereafter referred as the Roma Conference).

The Roma Conference intends to develop as an umbrella organisations with the aim to incorporate into the Romani associate movement the political values and principles which were patiently worked out by the Council of Europe and the CSCE in order to cope with the variety of interests and the richness of the local cultural differences of Europe as a whole, mirrored by the variety and pluralism within the European and world-wide spread Roma [articular groups].

The role of my key-note is to inform you briefly about some of the present debates, sometime controversial, within the Romani movement, when dealing with the problems of Roma people, as perceiving by the organised part of the Roma people, by the Roma associations.

#### Roma as an A-territorial people.

Some of the previous speakers have already mentioned the vulnerabilities inherent to Roma situation, among other factors because of their status as a people in diaspora, living as dispersed communities and populations (although numbering millions) in various countries, throughout the whole CSCE space.

The debates in the Discussion Groups will elaborate specific instances of discrimination and destructive violence against Romanies in various countries; poverty and deterioration of social environments of Roma communities; losses in the legal as result of separation of federate states and civil wars carried on



ethnic and nationalistic ideologies; displacement, refuge-seeking, forced repatriation etc.

Because of this vulnerabilities, I would say that the treatment of Roma persons in the every-life might serve as a sort of "barometer" measuring the state of democracy and the transition to democracy in a variety of countries. The public treatment of Roma issues might equally serve as a test-case for the building of democratic institutions, of the rule of law and for the consolidation of the civil movements and associations. This is especially the case in the recently emerged democracies in the central and eastern Europe where is living the majority of Roma population of the world.

From among the vulnerabilities and the "particular problems" confronting Roma, as persons, communities and as people. I will call for your attention on those related to the situation of Roma as the people in diaspora, living in small groups or rather in large demographic and residential communities, part of multicultural areas, all over the CSCE geographical and political space.

We are people without any ethnic territory on kin-state of our own. One consequence of this reality is that our cultural identity and our status as a distinct ethnic minority were hardly recognized in the public life.

Because of not having a kin-national state, Roma were considered as not fitting the ad-hoc definitions of "national minorities" practices in various states and as such were denied public resources and protection of cultural identity, which are granted to other groups enjoying public recognition and binding rights.

Until very recently Roma were considered in many countries where they represent significant percentage of the population, at best as a backward "social group", sources of "social problems" always supposed to generate various forms of deviance and criminality.

Discrimination and overt, organised persecutions were imposed upon individual persons and groups of ours precisely because of their ethnic belonging, as Roma and Sinti people, and because of the historically rooted prejudice attached to "Gypsiness". When discriminated and persecuted, the violences imposed to them were and still are considered as being generated by "civil tensions" which are imputed to Roma themselves, the victims of the prejudice and of these violences.

Having neither territorial boundaries under control nor territorial claims, the Roma issues are not perceived in the national and international politics as rising "security issues" and as such not so much attention is given to them in the bi-lateral and/or multilateral inter-governmental negotiations dealing with the situation of minorities.

Being not recognized as a people, and eventually as a national minority, sometimes the very "human condition" was and is still frequently denied to Roma persons and communities, as is the case in all racist thinking and practice.

I quickly evoke here the harsh past realities when Roma were legally treated as chattel property (as was in the Romanian Principalities till the mid-XIX Century) or the present-days realities when Roma persons and groups are still treated as merely objects, when the fair administration of justice is refused or delayed ad infinitum, as in the recent cases of un-trialed killings of Roma persons and destruction of properties in some CSCE Participating States.

While being marginalized, as particular corporate groups and as people, because of the lack of a "territorial dimension" of their problems, the Roma political answers is not going in the direction of claiming "territorial solutions" for themselves, in what ever form this solutions are attractively and frequently, destroyingly enacted by a variety of peoples and ethnic groups in the present days.

The political thinking and acting of Roma persons, communities and associations are rather going toward the "Human Dimension Solution" of their problems and of their relations with the surrounding people and local communities amidst they living, in the sense that the Human Dimension of the CSCE is stedly involving as an interlinked component of the democracy building and security arrangements in Europe.

This "solution" is challenging us to rethink the existing, enduring practices of administrating the civic and the human rights in direct connection with clear-cut territorial units and with related clear-cut, homogenous, eventually "cleanse" identities (local, ethnic, etc).

In the present times of an emerging pan-European Rule of Law, Roma, an European people without a kin-state of their own, are choosing the Rule of Law and Democracy as our main civic identifications and as our "motherland".

For becoming a political reality, in the Greek meaning of the word, this choice suppose too that the States are recognizing the legitimacy of our difference by granting the equality of our citizenship and the equality of our group status as distinct minorities in the relations with the majority population and with other minorities in our countries of residence.

In such a context, some the above mentioned "vulnerabilities" of our people might evolve as resourceful assets: the Roma territorial and sometime cultural fragmentation and diversity may serve as an tool for promoting multi-culturalism in multiethnic local community contexts; their territorial mobility, either as "travellers" (as is the case of a minority amongst them) or as service providing groups over patterned routes or in "sedentarized" settings may prove their successful skills for flexible adaptations to a variety of contexts, a quality much desired for any attempts toward confidence-building and security arrangements in a world where not only persons are moving, but also territorial boundaries and political entities.

This direction of evolution is explicitly or implicitly incorporated into the activism of Roma associations in the countries of citizenship and residence of their members.

The main tools of achieving this de fact equality of rights and human dignity are those of the non-governmental action, carried out, hopefully, in particular institutional arrangements with the governmental bodies of their countries and with other, better established and more resourceful NGOs.

By recognizing the particular problems of Roma/Gypsies, the CSCE and the Council of Europe has made important steps on the long road leading to the building of Roma people as a distinct political entity not only in a country-by-country approach, but last throughout the CSCE regional political space, at an all-European level, taking in account the reality of Roma as being a multi-statal based people.

For the Roma and Sinti communities marked by the heavy historical legacy of the slavery, deportation

and ostracism, this formal recognition, renewed and enhanced by the present CSCE and Council of Europe Seminar, acquires the significance of the "birth of a people"; based on the universality of the human rights, we are exploring, for the first time, the ways and means for access to the basic freedoms and equality of rights as these political values are incorporated within the international community of people and nations.

One basic objective of the Seminar is therefore that of contributing to the clarification of the legal and political status of Roma as a distinct minority in each State and as a European, trans-national minority in the whole CSCE region.

By so doing the Seminar might bring a valuable contribution to the broader debate on the relation between territoriality and the administration of legally granted rights, a debate significant for the protection and security of those peoples in the CSCE region living as dispersed peoples over the territories of more states.

This argument on the relation between territory and political identity of people like Roma might seem as being of a rather theoretical interest. In fact, it is more than that.

Today, in many participating States there are still hesitations about granting to the Roma the deserved legal treatment as a cultural group, in equality with other cultural/ethnic groups, precisely because conceptual speculations around the "lack of territorial concentration" of Roma and Sinti population of the respective countries.

This debate emerged recently, in a renewed form, in Germany in relation to the qualification of Roma for the granting of the rights embodied in the European Charter of Regional and Minority Languages, more precisely to its Part III, legally binding. The Charter is the first major international document to provide an explicit definition of "non-territorial languages" and to advance guidelines for implementation of rights attached to this legal category.

For detailed arguments in this debate, I would refer to the recent documents published by the Central Council of the German Sinti and Roma.

I would also refer to a number of contributions brought by Roma associations in various countries in political contexts.

Although not directly concerned with the problem of territory, or trans-nationality, the claim for the recognition of the peculiar relation of Roma and Sinti to the political territory and the clarification of this status is central in the political declarations and documents of Roma associations.

This is the case of the recent debates within Romani movement, when dealing with issues of migration, travelling refuge and asylum-seeking, the citizenship of Roma in the new states created by the dismantling of federal state entities, or status of Roma people.

The debate on a specific status of Roma as a people and minority at European level is equally advanced through recent international documents as for instance the Recommendation 1203 (1993) on Gypsies in Europe adopted by the Parliamentary Assembly of the Council of Europe, especially by its chapter on

"General observations"

I quoted at length because this remark in a document of the Council of Europe has raised various and controversial interpretation among various Roma associations.

Some associations are claiming a coherent non-discriminatory treatment of Roma/Gypsies as cultural groups, on the basis of general human rights and minority rights in national and international legislation, in full equality in national and international legislation, in full equality with other national minorities of the respective countries, taking full advantage of the status of respective Roma and Sinti persons as citizens of their countries and states of residence and national belongingness.

Other associations are rather stressing the peculiar, unique situation of Roma/Gypsies in various countries and in Europe as a people without a country and state to call their own; these associations are advocating the vulnerabilities resulting from this situation (as mentioned above), especially those which are sharply revealed by the recent flows of Roma migrants and refugee-seekers from Balkans to Western countries. The claim for a specific, legally binding, international reclamation of the status of Roma people (as, for example, the idea of a "European Chart of Rights for Roma")

There are also other Roma associations, national and international, which are promoting the idea of the need for special protection of Roma/Gypsies in the sense of negotiating various institutional arrangements able to implement the based freedoms and general human rights by specific ways and means adapted to the particular situation of Roma grass-roots communities in particular local, regional and national contexts and at international level, too. The idea of a "special protection" takes the meaning of temporary measures to compensate existing gaps of development, as recommended by the International Convention for the Elimination of all Forms of Racial Discrimination.

This political vocation is patterning the political action of, among the examples better known to me, the Roma Federation in Romania at national level, or the International Romani Union in its dynamic lobby over the last years at the UN Commission on Human Rights, at the CSCE meetings, at Council of Europe and the European Community.

We are looking to promote and better articulate this strategy within the recently settled Roma Conference, taking advantage of the varieties of political approaches explored by various Roma associations in their respective cultural and political, national and international context.

By so doing, we are trying to promote a coherent and sustained parternieral relations between Roma associations and the respective local and national authorities of their countries and between an encompassing and representative Roma international organization (as we hope that the Roma Conference will evolve) and the international, multilateral organizations as those participating to this Seminar.

We hope that the Seminar will bring a valuable contribution to the launching of a Roma political process, at European level, closely and sustainly interlinked with the CSCE process and with the construction of a new and democratic Europe.

Such a process has already started and the proving event of its viability is the fact that this week we all

are participating to this widely representative Human Dimension Seminar on Roma/Gypsies in the CSCE region.

The CSCE as a dynamic process and the Council of Europe, with its solid institutional background have the potential resources to approach the Roma complex situation, controversially accumulated and frequently deteriorated up to point of creating enduring tensions and destructive, violent conflicts, from a fresh, courageous and innovative approach.

Part of the strategy to think and to articulate pragmatically such an approach is the effort to bring in a coordinate framework, the elements of innovative policies and the resources (human, organizational, financial) which presently are disseminating over a broad institutional spectrum of national and international, governmental and non-governmental agencies and organizations.

One aim of the debates in the Seminar is to identify such existing initiatives, grass-roots experiences and pilot projects, institutional arrangements at various level to identify issues in the Roma majority relations, to solve problems which frequently are controversial and sometimes violent, to prevent further deterioration and conflicts in the intra-community relations there where Roma/Gypsies persons and groups are living.

As a contribution to such a debate, in a meeting of the Roma Conference over the last days we have been informed about a proposal on building an "European parteneriat" between Roma associations and the major international organizations. This partnership might be the "Rock-stone" in promoting a coherent and solid organizational basis for a regular and efficient work, problem-solving oriented approach of the complexity of Roma issues in national countries and trans-nationally.

This organizational basis is supposed to implement and to bring together various resources recommended by the increasing number of recommendations, legal standards, political commitments, projects, etc. adopted over the last years by the international, multilateral organizations and by national governments in respect to national minorities, prevention of discrimination and racial violence and more specifically, with the protection of Roma/Gypsies in Europe.

The major "building blocks" of this projected organizational basis are the "triangle" represented by the resources offered by the Council of Europe and by the CSCE ODIHR and the Office of the High Commissioner for National Minorities, by the Council of Europe and by the Commission of the European Communities, all in close cooperation with the resources which might be mobilized from within the UN system of specialized organizations, eventually on the specific basis of action opened by the Resolution on "Protection of Roma/Gypsies", adopted by the UN Commission on Human Rights.

We will discuss at length the main components and their intelinkages of this possible network of organizational resources for Roma issues, proposed by us in the spirit of the "specific recommendations" advanced by the HC report and further explored and expanded during the preparatory meetings.

I have to mention that amongst us, those allied in the Roma Conference is not yet an agreement on the proposal evoked by me and circulated during the Seminar.

This is normal.

At a more modest level, counting on the skills and expertise which might be volunteered by some of the existing research and documentation units in the areas of Roma-related affairs, are volunteering their existing resources (information, publication, research) in order to offer a quick, operational tool of work with a consultative role for all of the partners in the network proposed.

Further details are provided in a working document which is an annexed part of these remarks and which will be circulated for assesment and criticism.

This last point of my speech is just an illustration of the main message of my key-note: that in participating to this Seminar, generously organised by the CSCE participating States and by the Council of Europe, the Roma participants are willing to assume a higher responsibility in approaching and solving the specific problems of the Roma communities to which they belong and, as such, they are volunteering some of their resources under their control, even if these resources are rather scarce and modest.

I wish full success to the working debates of the Seminar.

Thank you for the floor, Madam Ambassador.

## **VI. MODERATORS' REPORTS**

### **HUMAN DIMENSION SEMINAR ON ROMA IN THE CSCE REGION**

#### **DISCUSSION GROUP 1**

##### **Domestic and International Legal and Policy Issues**

##### **Moderator's Report: Dr Helen KRAG**

In the report from one of the discussion groups at the 1993 CSCE HD Seminar on Case Studies on National Minorities it was noted that Roma living as dispersed minorities throughout the CSCE Region faced specific dangers and that solutions to these problems would benefit from a coordinated approach. This 1994 Seminar on Roma organized jointly by the CSCE and the Council of Europe can be seen as a consequent follow-up of this earlier conclusion, and Discussion Group 1 on domestic and international legal and policy issues profited markedly from this unique set-up in the context of joint participation of governmental officials, a wide range of Roma organizations and other NGOs, inter-governmental agencies and specialists concerned with Roma. It was the objective for DG 1 to investigate the implementation of existing legal standards and agreed political commitments in individual States: concrete and realistic possibilities for a development of further coordination of efforts, possible ways of future co-operation between Roma communities and organizations, governments, local and regional authorities, international and multilateral organizations and NGOs and joint follow-up actions in the region.

The work in DG 1 was dominated by the commonly expressed view that century long marginalization and discrimination of persons belonging to Roma have set its stamp on social and economic conditions under which many Roma live and that prejudice against and scapegoating of Romani people still is wide spread in the countries of the region. While Roma community relations and relations between authorities and Roma communities have been approached positively and consciously in some countries, ignorance and racist attitudes still exist in others. It was stated explicitly by participants in DG 1 that this seminar on Roma has been a teaching process for both Romani and governmental representatives as it confronted the realities of everyday Romani experiences and the national and international political realities. Although this seminar can be seen as an expression of concern for Roma issues, it was also noted that these issues ought to be given higher priority in local, national, regional as well as international policies. Problems concerning Roma appear to be developing in unpredictable and unfavourable ways. On the positive side it was noted that the new co-operation between the CSCE and the CoE has its parallel in an emerging co-operation among Roma associations who have formed a Standing Conference on Coordination and Co-operation of Romani Association in Europe. It was repeatedly stressed that Roma are a genuine European minority with the right to their own identity and to equal opportunities. It was acknowledged that no state has yet fully implemented its commitments on human rights with special relevance to the Roma. It was further acknowledged that many problems confronting the Roma would be resolved if states fully implemented existing commitments.

Based on background papers prepared for the seminar four major issues were considered for in-depth exploration in the DG:

1. the exchange of positive and negative experiences with new legal and political approaches to guaranteeing human rights particularly for Roma,
2. the prevention and legal redress of acts of racially motivated violence,
3. problems related to migratory flows and the lack of explicit legal status for Romani people, and
4. the introduction of a mediator, body or office with specific responsibility for Roma matters and/or a contact point for documentation, dissemination of information and coordination of efforts concerning Roma within the intergovernmental sphere.

The four sessions in DG 1, in an atmosphere of constructive and creative interchange between governmental, inter-governmental and non-governmental delegates, functioned as brainstorm forum for realistic ways to overcome the most overwhelming problems and to apply existing facilities, funds, standards and expertise. A selection from the many topics raised during the discussions is attached to this report as input for further exploration.

#### Specific proposals for concrete follow-up actions

to be considered by States at the CSCE Budapest Review Meeting, the Meeting of the Committee of Ministers of the Council of Europe, Meetings of the European Union and related inter-governmental fora and others:

- \* to implement existing legal and political Human Rights commitments, conventions and resolutions in all participating states, to promote the introduction of inter-governmental legal agreements in national legislations and to explore ways of regularly reviewing these standards and monitoring their implementation with particular concern to Roma.
- \* to explore ways of reducing numbers of stateless Roma and Roma with unclear citizenships, and to recognize and effectuate the right of Roma to remain in their countries of residence, and where this is not applicable the right to asylum, with respect for the specific problems of Roma.
- \* to expand the interpretation of existing minority rights to cover Roma and Persons belonging to Roma explicitly.
- \* to investigate ways of using existing facilities at the Council of Europe for the role of a Mediator for Roma Affairs.
- \* to investigate the possibilities of developing ODIHR into a contact point for communication between Inter-governmental Organizations, governments and Non-governmental Organizations. It was noted, that this falls under the mandate of the ODIHR.



\* to encourage further co-operation between multilateral agencies and organizations, among others further seminars between the CSCE and the CoE and to include issues related to Roma in future seminars on minority and other human dimension issues. Possibilities of co-operation with other agencies which already offer advice and assistance should also be encouraged, e.g. the services of UNHCR on issues concerning refugees and citizenship.

The moderator would like to thank the rapporteur for encouragement and contributions, and express her appreciation to the participants in the Discussion Group who - despite their multifaceted backgrounds and diverging concerns - so enthusiastically and constructively engaged in the discussion in order to obtain knowledge and mutual understanding and to reach feasible results. It is hoped that some of the suggestions included in this report from DG1 will be of inspiration for further actions.

## **ADDITIONAL SELECTED TOPICS RAISED IN DG 1 AND RECOMMENDED FOR FURTHER EXPLORATION:**

### Concerning racism and racially motivated violence against Roma:

- The acknowledgement of racism and antigypsy stereotyping in the countries of the region, the introduction of objective information on Roma cultures and of projects concerning the multiculturalism of Europe, including Roma.
- The need for governments in the region to express unequivocal condemnation of racially motivated violence.
- Regional, national and local co-operation between authorities and Roma associations.
- Training of police and judicial civil servants, including training of legal officers in the use of non-discriminatory language.
- Funding of and support to national and local initiatives to combat the causes and consequences of discrimination and violence.

### Concerning monitoring:

- The implementation of CoE PA Recommendation 1203 and other recommendations concerning Roma.
- The establishment of a working group consisting of representatives of the CSCE, the UNHCR and NGOs to study migration issues including repatriation practices with regard to Roma as well as problems concerning citizenship and the reduction of statelessness.
- Fact finding missions to Central- and East European countries with large Roma populations and severe migration producing conditions.

### Concerning information and confidence building:

- A documentation center at an acknowledged research institution with funding from NGOs and governments or inter-governmental organisations.
- Interlink CoE, CSCE and NGO activities, including foundations with the aim to provide optimal services and to avoid reduplication of efforts.
- The translation into Romanes and the dissemination of Human Rights Conventions, Minority Rights Standards and other documents of relevance together with information on existing advisory services.
- Support to governments in Central- and Eastern Europe aiming at an improvement of relations between governmental and local authorities.
- Information to Romani communities in Romanes, e.g. short wave radio as suggested by the European Union.

### Concerning Romani representation and participation:

- Governmental support to Romani NGOs with the aim to develop self-representation.
- The inclusion of Roma in projects and delegations concerning Roma issues.
- To secure equal opportunities to Roma in public institutions.
- To secure the right of recognition as a national minority to Roma.

This is not an exhaustive list but represents highlights of the major points brought forward.

## HUMAN DIMENSION SEMINAR ON ROMA IN THE CSCE REGION

### DISCUSSION GROUP 2

#### Equal Opportunities and Communities Relations

#### Moderator's Report: H.E. Ambassador Ivan STANCIOFF

This discussion group addressed a wide range of issues, and a number of delegations availed themselves of the opportunity to give a general picture of various ways in which their administrations were addressing the situation of Roma minorities in their countries, and the steps which had been taken in their efforts to deal with the problems which are widespread throughout Europe today. Most recognized, however, the magnitude of the challenge that remained to be met and that there was still a very long way to go. One participant compared the existing resources for reform with an overloaded cart drawn by the aged oxen. A considerable degree of commonality could be discerned in assessments of approaches most likely to produce results, even though the strength of the Gypsy population in CSCE participating States varies enormously, from a few hundred to a million or more, and the problems of scale with the latter are obviously very much greater.

Recurrent themes in the analysis of the precarious situation of the millions of Roma - perhaps seven or eight million - living in CSCE participating States today were: widespread poverty and economic hardship, massive unemployment or concentration in unskilled labor, inadequate housing or support for a peripatetic existence, widespread suspicion and prejudice among the surrounding populations, poor education and extensive illiteracy, and inadequate health care. It was also frequently observed that, while much attention had been paid to Roma by international bodies, little improvement in their situation had resulted in practice.

The topics examined by the discussion group can be classified under seven main headings:

- Roma participation in economic, public and political life;
- education; preservation of cultural identity (including language);
- economic issues: work, income, training;
- social issues: housing; health, social welfare;
- promotion of dialogue, tolerance and mutual respect;
- research and advice: its organization, dissemination and financing; and
- role and future priorities for national government, regional/local government, NGOs including religious bodies and intergovernmental organizations.

#### Participation by Roma

There was general agreement that the aim should be to establish partnership with Roma. Some government delegates reported difficulties in deciding which, among a profusion of Gypsy organizations, should be consulted. Among the Roma, Mr Nicolae Gheorghe pointed out that, in a people which had only recently been politicized, a proliferation of Gypsy organizations was no more than could be expected; moreover, fragmentation within Gypsy ranks frequently did little more than reproduce the

fragmentation within Europe. The Roma were, however, aware of the desirability of creating umbrella organizations, and he referred to the recent (June 1994) agreement to set up a Standing Conference for Cooperation and Coordination of the Romani Associations in Europe, and also to the fact that, within some countries, an alliance of such associations had now been achieved.

Several delegates gave accounts of initiatives that had been taken to give Roma experience in representing community views or in advising government bodies. The European Commission is considering leadership and management training, with emphasis on organizational management, essentially of Roma organizations, and organizational management, essentially of Roma organizations, and on small business administration. Minority rights groups in Slovakia are seeking to identify Roma who would benefit from training in conflict resolution. Some countries have established formal arrangements for consultation with Gypsy interests. In Finland for example, an Advisory Board on Romany Affairs, which has existed since 1956, with a large proportion of Gypsy members, acts as a medium of cooperation between Roma and public authorities. A few administrations have appointed Gypsy officials to government offices for minorities or to particular Ministries. Such arrangements appear, however, to be the exception rather than the rule, and a number of NGOs commented on their difficulties in securing a hearing from government authorities, with the result that projects such as schools were badly planned.

#### Education; preservation of cultural identity (including language).

There was widespread emphasis on the vital role to be played by education in improving the situation of Roma, although it was also stressed that the aim was not one of assimilation (i.e. submergence) but of integration (i.e. demarginalization). Numerous statistics were quoted to illustrate the difficulties that Gypsy children had in attending school, or in progressing beyond an elementary level of education. The causes were various, and included the generally poor social conditions and the attitudes that children often encountered at school. Several members of the group pointed to the importance of establishing links with the children's parents; and of taking steps to deal with possible discrimination in schools and ensuring receptive attitudes.

Although the Gypsy preference is for their children to attend mainstream schools, teachers there often need special training in regard to Gypsy children. (The Soros Foundation has plans for training teachers in Romani so that they might go to former communist countries to assist there.) Several delegates testified to the value of pre-school nursery attendance in preparing Gypsy children for the transition; and to the benefits of involving and giving support to the mother wherever possible. In those countries where Romani is a mother tongue, it is desirable that it be used in teaching some of the subjects. A number of countries have produced teaching aids designed for Gypsy children, and the European Union, in close cooperation with Gypsy organizations, has sponsored a variety of pilot projects which will be of considerable interest to all CSCE participating States.

Special schools for Gypsies have been used in a number of countries in the past, generally with unhappy experiences and poor results (e.g. Bulgaria). There is, however, no single model. When the ability of ordinary schools to cope is limited, special schooling may become desirable. The Gandhi Gimnazium, recently established at Pecs in Hungary, was an initiative of Gypsy organizations there, supported by the Soros Foundation. The study of Gypsy culture is included in its syllabus, as well as the traditional

Hungarian curriculum. This is a feature which is appropriate in mainstream schools as well, for it is right that Gypsies should take pride in being Gypsies, and that their place in the country's history and society be recognized by others. The reluctance of many Gypsies to declare themselves as such, because of the stigma attached to the name, accounts for the fact that census figures for Gypsies are regularly understated. And their community cannot afford to lose the support of those who succeed in making their way into conventional professions and then decide that they will disguise their origins.

#### Economic issues: work, income, training.

Unemployment among Gypsies is generally much higher than in the surrounding population, particularly in countries where they were assimilated at the lowest unskilled levels, in industries which are now being overhauled or disappearing altogether. Dependence upon welfare services has become widespread in such cases.

The link between such economic issues and dramatic migration flows in the recent past caused some delegations to stress the likelihood of recurrence if the causes of privation and flight were not alleviated. They saw this as a problem that transcended frontiers and one unlikely to be solved by defensive closing of frontiers. A very high proportion of the Gypsy population in Bulgaria, for example, is said to be disposed to emigrate if opportunity offers. Some western countries, following a similar line of reasoning, have mounted projects aimed at easing some of the structural, economic and social shortcomings prevailing in former communist regions. Norway, for example, which has itself only a small Gypsy population, funded the reconstruction of some Gypsy houses in Romania, the planning being done by the Roma Ethnic Federation of Romania; while the government of North Rhine Westphalia engaged in a number of humanitarian projects associated with the repatriation of several hundred Gypsies to the former Yugoslav Republic of Macedonia. It remains to be seen how successful these will be in the longer term.

At a national level, some countries have pursued job-creation schemes and special vocational training, sometimes complemented by schemes devised by Gypsy organizations; in Hungary, what has been called for is styled a 'crisis management programme'. The European Commission is considering support for a land trust for Roma; the land would be bought on their behalf and leased in viable plots. After a period of working the land and being trained in agricultural management, they could acquire ownership. A similar project has been started in Bulgaria.

An appeal was made for full application of the ILO Convention on Discrimination ( # III, 1958): if fully observed, it would protect Gypsies against some of the biased practices which had been highlighted in discussion.

#### Social issues: housing; health; social welfare.

In this context also, the picture that emerged was somber. The high birth and mortality rates and the low living standards prevalent in many Gypsy communities resembled those more usually associated with developing countries. In the former communist States, Gypsies are often concentrated in the worst housing. Several delegates described ghetto-like conditions, with no water or other basic services. In

the west, the main problems arise from a lack of authorized places where Gypsies who have remained peripatetic can legitimately stay. No prospective improvement in this situation was evident; one government is indeed seeking to abolish the existing obligation on local councils to create sites and to withdraw its financial support towards them. In the case of both permanent housing and camping sites, one of the more intractable factors is widespread intolerance from local populations. A number of serious difficulties were also reported from Bulgaria arising from the insecurity of tenure of Gypsies who had built houses on land under a previous policy which has now been rescinded.

#### Promotion of dialogue, tolerance and mutual respect.

Gypsies are commonly subject to negative stereotypes among the population at large. Even in a country like Finland, which has for some decades pursued a forceful policy towards improving the situation of its 6000 Gypsies, some may find themselves arbitrarily excluded from shops, cafes and restaurants - despite a penal code which forbids such discrimination. Even though legal texts do not suffice in themselves, as such instances show, it is important that all governments should issue explicit declarations condemning anti-Gypsy actions, and setting out criteria for equal opportunities for Gypsies (and other minorities). The message then has to be brought home in the training of police, teachers, government agents etc who have to carry such policies through. (The discussion group noted with interest that in Slovakia a minority rights group had some success in cooperating with the police academy to influence their training; and that the Council of Europe has recently published a useful set of practical guidelines.)

On the preventive side, there were some encouraging reports of Gypsy initiatives in Romania to promote better community relations - in negotiating the return of Gypsies to villages from which they had been expelled, and in organizing schooling for children, health assistance, job schemes, and training in civic responsibilities. A number of delegates were able to describe steps that were being taken in their countries to disseminate positive information about Gypsies and their culture. The pilot project established by the Netherlands-based One Europe Foundation in the Czech Republic and Slovakia (SPOLU) has pursued a series of practical activities for improving relations between the Czech or Slovak Majority and the Gypsy minority; while UNESCO, in collaboration with several eastern and central European countries, is working on a scientific report on Gypsies, enhanced by visual material (photos and videos) which will help schools and journalists. None the less, it is still true to say that the way in which Gypsies are presented by the media - press, radio and TV - is often still a prime factor in feeding the stereotypes. One delegate urged that there should be strict monitoring by NGOs so that immediate protests could be sent when distorted information was given.

#### Research and advice: its organization, dissemination and financing.

It became evident that a rich variety of material has been accumulated, not least in the educational field, and that its existence is none too well known to those to whom it could be of considerable benefit in carrying through their policies. One delegate's request for assistance in regard to compiling a dictionary of a particular Romani dialect was answered on the spot with precise information. Among the major sources already in existence, it is pertinent to mention two among several: the Centre of Gypsy Research at the Université René Descartes in Paris, and the Rom Centre for Social Intervention and Romani Studies (Romani Criss), founded by the Federation of Romanian Roms and attached to the Institute of

Sociology of the Romanian Academy and the University of Bucharest. Both of these centres aim to provide rapid information for the benefit of various partners.

In view of the need to enhance communication and knowledge of ongoing work and available materials, the proposal was made that there could usefully be a quarterly journal aimed at a readership in central and local government, teaching, law enforcement and the like, so that people facing similar problems in different countries could keep abreast of and learn from each other's experience. The journal 'Interface' was suggested as a good model.

Role and future priorities for national government, regional/local government, NGOs including religious bodies and intergovernmental organizations.

Throughout the group's discussions, there was an evident desire for practical follow-up to the many ideas which had been generated, only a small selection of which have been specifically referred to in this summary report. Various mechanisms were suggested. Given that the situation of Roma has engaged the attention of several international bodies, sometimes over a lengthy period, delegates were eager to build on the resulting work and the expertise.

At the regional and local level, the Council of Europe's Standing Conference of Local and Regional Authorities of Europe (CLRAE) has recently adopted a Resolution (No. 249 of 1993) which sets out a number of lines of approach. The hope was expressed that this would soon be fully implemented, so as to develop a strong network of local authorities concerned with Gypsy communities, fostering exchanges of experience, the running of small-scale projects, and the publication of case studies.

At the national level much remains to be done by governments in carrying through the agenda which has been set out over the years in international fora. The precise position varies from country to country. While seminars of the present type serve a very useful function by way of clarification of the issues and exchange of information and experience, they are probably not the vehicle best suited for reviewing progress on the specifics of that existing agenda. A complementary but different approach seems necessary for that purpose, as some of the recent deliberations in the CSCE and the Council of Europe would also indicate.

The agenda has emerged from a variety of international bodies. Among these, the European Union has been active particularly in the field of education, as a result of the 1989 Resolution of the Council and Ministers of Education (89/C 153/02), and has promoted networks of pilot projects (including several suggested by Gypsy organizations), working parties on educational and linguistic material, and dissemination of information and documentation. The UN/ECOSOC Commission on Human Rights and the UN High Commissioner for Refugees both have, with different focuses, mandates which have brought Roma within their area of interest.

The Council of Europe has ranged widely, with resolutions and recommendations with regard to general policy, camping and housing, education and vocational training, health and welfare, and social security; the Council's activities have also included seminars for teachers. Several documents of the Council of Europe have recommended the appointment of a mediator for Gypsies, with a variety of tasks. And the

CSCE's High Commissioner on National Minorities produced a report in September 1993 on Roma in the CSCE region, setting out a number of general measures and specific steps for further consideration by the participating States; among these were proposals for enhanced support for addressing Roma issues through the Human Dimension and assisting participating States in elaborating more constructive Roma-related policies. It is not yet clear what the outcome of these CSCE and Council of Europe proposals will be in organizational terms, although the present seminar appears to confirm the importance of having a focal point in an international organization, charged with keeping abreast of progress, entering into dialogue with governments, offering advice and mediation where appropriate, and making periodic reports. In the meantime there is a need to consolidate and to take further the work already done on Roma.

On behalf of one of them, NGOs (including religious bodies) have an important role to play in that context. Romani Criss, Mr Nicolae Gheorghe made a proposal to the discussion group which has a number of attractions. In pursuing their Roma-related work, both the Council of Europe and the CSCE, irrespective of the outcome of the organizational question, would benefit from having available a research partner, firmly based in the Gypsy field. Mr Gheorghe and Mr Liégeois, who run the two research establishments already mentioned, are willing to volunteer the services of the centres in Paris and Bucharest to that end. Their respective data banks identify

- a) individuals, teams and organizations working in this field,
- b) research and other work in progress; and
- c) documentary material.

They would be willing to have the centres act as clearing houses for the furnishing of information and services. They would not be looking for supplementary funding from the Council of Europe or the CSCE. A contact point would, however, be needed for receipt of enquiries and despatch of the responses, and the suggestion is that it should be in Warsaw, under the aegis of the CSCE. If this broad idea were to find favour, it would be necessary to work out a more detailed concordat for its functioning. It would be important to seek the participation of the European Commission. And the UN High Commissioner for Refugees might well also be interested.

Judging by the deliberations in DG2, the existence of such a research and information facility would meet a real need, and it ties in with a recommendation also made by Discussion Group 1.



**EXECUTIVE SUMMARY OF THE WORKING PROPOSALS  
ADVANCED BY THE ROMA ASSOCIATIONS DURING THE  
HUMAN DIMENSION SEMINAR ON ROMA IN THE CSCE REGION.**

Warsaw, 23 September 1994

The Roma associations present at the Seminar have committed their support for the continuation and the enhancement of the activities of the Conference for the Cooperation and Coordination of the European Roma and Sinti Associations (referred as the Conference of the European Association of Roma-CEAR) recently established, in direct connection to the preparation of the Human Dimension Seminar on Roma in the CSCE.

The CEAR express its thanks to the CSCE Participating States and to the Council of Europe for their dedicated interest and support in organising the Human Dimension Seminar on Roma/Gypsies in the CSCE Region. The numerous Roma participants to the Seminar, coming from 31 European countries and the USA were pleased to take part to a thorough, open and challenging debate on the complexities of Roma affairs in a variety and sometime controversial social contexts through Europe and North America.

The Romani speakers and representatives, including those allied into CEAR have expressed their commitment to enhance their participation into the encompassing CSCE process and into the construction of a new Europe. They are ready to take the historic and unique opportunity open to the millions of Romanies through the Europe to enter the process of building the Roma people as a distinct political component of the CSCE region, with a clear defined political status. This status has to be politically and legally worked out by taking in consideration:

- a) the particular historic and present situation of Roma, as a dispersed people integrated in a variety of political and cultural entities of Europe, and
- b) their commitment, as citizens and residents of the European states, to the values and principles of democracy, civic responsibilities, human rights and minority rights.

In a constructive approach of the issues debated on the agenda of the Human Dimension Seminar, the CEAR speakers have advanced a number of ideas and proposals to be considered during the next follow-up activities within the CSCE framework and the Council of Europe structures .

The CEAR is strongly supporting the idea of a continuation of the joint work of the CSCE and the Council of Europe on the Roma issues. In this respect CEAR propose that a Working Group to be established, eventually in the institutional framework of the Council of Europe, with the task to explore the constructive ways and means to be considered by the Participating State as part of, coherent, innovative and better financed policy addressed to the complexities and the European scale of the Roma affairs in the future.

In a short period of time this Working Group has to provide a plan of action which might include, among other provisions, some of the ideas advanced by the Roma speakers during the Seminar and in the parallel meetings of CEAR.

Among these ideas, the CEAR is reiterating:

- that the CSCE ODIHR Warsaw to be explicitly mandated to include the Roma related affairs, as standard issues of consideration in its regular activities;
  
- that the mandate of the CSCE High Commissioner on National Minorities to be expanded in order to include the issues pertaining to the human rights protection and the security of those peoples and minorities of Europe, including the Roma, who are not concentrated in a territorial, geographic area and who do not have a kin-state ( and as such are not raising border-related or other inter-states security issues);
  
- to implement the provisions of the Recommendation 1203 of the Parliamentary Assembly of the Council of Europe and most urgently, those of the articles concerning the granting by the Council of Europe, of the consultative status for the Romani representative international organisation and the appointment of a mediator for Roma/Gypsies;

In preparation of this recommendation, the CEAR is proposing that:

- an office to be settled within the Council of Europe to better define and to prepare the future work of the Roma Mediator; these office must include among its officers Roma experts; the office will deal, for a period of time, with the Roma issues and projects, according to the guidelines formulated by the Recommendation and to suggestions formulated during the HD Seminar on Roma;
- a working group on Roma issues to be organized in order to continue and foster the cooperation between the CSCE ODIHR, the Office of the HC, the Council of Europe, the Commission of the European Communities. The precedent of the Working groups on Romani language, Romani history and the schooling of the Romani children, sponsored by the Commission of the European Communities.

Representation and participation of the Roma representatives into these organisational resources. CEAR is volunteering its human resources for this purpose.

CEAR is committed to enhance its work for cooperation and coordination of Roma associations in Europe. CEAR is offering its resources for a work in the benefit of Roma grass-roots communities, in cooperation with the national governments, of CSCE, Council of Europe, EC and other multilateral organisations. CEAR invites the existing and the future organisational resources of (CSCE, Council of Europe, EC) to make use of the willingness of CEAR members to cooperate.

CEAR and individual Romani associations allied by it are equally committed to contribute to the establishment of a broader consortium of NGOs actively involved in various Roma related areas of activities. A number of NGOs have expressed their willingness to match their resources in order to provide the needed information, expertise, logistic and human resources required for the continuation and enhancement of the activities oriented towards the improvement of the daily life of the Roma communities as well as to the elaboration and implementation of better informed policies addressed to Roma affairs. The exploratory, small-scale work done by the NGOs will prepare the ground for a more consistent support and financing from the governmental and multilateral organisations, assuming that these governmental organisations are willing to recognize and validate the NGOs initiatives.

## **ANNEX:**

### **HUMAN DIMENSION SEMINAR ON ROMA IN THE CSCE REGION**

#### **FOOT FOR THOUGHT PAPER**

**prepared by Mr. Konrad HUBER, Associate Director,  
The Foundation on Inter-Ethnic Relations, The Hague, The Netherlands**

**22 August 1994**

The Human Dimension Seminar on "Roma in the CSCE Region", scheduled for 20-23 September 1994 in Warsaw, provides an opportunity to address various issues pertaining to Roma and other groups traditionally identified as Gypsies. Above all, the Seminar is an opportunity for government officials, non-governmental representatives including Roma themselves, academic specialists, and inter-governmental agencies concerned with Roma affairs to:

- (1) meet in a common forum,
- (2) exchange information on successes and failures in guaranteeing human rights commitments that apply to the Roma,
- (3) share experiences on constructive approaches for guaranteeing such commitments,
- (4) ensure complementarily and mutual reinforcement of different organisations' initiatives, and
- (5) discuss possible follow-up actions to be taken toward these ends.

Although a summary of the proceedings of the Discussion Groups will be prepared, the Seminar will **not** result in a negotiated document with any sort of binding force. Nevertheless, issues raised in the context of the Seminar could have an impact on discussions taking place in other fora with decision-making capacity, such as the Budapest Review Conference of the CSCE, meetings of the CSCE's Permanent Committee and/or Committee of Senior Officials, and the November meeting of the Council of Europe's Committee of Ministers. With these parameters in mind, it is important to consider the following aspects of issues likely to be raised in the course of the Seminar:

#### Assessing and promoting compliance with human rights commitments

CSCE documents, particularly that of the Copenhagen Meeting of the Conference on the Human Dimension, contain an array of human rights standards to which the participating States are bound by political commitment. Other international instruments, including the covenants and conventions of the United Nations (UN) and the Council of Europe, also elaborate human rights standards to which States are legally bound. These standards apply equally to all persons, including Roma. In addition, some standards, including those contained under paragraph 40 of the Copenhagen Document for example, may have special relevance to the situation of Roma. In general terms, these standards guarantee non-discrimination and equal enjoyment of rights, including protection against and legal redress for acts of racially motivated violence. Affirmative measures are also prescribed, including the promotion of equal opportunities, tolerance, and cross-cultural understanding.

The Roma Seminar should be used as an opportunity to present factual, objective documentation on progress and obstacles - within individual States - in meeting existing commitments that apply to the Roma. Further thought should be given to how such documentation can continue to be presented and reviewed on a regular basis in the context of the CSCE and/or the Council of Europe. For example, the

CSCE High Commissioner on National Minorities recommends in his 1993 report on "Roma(Gypsies) in the CSCE Region" that Roma issues "be a standard topic of consideration at Review Conferences, Implementation Meetings, and other relevant fora organized within the context of the Human Dimension of the CSCE" (section 5.3, paragraph 1).

#### Fact-finding and expert advice for improving Roma-related policies in individual States

The CSCE, Council of Europe, and UN have not only been the fora for establishing human rights standards, but each organisation has also developed modalities for providing assessments and advice to individual States on the institutional framework necessary for guaranteeing human rights. These modalities include, among others, the CSCE's Human Dimension Mechanism, the advice of Council of Europe experts, and Advisory Services of the UN Human Rights Centre. Non-governmental organizations (NGOs) may also have a special experience and expertise in this field.

The Roma Seminar should be used to review and evaluate the appropriateness of these modalities for assisting States in assessing and improving Roma-related policies and to consider possible modifications or alternatives for such modalities. Such changes, however, should be contemplated only if they add clear value to the current structures and procedures for fact-finding and advice-giving. Specific proposals include the recommendation of the CSCE High Commissioner's report that individual States consider inviting international experts to conduct "factual inventories of the state of existing government policies (related to Roma) and their implementation" (section 5.3, paragraph 3), as well as the recommendation to establish a "Gypsy mediator" with fact-finding and advice-giving capabilities in the context of the Council of Europe, as endorsed by the Council's Parliamentary Assembly in Recommendation 1203 (1993).

#### Preventing and/or responding to sudden manifestations of human rights violations

Less-developed in the context of international human efforts are modalities for preventing or responding quickly to sudden manifestations of human rights violations, such as acts of racially motivated violence. Proactive involvement or at least timely response by neutral third parties, namely police and other government agencies, can greatly contain or even prevent acts of violence directed at persons (or their property) based on their ethnic or racial background. A serious obstacle is often the lack of objective and timely information regarding an imminent or newly-erupted case of violence. NGOs and inter-governmental agencies can play a constructive role in monitoring and bringing urgent cases to the attention of government officials.

The Roma Seminar should be used to consider not only how to strengthen the overall system of human rights protection but specifically how to improve the timeliness and effectiveness of efforts to prevent or contain acts of racially motivated violence against roma or their property. In Particular the role of inter-governmental agencies in supporting such efforts should be analyzed (the Council of Europe's Secretariat, for example, has publicity raised concerns in certain cases). Concrete proposals for enhancing this role for inter-governmental agencies should be put forth, perhaps, for example, as part of the activities of the CSCE's Office for Democratic Institutions and Human Rights, or along the lines of the "Gypsy mediator" recommended for the Council of Europe by the Parliamentary Assembly.

#### Collecting and disseminating expertise and examples of "good practice"

As a complement to assessing and offering advice on Roma-related policies within individual States, there may be the need for region-wide mechanisms for collecting and then disseminating expertise and examples of "good practice". Such mechanism may be all the more important given the range of challenges pertaining to the Roma and the proliferation of research- and policy-oriented activities by government agencies, NGOs, and inter-governmental agencies.

The Roma Seminar should be used to assess the potential usefulness and feasibility of such mechanisms and to consider the merits of concrete proposals that could serve these ends, including, for example, the recommendation of the High Commissioner that a "point of contact" for Roma issues be established at the CSCE's Office for Democratic Institutions and Human Rights and/or the "Gypsy mediator" recommended by the Parliamentary Assembly for the Council of Europe.

#### Ensuring complementarity and coordination of efforts

Non-governmental actors, government agencies, and multilateral organizations have different interests and indeed capabilities with regard to Roma issues. Even among multilateral organisations there are significant differences in the expertise and organizational capacity available for addressing Roma-related problems. The CSCE, for example, emphasizes conflict prevention through a broad-based approach that encompasses security issues, human rights, and democratic institution-building. The Council of Europe focuses more on strengthening human rights protection, democratic institutions, and the rule of law but also has long-standing experience in promoting European cooperation on culture, education, and related issues. Similarly, UN and European Union agencies have been developed along specific lines that correspond to their unique roles.

The Roma Seminar should be used to evaluate which organisations are best suited to address particular problems and how communication and coordination can be maintained in order to maximize the overall effectiveness of efforts at the non-governmental, governmental, and inter-governmental levels.

#### Addressing other issues

It may not be possible, within the context of the Seminar, to address extensively a number of important issues pertaining to the situation of the Roma. These issues might include problems in the media coverage of Roma-related issues; the provision of resources for human development purposes, such as education, language, culture, and community-level development assistance; and the need for strengthening cooperation among Roma non-governmental organisations. While such issues will no doubt be raised in the course of the Seminar, it may be necessary to identify other fora where these and other topics can more constructively be discussed and common positions can be developed.

Some issues, such as strategies for literacy promotion, job training, and income generation, are complex topics that could be raised in the Seminar and more fruitfully pursued through in-depth meetings and other follow-up activities involving the communities directly affected.

## **HUMAN DIMENSION SEMINAR ON ROMA IN THE CSCE REGION**

### **DG 1: Domestic and International Legal and Policy Issues**

**Livia Plaks, Associate Director,  
Project on Ethnic Relations, Princeton, NJ USA**

**Princeton, 15 August 1994**

The greatest challenge to the peoples of Europe as they enter the twenty-first century is how to retain their unique identities while still living together in harmony.

In the past several years, many European governments and societies have developed a serious commitment to the Roma/Gypsies issue. However, little concrete progress has been made. The Roma/Gypsies continue to suffer discrimination, often serving as scapegoats for society's ills and as targets of violent attacks. Overall, they remain among the poorest and most politically marginalized of Europe's minorities.

The treatment of the Roma is a touchstone of the development of democracy in the region based upon respect for human and civil rights, a "litmus test" for the way in which states will deal with other minority questions in the future. The trans-national nature of the Roma question requires the involvement of regional and international organizations in order to develop a coherent European approach to the problem.

The spread of democracy based upon respect for human and civil rights is of utmost concern to CSCE countries and remains one of the top priorities within the Roma/Gypsy community as a whole. This paper suggests potential means of cooperation between governments in the CSCE, NGOs and Roma/Gypsy organizations in order to encourage the protection of the latter's human and civil rights. The paper builds upon earlier resolutions already adopted by the international community and, although by no means exhaustive, it may serve as a potential framework for future activities.

### **COOPERATION**

Improvement of the human and civil rights of the Roma/Gypsies requires cooperation among governments, international organizations, NGOs, and Romani organizations on three different levels.

On the political level, such cooperation can help draw the attention of governments, other minority populations, and large institutions to the problems faced by the Roma/Gypsy people and can help create the political will needed to act. Increased attention may also facilitate the allocation of state funds for educational, community, and other programs for the Roma/Gypsies. We need to examine:

Whether the redefinition of the Roma/Gypsies issue from a purely "social" one into a "political" and "social" one, allows for a more thorough exploration of possible solutions (i.e. the magnitude of the issue cannot be dismissed only as a question of the behavior of a certain group; one must take into consideration the economic, social, and political aspects of the issue and whether it is a question of

discrimination against an ethnic group).

On the technical level, cooperation with NGOs, Council of Europe, and CSCE offices and their specialized agencies can assist in the training and education of police and judicial personnel, and can provide unbiased mediation or consultation in times of crisis.

Finally, extensive cooperation is needed where large-scale efforts are required to raise both the educational level of the Roma/Gypsies and the level of information of the general population about the Roma/Gypsies.

Specifically, cooperation needs to be strengthened

- (1) between national governments and international/regional organizations,
- (2) between national, local, regional authorities, and the Roma,
- (3) between governmental organizations, NGOs, and Romani associations,
- (4) between national governments and Romani associations,
- (5) among Romani associations.

## **1. Cooperation between national governments and regional/international organisations**

European governments should work with international/regional organizations such as the CSCE and the Council of Europe in improving the legal status of the Roma/Gypsies. Ultimately, however, it is the governments that bear the responsibility for changing discriminatory legislation where necessary. In this regard, official recognition of the Roma/Gypsies as a national ethnic minority within individual states is an absolute necessity. Discussion of the status of the Roma/Gypsies raises several important questions:

How do the barriers (political, economic, cultural) to official recognition of the Roma/Gypsies vary across Europe? What are the conditions under which such barriers emerge? How can specific, positive instances of addressing these barriers be coordinated with the efforts of separate governments?

How can East-Central Europe, Western Europe, and international organizations work to improve the legal status of the Roma/Gypsies? What kinds of mechanisms are currently in place for monitoring or responding to discriminatory legislation?

Cooperation among European governments over migration of Roma/Gypsies is an issue of great concern to majority populations. We need to discuss:

What formal or informal coordination currently exists among the countries of Europe on the issue of the migration of the Roma/Gypsies?

What educational programs and/or information do governments provide for those agencies which deal with the migration of the Roma/Gypsies? What kind of education/information is provided for local communities most affected by the Roma's migration?

What can be learned from the existing bilateral agreements for repatriation (Romania-Germany; Romania-France; North-Rhein Westfallen, Germany-Macedonia)? What about their enforcement,

consequences, effectiveness?

Can the question of the migration of the Roma/Gypsies be considered in the context of Council of Europe and CSCE seminars on European migrant workers, on European migrations in general?

## **2. Cooperation between national, local, regional authorities, and the Roma/Gypsies**

Governments must unequivocally and unhesitatingly condemn any ethnic or racial violence. When governments do not react immediately to such behavior, the signal given to the population at large is one of tolerance of ethnic violence.

There are preventive mechanisms that can be used to diffuse ethnic tensions, such as fact-finding missions, case analyses, political debate, and preventive intervention. However, such mechanisms require answers to the following questions:

How does the flow of information from the local level to regional or central authorities work in each of the countries in the region? What are the formal institutions through which such information is relayed? What is the time frame for the transmission of information concerning the occurrence of events?

What specific barriers exist in each of the countries that inhibit a swift and decisive response on the part of authorities?

In order to overcome discrimination in economic opportunities, governments must allocate a specific amount from their regional and local budgets for Roma/Gypsy-directed projects. Such efforts generally have a higher degree of success if they are also beneficial to the majority populations in the area. Efforts at improving the situation of the Roma/Gypsies must also include programs designed to provide local Roma/Gypsy populations with the skills and opportunities necessary for economic success.

Efforts should be made to encourage projects on police-minority relations, in order to sensitize the police to the needs of minorities and teach tolerance toward other cultures.

Problems concerning the Roma/Gypsy communities should be discussed with the Roma/Gypsies themselves. Whereas the central authorities in most countries of the region meet with Roma/Gypsy leaders, local administrative authorities should improve their efforts to cooperate with Roma/Gypsy representatives.

There should be active encouragement of Roma/Gypsy participation in local political affairs and municipal/local administration in order to improve the local leaders' relationship with Romani populations. We need to ask:

Under what conditions are local/regional authorities more or less likely to listen to and work with local Roma/Gypsy representatives? Are attitudes toward the Roma/Gypsy community affected by local/regional leaders' relationship with central authorities?

Under what circumstances have local cooperative initiatives proven most successful? What factors led to such outcomes? Can they be replicated in different social, political, economic conditions?



### **3. Cooperation between cultural organisations, NGOs, and Romani associations**

More attention is needed regarding reporting on the Roma/Gypsies in the media. Western media and NGOs can work with their counterparts in Central and Eastern Europe through seminars and workshops and can use the media to educate the population at all levels on the nature of prejudice and discrimination.

In order to combat deep anti-Roma/Gypsy prejudice, books, radio, and television broadcasts that portray the contribution of Roma/Gypsies as enriching European culture should be encouraged.

What role should be played by different institutions e.g. media, cultural organizations, Romani associations, in order to advance Romani goals?

What kinds of cooperative mechanisms should be established between cultural organizations, NGOs, and Romani associations?

### **4. Cooperation between governments and Romani associations**

The formation of a region-wide representative Roma/Gypsy body for Europe, with consultative status at intergovernmental organizations should be considered (Resolution 249/Council of Europe; also, Project on Ethnic Relations/USA).

The appointment of a Roma/Gypsy mediator with the specific task of representing the interests of the Roma/Gypsies should be considered (Recommendation 1203/Parliamentary Assembly, Council of Europe). Some alternative models for a mediator would be the "Roma Voyvod," or an European ombudsman.

Roma/Gypsy mediators should be developed and utilized to promote interaction with local populations.

Roma/Gypsy representatives should be assigned to the staff of offices dealing with minorities (already existing in Slovakia, Romania, Hungary, the Czech Republic). We need to discuss:

What examples of positive cooperation can be cited among governments and Romani associations? Why were they successful? Can they be replicated?

### **5. Cooperation among Romani associations**

While governments and international organizations can and should help to create conditions for just and equitable treatment of all minorities, the fate of the Roma/Gypsies also lies to a considerable extent in their own hands. Therefore, a heavy burden of responsibility lies on the emerging Roma/Gypsy leadership and the Romani associations. They will have to cope with conflicting visions of their future--in particular the tension between the desire to preserve their distinct cultural heritage and the imperatives of participation in the economic and social mainstream. They must also contend with or anticipate the public hostility that is sometimes engendered by the perception of highly visible group differences and the asocial behavior exhibited among the most marginalized segments of the

Roma/Gypsy populace. Moreover, some conditions that are essential for the improvement of the situation of the Roma/Gypsies--for example prosperous economies and high levels of employment, seem to be more difficult to attain. The process of amelioration, then, will be both long-term and exceedingly complex, and characterized by a good deal of trial and error.

The International Romani Union, the European Romani Parliament, The Roma National Congress, and other international Roma/Gypsy organizations, must be encouraged to develop common projects on a regional level. We need to ask:

What are the best means of cooperation between Romani associations on the international scale? How can Romani associations in different countries develop joint agendas, programs or exchange of information and experiences?

## **CONCLUSION**

Recognizing the enormous problems many of the new democracies in Europe face as they restructure their political and economic systems, it is nevertheless urgent that programs of action now take top priority. There now exists a substantial body of literature that outlines the most urgent issues facing the Roma/Gypsy communities. Many governments in the region have taken the first steps to improve the situation of the Roma/Gypsies and the time has come for the international community to shift its focus to concrete policies and programs. In addition, future programs must go beyond the protection of human and civil rights. Equal opportunities for Roma/Gypsies in employment, housing, education, etc., as a basis for integration into the larger society, must also be stressed.

1/ For clarity, all Roma are here referred to as Roma/Gypsies.

## HUMAN DIMENSION SEMINAR ON ROMA IN THE CSCE REGION

### DG 2: Equal opportunities and community relations

Sir Angus FRASER,  
until 1987 Chairman of the UK Board of Customs and Excise. From 1988 to 1992 - adviser to the Prime Minister on efficiency in government. A second edition of his book "The Gypsies", published in Blackwell's Peoples of Europe series in 1992, is to appear in October 1994.

15 August 1994

1. For no less than a quarter of a century, the situation of Europe's Gypsies has increasingly engaged the attention of international organizations. The early stages of this process of recognition became manifest in the Council of Europe in 1969 (with a recommendation of the Parliamentary Assembly); in the United Nations in 1977 (with a resolution of the ECOSOC Commission on Human Rights); in the European Community in 1984 (with a resolution of the European Parliament); and in the CSCE in 1990 (with the final document of the Copenhagen meeting of the Human Dimension Conference).

2. Since then, one international body after another has set out a substantial agenda for member states, by way of debates, seminars, hearings, reports, declarations, recommendations and resolutions. Such developments have been important in identifying the major problem areas and ways of tackling them. It cannot be said, however, that the capacity to analyze and prescribe has been matched subsequently by a commensurate degree of commitment to practical achievement.

3. The papers for the present Human Dimension seminar have indicated the kind of topics likely to be considered in the discussion group which is to deal with 'Equal opportunities and community relations':

- promotion of dialogue, tolerance and mutual respect;
- research and advice: its organization, dissemination, financing;
- Roma participation in economic, public and political life;
- preservation of cultural identity (including language); education;
- economic issues: work, income, training;
- social issues: housing, health, social welfare;
- role and future priorities for national government, regional/local government, NGOs, intergovernmental bodies.

4. A wide variety of proposals under such headings has been incorporated in a number of previous documents. Among those appearing in 1993 was the report on Roma/Gypsies in the CSCE region, by the CSCE High Commissioner on National Minorities. Two instruments of the Council of Europe also offered convenient summaries: Recommendation 1203 (1993) of the Parliamentary Assembly (on

Gypsies in Europe); and Resolution 249 (1993) of the Standing Conference of Local and Regional Authorities; each was accompanied by an illuminating report (docs 6733 and CPL (28) 10 Part II). These documents will be available at the Human Dimensions seminar.

5. Before commenting on some aspects of the particular issues which have been assigned to Discussion Group 2, it seems desirable to make the point that the subject matter of the two groups is bound to overlap at times. Formulating the right legal structure is vitally important; but conditions resulting from centuries of discrimination cannot be eradicated by laws and regulations alone. The will for change must be there too; and this brings one immediately into the arena of equal opportunities and community relations. National, regional and local governments inevitably have regard to public opinion in preparing or applying laws and policies. A law which is non-discriminatory on the surface may yet be applied in a selective or discriminatory fashion. Racially motivated abuse and blatant attacks may be illegal but be met with a feeble official response. Laws intended to assure equality of opportunity mean little if infringements, such as exclusion of Gypsies, go unpunished. Tackling such situations involves more than getting the words right on paper.

6. In short, there will generally be three main levels of action to be considered if real progress is to be made, each complementing the other:

- political and governmental determination in setting the right framework of legal policy;
- breathing life into that policy by ensuring that the mechanisms and agencies of implementation and monitoring, whether national or local, are adequate to the task; and
- (in order to reach the population at large) a sensitive and possibly far-reaching programme of social action.

At each stage, whether of policy formulation or of implementation, the views and participation of the Gypsy communities themselves need to be sought. Almost invariably in past times, the grand designs of monarchs and governments have ignored that factor and, by pursuing unheeding policies of rejection or assimilation, have created the problems which face us today. Recognition of the legitimacy of a minority's interests, from government level downwards, is crucial to the dispelling of suspicion.

7. That leads into the heading of dialogue, tolerance and mutual respect. Current hostility to Gypsies does not always (though in some places it does) express itself overtly in the form of graffiti proclaiming 'Gypsy-free zone' or 'Gypsies out', but surveys sponsored by the American Jewish Committee in the period 1991-4 showed consistently that, in a wide range of European countries, Gypsies were the group least wanted as neighbours; they came behind Arabs, Asians, Blacks, Jews, Turks, and any other ethnic group. The tensions increase in periods of economic difficulty when Gypsies, if numerous, are available as scapegoats. Against that background, there is an enormous amount to be done to ensure that both sides, Gypsy and non-Gypsy, gain respect for the other's culture and traditions, and understand the norms and values that govern them. Many countries now have experience in a multicultural approach to ethnic issues, experience which can be applied here too. Police, teachers, government agents etc are unlikely to have complete natural immunity to attitudes widespread outside their ranks, and the society they operate in may be one where anti-Gypsy stereotypes are entrenched and permeate the very

language. The role of the media can be crucial: in some countries, press, radio and TV have served to keep alive the prejudicial stereotypes; in others, they have begun to offer some counterbalance by providing more accurate and helpful information and by giving Gypsies a direct say. In all this, research and advice play an important role in clearing the way for constructive dialogue and removing misconceptions; local authorities, the media, Gypsy organizations and individuals need access to information on what is being done or planned, on fundamental rights, on the situation and culture of Gypsies. Research centres already exist in a few countries, sometimes set up by Gypsy associations.

8. Where the will exists, the way to fostering «MDUL»Roma participation«MDNM» is becoming easier as a number of Gypsy communities have set about organizing themselves to that end. Though anxious not to abdicate freedom of action, they need recognition and encouragement, and probably a measure of financial support, at least in the early stages of their development. Some countries do in fact provide for this, and some have also established formal consultative bodies to bring together government officers and Gypsy representatives. A few assign a role to national or ethnic minorities in their parliaments, even when they have no elected member. And Gypsy associations have at times been able to complement government policies with initiatives of their own, whether in arranging seminars with local authorities and communities as a means of reducing tensions, or in furthering job-creation schemes and vocational training. Given the multiplicity of Gypsy traditions, it is hardly surprising that sometimes there has seemed to be a proliferation of such bodies but, both nationally and internationally, the need for creating umbrella organizations to put forward widely representative Gypsy views is increasingly recognized. At the European level this has produced the recent (June 1994) agreement to set up a Standing Conference for Co-operation and Co-ordination of the Romany Associations in Europe.

9. Gypsy access to education is an issue which has attracted considerable attention in international forums, notably the European Union and the Council of Europe. The former has promoted exchanges of view and comparisons of experience, as well as networks of pilot projects (including several suggested by Gypsy organizations), working parties on educational and linguistic material, and dissemination of information and documentation. This work has been extended by the activities of the Council of Europe, in a succession of seminars for teachers. In western Europe, opinion generally favours concentrating on making mainstream schools accessible to Gypsies, with suitable support if necessary (for school segregation of Gypsies lends itself to distortions); whereas in some other countries the limited ability of ordinary schools to cope has made special schooling seem desirable, at least for part of the time. The Gandhi Gimnázium inaugurated this year at Pécs in Hungary was an initiative of Gypsy organizations there: specially designed as a secondary school for Gypsies, it includes the study of Gypsy culture in addition to the traditional Hungarian curriculum. There can be no single model, but whichever path is followed, responsive attitudes and teaching methods are all-important: Gypsy children find school a disillusioning experience if others in the classroom close ranks and adults betray disgust and disdain.

10. Whether in education or elsewhere, success is likely to be attainable only if the aim can be seen to be preservation of cultural identity, rather than anonymous submergence. Gypsies take pride in their culture and individuality, and are understandably wary of measures which appear to be little more than efforts to stamp those out. The Romani language - though its practice is far from universal - is important to many as an indicator of their identity and an ethnic bond, even where it has been forgotten. The 1992

European Charter on regional or minority languages therefore takes on a new significance for Gypsies. In those countries where Romani is a mother tongue, its use for educational purposes can make school less disorienting. A number of projects are under way, some run by Gypsies themselves, to promote the Romani tongue, and a few schools and universities (for both Gypsies and non-Gypsies) have begun to teach it, after special training of the teachers; while periodicals and other literature in Romani are published in several countries.

11. On economic issues, whereas Gypsies have traditionally had a propensity for working on their own account, with a generalists repertoire of livelihoods, many have now been drawn into industry, perhaps at a time when proletarianism was being imposed. With little to show by way of formal vocational qualifications, they were generally assimilated at the lowest unskilled level, leaving them highly vulnerable in times of economic crisis and widespread lay-offs, as unprofitable industries are dispensed with or overhauled in a new market-driven world. And here again, social prejudice may undermine attempts to find work: there are more than isolated instances of employment agencies, including state agencies, openly adding 'No Gypsies' to job advertisements, in order to meet the wishes of employers.

12. In the social field - e.g. housing, health, welfare (all of which also have an impact on education) - the standard of provision may once more fall short when Gypsies are concerned. The supply of basic services such as water, street maintenance and garbage collection can become markedly unequal. Double standards may also be evident in housing: where settled Gypsies are numerous, they are overwhelmingly concentrated in the worst housing conditions. There is often as much reluctance among the general populace to see Gypsies in houses or apartments as there is elsewhere to see camping sites set up locally for travelling people. The question of sites is particularly acute in western Europe, where a sizeable part of the Gypsy population has clung to a peripatetic lifestyle, at the risk of repeated evictions which frustrate the needs of education, welfare and access to medical treatment. A number of governments have tried to tackle this by the provision of authorized sites for their vehicles, but sometimes half-heartedly; even now, one government is seeking to abolish both its financial support towards creating sites and the existing obligation on local councils to provide them.

13. In this rapid review of the main agenda headings, it has seemed politic not to single out particular countries. But none can feel complacent. For each of the topics, there exists a wealth of case material and documentation, showing a marked degree of convergence. The most pressing aspect of «MDUL»future priorities«MDNM» may be to turn all that material to good practical use. Given that the present Human Dimension seminar, though an intergovernmental meeting, will not be a decision-making body, or even a medium for transmitting recommendations, there must be some risk that the ideas which emerge, whether they be new or familiar, will remain ideas only, once incorporated into the records of the seminar. The representatives of government will no doubt on this occasion wish to pay particular attention to mechanisms of follow-up, in an endeavour to reduce the current shortfall between general resolve and practical achievement.

14. The main thrust has to come from national and local governments in recognizing the situation of Roma within their jurisdiction and in ensuring the non-discriminatory administration of justice and

policies. In so doing, though circumstances vary from country to country and from group to group, much may be learned from the way in which related issues are tackled elsewhere: the trend towards developing a network of local authorities most concerned with Gypsy communities - so as to exchange experience and run small-scale projects and publish case-studies and good practice - must be welcomed in that context. NGOs have a role to play in alerting authorities to incidents and to areas of difficulty, and in giving expert advice on governmental plans and their implementation. International organizations can be said to have a special responsibility, given that Gypsies are a people dispersed across Europe, without a territorial homeland, but with a history, language and culture of their own. They are in a sense transnational. Moreover, some external stimulus appears necessary in ensuring that declared good intentions are followed through. Such a role for an international body is not unusual; and indeed the idea of appointing a mediator in the Gypsy field, based in an international organization and charged with keeping abreast of progress, entering into dialogue with governments, offering advice and mediation, and reporting on what still needed to be done, has been around since 1981 at least. So far, there appears to have been little inclination to put the idea into practice. If the Human Dimensions seminar were to support the 'mediator' concept and take a lead in creating a climate favouring its acceptance, it would have contributed to providing a single focal point for concentrating more effectively on the pressing situation of Gypsies in Europe.

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(Warsaw, 20 - 23 September 1994)

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THE NETHERLANDS	Contribution - Gypsies in the Netherlands: Problems, Policies and Prospects
POLAND	Contribution (prepared by the Office for National Minorities, Ministry of Culture and Art)
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