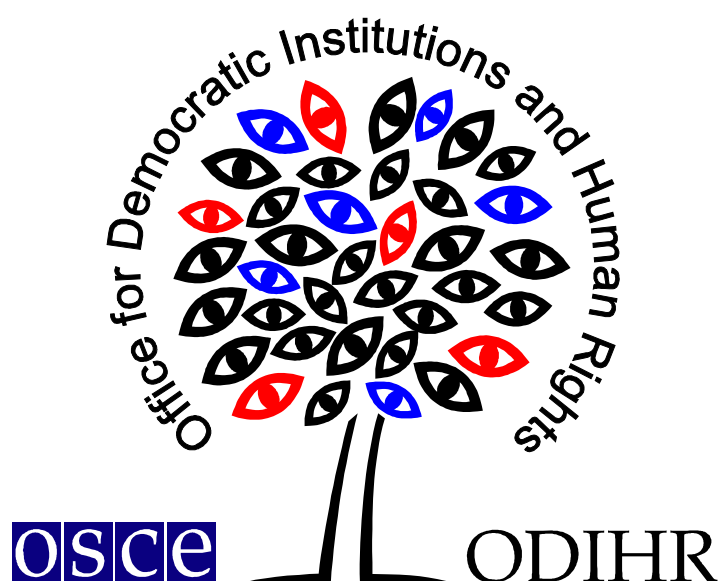


# OSCE Commitments and Recommendations relating to Roma and Sinti



Warsaw 2003

## **Introduction**

This compilation was prepared as background for the OSCE Supplementary Human Dimension Meeting on Roma and Sinti in Vienna on 10-11 April 2003, as well as for the Working Group elaborating the OSCE Action Plan on Roma and Sinti.

Part 1 includes OSCE commitments that are of relevance to Roma and Sinti. Part 2 comprises resolutions and recommendations that emerged from various OSCE meetings and conferences. A Romanes translation of OSCE commitments specifically relating to Roma and Sinti is included at the end. This translation was completed with the assistance of Saimir Mile.

This compilation gives a comprehensive overview of the achievements in the norm-setting process on Roma and Sinti issues, and the discussions that have taken place in the OSCE framework to date.

Currently, work is underway to elaborate an OSCE Action Plan on Roma and Sinti. A Working Group has been set up to prepare a draft that will be presented to the OSCE Ministerial Council Meeting in December 2003. The ODIHR Contact Point for Roma and Sinti Issues as well as a multitude of other actors (governments, international organizations and NGOs) will be involved in the discussion.

It is hoped that this compilation will contribute to focusing the discussions of the coming months, and that it may be used as a basis and source of inspiration for the elaboration of an Action Plan that will lead the way to concretely improving the situation of Roma and Sinti in the OSCE region.

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# **PART I: OSCE COMMITMENTS**

## **A. OSCE commitments specifically relating to Roma and Sinti**

<b>OSCE commitments on Roma and Sinti</b>
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- **Copenhagen, 1990 (Par. 40)**

(40) The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).

- **Geneva, 1991 (Chapter VI, par. 1 and 2)**

The participating States, concerned by the proliferation of acts of racial, ethnic and religious hatred, anti-semitism, xenophobia and discrimination, stress their determination to condemn, on a continuing basis, such acts against anyone.

In this context, they reaffirm their recognition of the particular problems of Roma (gypsies). They are ready to undertake effective measures in order to achieve full equality of opportunity between persons belonging to Roma ordinarily resident in their State and the rest of the resident population. They will also encourage research and studies regarding Roma and the particular problems they face.

- **Moscow, 1991 (Par. 42.2)**

[The participating States]

(42.2) - recognize that effective human rights education contributes to combating intolerance, religious, racial and ethnic prejudice and hatred, including against Roma, xenophobia and anti-semitism.

- **Helsinki, 1992 (Decisions, chapter VI, par. 34 and 35)**

The participating States

(34) - will consider developing programmes to create the conditions for promoting non-discrimination and cross-cultural understanding which will focus on human rights education, grass-roots action, cross-cultural understanding and research;

(35) Reaffirm, in this context, the need to develop appropriate programmes addressing problems of their respective nationals belonging to Roma and other groups traditionally identified as Gypsies and to create conditions for them to have equal opportunities to participate fully in the life of society, and will consider how to co-operate to this end.

- **Istanbul, 1999 (Summit Declaration, par. 31)**

31. We deplore violence and other manifestations of racism and discrimination against minorities, including the Roma and Sinti. We commit ourselves to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect. We underline the importance of careful attention to the problems of the social exclusion of Roma and Sinti. These issues are primarily a responsibility of the participating States concerned. We emphasize the important role that the ODIHR Contact Point for Roma and Sinti issues can play in providing support. A further helpful step might be the elaboration by the Contact Point of an action plan of targeted activities, drawn up in co-operation with the High Commissioner on National Minorities and others active in this field, notably the Council of Europe.

- **Istanbul, 1999 (Charter for European Security, par. 20)**

20. We recognize the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve full equality of opportunity, consistent with OSCE commitments, for persons belonging to Roma and Sinti. We will reinforce our efforts to ensure that Roma and Sinti are able to play a full and equal part in our societies, and to eradicate discrimination against them.

<b>OSCE Action Plan on Roma and Sinti</b>
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- **Istanbul, 1999 (Summit Declaration, par 4)**

31. We deplore violence and other manifestations of racism and discrimination against minorities, including the Roma and Sinti. We commit ourselves to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect. We underline the importance of careful attention to the problems of the social exclusion of Roma and Sinti. These issues are primarily a responsibility of the participating States concerned. We emphasize the important role that the ODIHR Contact Point for Roma and Sinti issues can play in providing support. A further helpful step might be the elaboration by the Contact Point of an action plan of targeted activities, drawn up in co-operation with the High Commissioner on National Minorities and others active in this field, notably the Council of Europe.

- **Bucharest 2001 (Ministerial Decision, No. 7)**

The Ministerial Council,  
Noting the conclusions of the Bucharest Conference on Equal Opportunities for Roma and Sinti,  
Expressing its support for the work of the Contact Point on Roma and Sinti Issues and its commitment to strengthening the Contact Point,  
Tasks the ODIHR to elaborate an Action Plan of targeted activities as mandated by the Istanbul Summit, as one of the ways the ability of the Contact Point can be strengthened to

assist participating States in fulfilling their commitments to improve the situation of Roma and Sinti, and to submit it to the Permanent Council;  
Encourages the Contact Point on Roma and Sinti Issues to continue its work in close co-operation with participating States, Council of Europe and other relevant organizations and to inform the Permanent Council of these matters.

### ***Mandate of the OSCE/ODIHR Contact Point for Roma and Sinti Issues***

- ***Budapest, 1994 (Decisions, chapter VIII, par. 23 and 24)***

*(23) The participating States decide to appoint within the ODIHR a contact point for Roma and Sinti (Gypsies) issues. The ODIHR will be tasked to:*

*- act as a clearing-house for the exchange of information on Roma and Sinti (Gypsies) issues, including information on the implementation of commitments pertaining to Roma and Sinti (Gypsies);*

*- facilitate contacts on Roma and Sinti (Gypsies) issues between participating states, international organizations and institutions and NGOs;*

*- maintain and develop contacts on these issues between CSCE institutions and other international organizations and institutions.*

*To fulfil these tasks, the ODIHR will make full use of existing resources. In this context they welcome the announcement made by some Roma and Sinti (Gypsies) organizations of their intention to make voluntary contributions.*

*(24) The participating States welcome the activities related to Roma and Sinti (Gypsies) issues in other international organizations and institutions, in particular those undertaken in the Council of Europe.*

- ***Oslo, 1998 (“Decision on enhancement of the OSCE’s operational capabilities regarding Roma and Sinti Issues”, par. 1 to 3)***

*The Ministerial Council,*

*Bearing in mind the existing OSCE commitments regarding Roma and Sinti, and*

*Recalling the decision taken by the Budapest Summit to appoint within the ODIHR a Contact Point for Roma and Sinti (Gypsies) Issues,*

*1. Decides to enhance the capability of the OSCE regarding those issues by strengthening the existing ODIHR Contact Point for Roma and Sinti Issues. Among its priorities will be:*

*- to enhance the OSCE's interaction with the governments of the participating States, with representatives of Roma and Sinti communities, as well as with international organizations, initiatives and NGOs relevant to Roma and Sinti issues, and in particular to secure further mutual reinforcement of co-operation with the Co-ordinator for Roma in the Council of Europe with a view to avoiding duplication of effort, including the establishment of regular consultations with those organizations, initiatives and NGOs in order to develop synergies and common approaches designed to facilitate full integration of Roma and Sinti communities into the societies they live in, while preserving their identity;*

- to enhance co-operation among OSCE institutions and mission/field presences with respect to Roma and Sinti, if applicable;

- to develop, on the basis of input from participating States, the OSCE institutions, and in particular the HCNM, Roma and Sinti communities, NGOs, and international organizations and other institutions and initiatives, a work programme which should include, inter alia, seminars, workshops and clearing houses;

- to collect information from the participating States on legislative and other measures related to the situation of Roma and Sinti with a view to making it available to the OSCE community, as well as to other interested international organizations, and to elaborating additional reports on the situation of Roma and Sinti in the OSCE area.

2. Further decides that the Contact Point should deal solely with matters concerning Roma and Sinti.

3. Tasks the Permanent Council with devising appropriate ways to ensure adequate resources to implement this decision.

- **Porto, 2002 (Tolerance and Non-discrimination Decision 6, par. 10)**

10. Tasks the Permanent Council to consider further enhancement of the Contact Point on Roma and Sinti Issues in the Office for Democratic Institutions and Human Rights (ODIHR).

- **Porto, 2002 (Declaration Trafficking in Human Beings, I, par. 6)**

We reaffirm our support for the ODIHRs Anti-Trafficking and Gender Issues units and favour an increased involvement of the ODIHR's Contact Point for Roma and Sinti Issues.

## **B. Other OSCE commitments with relevance for Roma and Sinti**

### **OSCE commitments relating to national minorities and indigenous populations**

- **Helsinki, 1975 ("Declaration on Principles Guiding Relations between Participating States", principle VII, par. 4)**

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.

- **Madrid, 1983 ("Questions relating to Security in Europe", par.15)**

[The participating States] stress also the importance of constant progress in ensuring the respect for and actual enjoyment of the rights of persons belonging to national minorities as well as protecting their legitimate interests as provided for in the Final Act.

- **Vienna, 1989 ("Questions relating to Security in Europe", par. 18, 19 and 21)**

(18) The participating States will exert sustained efforts to implement the provisions of the Final Act and of the Madrid Concluding Document pertaining to national minorities. They will take all the necessary legislative, administrative, judicial and other measures and apply the relevant international instruments by which they may be bound, to ensure the protection of human rights and fundamental freedoms of persons belonging to national minorities within their territory. They will refrain from any discrimination against such persons and will contribute to the realization of their legitimate interests and aspirations in the field of human rights and fundamental freedoms.

(19) They will protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory. They will respect the free exercise of rights by persons belonging to such minorities and ensure their full equality with others.

(...)

(21) The participating States will ensure that the exercise of the above-mentioned rights will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured.

- **Copenhagen, 1990 (Par. 30 to 40.7)**

(30) The participating States recognize that the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of

all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power.

They also recognize the important role of non-governmental organizations, including political parties, trade unions, human rights organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities.

They further reaffirm that respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States.

(31) Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law.

The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms.

(32) To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice.

Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. In particular, they have the right

(32.1) - to use freely their mother tongue in private as well as in public;

(32.2) - to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation;

(32.3) - to profess and practise their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue;

(32.4) - to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs;

(32.5) - to disseminate, have access to and exchange information in their mother tongue;

(32.6) - to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations.

Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights.

(33) The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take the necessary measures to that effect after due consultations,

including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State.

Any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned.

(34) The participating States will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation.

In the context of the teaching of history and culture in educational establishments, they will also take account of the history and culture of national minorities.

(35) The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.

The participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned.

(36) The participating States recognize the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities. Such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice.

Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law.

(37) None of these commitments may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes and principles of the Charter of the United Nations, other obligations under international law or the provisions of the Final Act, including the principle of territorial integrity of States.

(38) The participating States, in their efforts to protect and promote the rights of persons belonging to national minorities, will fully respect their undertakings under existing human rights conventions and other relevant international instruments and consider adhering to the relevant conventions, if they have not yet done so, including those providing for a right of complaint by individuals.

(39) The participating States will co-operate closely in the competent international organizations to which they belong, including the United Nations and, as appropriate, the Council of Europe, bearing in mind their on-going work with respect to questions relating to national minorities.

They will consider convening a meeting of experts for a thorough discussion of the issue of national minorities.

(40) The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).

They declare their firm intention to intensify the efforts to combat these phenomena in all their forms and therefore will

(40.1) - take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(40.2) - 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;

(40.3) - take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information;

(40.4) - endeavour to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures;

(40.5) - recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts;

(40.6) - consider adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports;

(40.7) - consider, also, accepting those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies.

- **Paris, 1990 ("Human rights, Democracy and Rule of Law", par. 6)**

We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.

- **Paris, 1990 ("Human Dimension", par. 3)**

Determined to foster the rich contribution of national minorities to the life of our societies, we undertake further to improve their situation. We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created. We declare that questions related to national minorities can only be satisfactorily resolved in a democratic political framework.

We further acknowledge that the rights of persons belonging to national minorities must be fully respected as part of universal human rights (...)

- **Moscow, 1991 (Par. 37)**

(37) The participating States confirm the provisions and commitments of all CSCE documents, in particular the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, concerning questions relating to national minorities and the rights of persons belonging to them, and the Report of the Geneva CSCE Meeting of Experts on National Minorities, and call for their full and early implementation. They believe that, in particular, the use of the new and expanded CSCE mechanisms and procedures will contribute to further protection and promotion of the rights of persons belonging to national minorities.

- **Helsinki, 1992 (Summit Declaration, par. 6)**

6. We welcome the commitment of all participating States to our shared values. Respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities (...) are our common aims. They are immutable. Adherence to our commitments provides the basis for participation and co-operation in the CSCE and a cornerstone for further development of our societies.

- **Helsinki, 1992 (Decisions, Chapter VI, par. 23 to 27)**

The participating States

(23) Reaffirm in the strongest terms their determination to implement in a prompt and faithful manner all their CSCE commitments, including those contained in the Vienna Concluding Document, the Copenhagen Document and the Geneva Report, regarding questions relating to national minorities and rights of persons belonging to them;

(24) Will intensify in this context their efforts to ensure the free exercise by persons belonging to national minorities, individually or in community with others, of their human rights and fundamental freedoms, including the right to participate fully, in accordance with the democratic decision-making procedures of each State, in the political, economic, social and cultural life of their countries including through democratic participation in decision-making and consultative bodies at the national, regional and local level, inter alia, through political parties and associations;

(25) Will continue through unilateral, bilateral and multilateral efforts to explore further avenues for more effective implementation of their relevant CSCE commitments, including those related to the protection and the creation of conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities;

(26) Will address national minority issues in a constructive manner, by peaceful means and through dialogue among all parties concerned on the basis of CSCE principles and commitments;

(27) Will refrain from resettling and condemn all attempts, by the threat or use of force, to resettle persons with the aim of changing the ethnic composition of areas within their territories;

- **Budapest, 1994 (Decisions, chapter VIII, par. 2, 21 and 22)**

2. (...) The protection of human rights, including the rights of persons belonging to national minorities, is an essential foundation of democratic civil society. Neglect of these rights has, in severe cases, contributed to extremism, regional instability and conflict (...)

21. The participating States confirm their determination consistently to advance the implementation of the provisions of the Final Act and all other CSCE documents relating to the protection of the rights of persons belonging to national minorities. They commend the work of the HCNM in this field.

22. The participating States welcome the international efforts to improve protection of the rights of persons belonging to national minorities. They take note of the adoption, within the Council of Europe, of a Framework Convention on the Protection of National Minorities, which builds upon CSCE standards in this context. They stressed that the Convention is also open - by invitation – to signature by States which are not members of the Council of Europe and they may consider examining the possibility of becoming parties to this Convention.

- **Lisbon, 1996 (“Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century”, par. 10)**

As an important contribution to security we reaffirm our determination to fully respect and implement all our commitments relating to the rights of persons belonging to national minorities. We reaffirm our will to co-operate fully with the High Commissioner on National Minorities. We are ready to respond to a request by any participating State seeking solutions to minority issues on its territory. (...)

- **Istanbul, 1999 (Summit Declaration, par. 30)**

30. We reaffirm our commitment to ensure that laws and policies fully respect the rights of persons belonging to national minorities, in particular in relation to issues affecting cultural identity. Specifically, we emphasize the requirement that laws and policies regarding the educational, linguistic and participatory rights of persons belonging to national minorities conform to applicable international standards and conventions. We also support the adoption and full implementation of comprehensive anti-discrimination legislation to promote full equality of opportunities for all. We commend the essential work of the High Commissioner on National Minorities. We reaffirm that we will increase our efforts to implement the recommendations of the High Commissioner on National Minorities.

- **Istanbul, 1999 (Charter for European Security, par. 3 and 19)**

3. (...) We will reinforce our efforts to ensure full respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities (...)

19. (...) The protection and promotion of the rights of persons belonging to national minorities are essential factors for democracy, peace, justice and stability within, and between, participating States. In this respect we reaffirm our commitments, in particular under the relevant provisions of the Copenhagen 1990 Human Dimension Document, and recall the Report of the Geneva 1991 Meeting of Experts on National Minorities. Full respect for human rights, including the rights of persons belonging to national minorities, besides being an end in itself, may not undermine, but strengthen territorial integrity and sovereignty. Various concepts of autonomy as well as other approaches outlined in the above-mentioned documents, which are in line with OSCE principles, constitute ways to preserve and promote the ethnic, cultural, linguistic and religious identity of national minorities within an existing

State. We condemn violence against any minority. We pledge to take measures to promote tolerance and to build pluralistic societies where all, regardless of their ethnic origin, enjoy full equality of opportunity. We emphasize that questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law.

## **OSCE commitments relating to equality and non-discrimination**

- **Helsinki, 1975 (“Declaration on Principles Guiding Relations between Participating States”, principle VII, par. 1)**

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

- **Vienna, 1989 (“Questions relating to Security in Europe”, par. 13.7 and 13.8)**

[The participating States will]

(13.7) - ensure human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

(13.8) - ensure that no individual exercising, expressing the intention to exercise or seeking to exercise these rights and freedoms or any member of his family, will as a consequence be discriminated against in any manner (...)

- **Copenhagen, 1990 (Par. 5 and 5.9)**

(5) [The participating States] solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:

(...)

(5.9) - all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground (...)

- **Paris, 1990 (“Human rights, Democracy and Rule of Law”, par. 3 and 5)**

Democracy is the best safeguard of (...) tolerance of all groups of society, and equality of opportunity for each person.

(...)

We affirm that, without discrimination,

every individual has the right to freedom of thought, conscience and religion or belief, freedom of expression, freedom of association and peaceful assembly, freedom of movement;

no one will be:

subject to arbitrary arrest or detention,

subject to torture or other cruel, inhuman or degrading treatment or punishment;

everyone also has the right :

to know and act upon his rights,  
to participate in free and fair elections,  
to fair and public trial if charged with an offence,  
to own property alone or in association and to exercise individual enterprise,  
to enjoy his economic, social and cultural rights.

- **Budapest, 1994 (Summit Declaration, par. 7)**

7. (...) The CSCE's democratic values are fundamental to our goal of a community of nations with no divisions, old or new, in which the sovereign equality and the independence of all States are fully respected, there are no spheres of influence and the human rights and fundamental freedoms of all individuals, regardless of race, colour, sex, language, religion, social origin or of belonging to a minority, are vigorously protected.

- **Istanbul, 1999 (Summit Declaration, par 2)**

2. [The participating States] reiterate unreservedly [their] commitment to respect human rights and fundamental freedoms and to abstain from any form of discrimination.

<p style="text-align: center;"><b>OSCE commitments relating to the prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic cleansing</b></p>
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- **Copenhagen, 1990 (Par. 40 to 40.7)**

(40) The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).

They declare their firm intention to intensify the efforts to combat these phenomena in all their forms and therefore will

(40.1) -take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(40.2) -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;

(40.3) -take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information;

(40.4) -endeavour to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures;

(40.5) -recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts;

(40.6) -consider adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports;

(40.7) -consider, also, accepting those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies.

- **Paris, 1990 (“Human dimension”, par. 4)**

We express our determination to combat all forms of racial and ethnic hatred, antisemitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds.

- **Helsinki, 1992 (Summit Declaration, par. 12)**

12. This is a time of promise but also a time of instability and insecurity. Economic decline, social tension, aggressive nationalism, intolerance, xenophobia and ethnic conflicts threaten stability in the CSCE area. Gross violations of CSCE commitments in the field of human rights and fundamental freedoms, including those related to national minorities, pose a special threat to the peaceful development of society, in particular in new democracies.

There is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice. Consequently, we reject racial, ethnic and religious discrimination in any form. Freedom and tolerance must be taught and practised.

- **Helsinki, 1992 (Decisions, chapter VI, par. 30 to 35)**

The participating States

(30) Express their concern over recent and flagrant manifestations of intolerance, discrimination, aggressive nationalism, xenophobia, anti-semitism and racism and stress the vital role of tolerance, understanding and co-operation in the achievement and preservation of stable democratic societies;

(32) Will consider adhering to the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not already done so;

(33) Will consider taking appropriate measures within their constitutional framework and in conformity with their international obligations to assure to everyone on their territory protection against discrimination on racial, ethnic and religious grounds, as well as to protect all individuals, including foreigners, against acts of violence, including on any of these grounds. Moreover, they will make full use of their domestic legal processes, including enforcement of existing laws in this regard;

(34) Will consider developing programmes to create the conditions for promoting non-discrimination and cross-cultural understanding which will focus on human rights education, grass-roots action, cross-cultural training and research;

(35) Reaffirm, in this context, the need to develop appropriate programmes addressing problems of their respective nationals belonging to Roma and other groups traditionally identified as Gypsies and to create conditions for them to have equal opportunities to participate fully in the life of society, and will consider how to co-operate to this end.

- **Stockholm, 1992 (Summary of Conclusions, par. 5)**

The Ministers (...) committed themselves to act to counter the growing manifestations of racism, anti-semitism and all forms of intolerance in the CSCE area.

- **Stockholm, 1992 (Decisions, “The CSCE as a Community of Values”, par. 5)**

The Ministers expressed their profound concern at the recent manifestations of aggressive nationalism, xenophobia, anti-semitism, racism and other violations of human rights. Violations of international humanitarian law and CSCE principles and commitments, such as "ethnic cleansing", or mass deportation, endangered the maintenance of peace, security and democracy and will not be tolerated. They were convinced that increased attention should be paid by the CSCE, and in particular by the Committee of Senior Officials and the High Commissioner on National Minorities, to these threats to human rights and fundamental freedoms (...)

- **Rome, 1993 (Chapter X)**

X. Declaration on Aggressive Nationalism, Racism, Chauvinism, Xenophobia and Anti-Semitism

1. Recalling their decisions taken at the Stockholm Council Meeting, the Ministers noted with deep concern the growing manifestations of aggressive nationalism, such as territorial expansionism, as well as racism, chauvinism, xenophobia and anti-semitism. These run directly counter to the principles and commitments of the CSCE.

2. The Ministers also noted that these phenomena can lead to violence, secessionism by the use of force and ethnic strife, and in their worst instances to the barbaric practices of mass deportation, ethnic cleansing and violence against innocent civilians.

3. Aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism create ethnic, political and social tensions within and between States. They also undermine international stability and worldwide efforts to place universal human rights on a firm foundation.

4. The Ministers focused attention on the need for urgent action to enforce the strict observance of the norms of international humanitarian law, including the prosecution and punishment of those guilty of war crimes and other crimes against humanity.

5. The Ministers agreed that the CSCE must play an important role in these efforts. The clear standards of behaviour reflected in CSCE commitments include active support for the equal rights of all individuals in accordance with international law and for the protection of national minorities.

6. The Ministers decided to keep this issue high on the agenda of the CSCE and therefore decided:

- to task the Permanent Committee to study possible follow-up actions;

- to invite the High Commissioner on National Minorities, in light of his mandate, to pay particular attention to all aspects of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism;
- to request the ODIHR to pay special attention to these phenomena and to apply resources as necessary on addressing these problems.

- **Budapest, 1994 (Decisions, chapter VIII, par. 1, 25 and 26)**

1. (...) The participating States acknowledged (...) that there was a serious deterioration in some areas and a need for action against the continuing violations of human rights and manifestations of aggressive nationalism, such as territorial expansionism, as well as racism, chauvinism, xenophobia and anti-semitism, which continue to cause human suffering. (...)

25. The participating States condemn manifestations of intolerance, and especially of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism, and will continue to promote effective measures aimed at their eradication. They request the ODIHR to continue to pay special attention to these phenomena, collecting information on their various manifestations in participating States. They will seek to strengthen or adopt appropriate legislation to this end and take the necessary measures to ensure that existing legislation is effectively implemented, in a way that would deter manifestations of these phenomena. They also stress that action to combat these phenomena should be seen as an integral part of integration policy and education. They condemn all crimes committed in the pursuit of so-called "ethnic cleansing" and will continue to give their effective support to the International War Crimes Tribunal for the former Yugoslavia in The Hague.

26. They commend the Council of Europe's plan of action on racism, xenophobia, anti-semitism and intolerance. In following up the Rome Council's Declaration, CSCE institutions will explore possibilities for joint work with the Council of Europe, as well as the United Nations and other international organizations.

- **Lisbon, 1996 (Summit Declaration, par. 9 and 10)**

9. (...) Among the acute problems within the human dimension, the continuing violations of human rights, such as (...) manifestations of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism, continue to endanger stability in the OSCE region. We are committed to continuing to address these problems.

10. Against the background of recent refugee tragedies in the OSCE region and taking into account the issue of forced migration, we again condemn and pledge to refrain from any policy of "ethnic cleansing" or mass expulsion (...)

- **Istanbul, 1999 (Charter for European Security, par. 19 and 22)**

19. (...) We commit ourselves to counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism. (...)

22. We reject any policy of ethnic cleansing or mass expulsion. We reaffirm our commitment to respect the right to seek asylum and to ensure the international protection of refugees as set out in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as to facilitate the voluntary return of refugees and internally displaced persons in dignity and safety. We will pursue without discrimination the reintegration of refugees and internally displaced persons in their places of origin. (...)

## **PART II: RESOLUTIONS AND RECOMMENDATIONS**

### **A. Resolutions by the OSCE Parliamentary Assembly on Roma and Sinti**

#### **RESOLUTION ON ROMA EDUCATION**

**Berlin, July 2002**

1. Noting that the OSCE High Commissioner on National Minorities has found that discrimination and exclusion are fundamental features of the Roma experience and condemning violence and other manifestations of racism and discrimination against the Roma;
2. Recognizing that in many countries Roma face significant barriers to education – including racially segregated schools or classes, exclusion from enrolment, and channelling Roma into "special schools" regardless of their abilities – which contribute to their under-education;
3. Further recognizing that the under-education of Roma contributes to a downward spiral of other problems, including low employment, poor housing and high infant mortality; and
4. Understanding that increased access to education will increase the ability of Roma to ensure that their civil rights are protected and to participate fully in political processes.

Therefore, the OSCE Parliamentary Assembly

5. Welcomes the continued engagement of the High Commissioner on National Minorities and of ODIHR on Roma issues in the context of his work;
6. Welcomes the Finnish initiative to set up a democratically elected European Roma Consultative Forum that can articulate and transmit the voice of Romani individuals and communities;
7. Supports the work of the Contact Point for Roma and Sinti;
8. Recalls the commitment of all OSCE participating States made at the Istanbul Summit to adopt anti-discrimination legislation;
9. Urges the OSCE Member States to commit themselves to ensure that their national laws and policies fully respect the rights of Roma and, where necessary, to promote anti-discrimination legislation to this effect;
10. Recognizes the urgent need to develop effective educational programmes addressing problems of individuals belonging to Roma and other groups traditionally identified as Gypsies and to create conditions for them to have equal opportunities to participate fully in the life of their respective societies;
11. Encourages the participating States to eradicate practices that segregate Romani children in schooling, particularly the practice of routing Romani children to certain schools or classes for mentally disabled students;
12. Calls for voluntary pre-school preparatory educational programmes for Romani and other children who could be at risk;
13. Urges the participating States to ensure that Roma are included in adult education and re-training programmes to assist with the challenges of the transition from command-to-market economies;
14. Supports efforts to increase the number of Roma educators and increase the involvement of Romani parents in their children's education;

15. Recognizes the right of Roma to learn and be educated in their mother tongue, if they so desire, on an equal basis with other linguistic minorities to the extent permitted under national legislation; and

Underscores the importance, in the field of education, of conducting national censuses in a manner that fosters confidence among Roma and other minorities.

## **DECLARATION OF THE OSCE PARLIAMENTARY ASSEMBLY Copenhagen, July 1998**

100. Underlining the need to give greater attention to the human rights of Roma and Sinti, taking into account the action undertaken by the Council of Europe;

116. Calls on the OSCE participating States to devote greater attention and resources, including at the ODIHR and the Permanent Council, to ensure that the human rights of the Roma and Sinti are fully respected;

117. Emphasizes the importance of increased efforts to improve the situation of Roma and Sinti populations by means of a senior appointee in the ODIHR to concentrate solely on this issue;

118. Suggests the inclusion of appropriate non-governmental organizations in the implementation process at all levels

## **B. OSCE Human Dimension Meetings and Review Conferences**

### **OSCE HUMAN DIMENSION IMPLEMENTATION MEETING Warsaw, 2002 (Excerpt of Rapporteur's Report)**

Speakers noted progress in national legislation and programmes for action, but a failure of any real progress in the day-to-day situation of Roma and Sinti. Access to basic social and health services, housing, education and economic opportunities was particularly problematic for members of this group. Several speakers compared the living conditions of Roma communities to a form of apartheid. The proposal of the Finnish President to establish a pan-European forum for Roma was positively received by several speakers.

Recommendations to the Participating States:

- Participating States should sign all relevant international legal instruments on minority protection
- Participating States should mainstream Roma and Sinti-related policies and programmes into all relevant sectors of governmental responsibilities to avoid isolating them;

Recommendations to the OSCE:

- Efforts should be made to include Roma and Sinti issues into the mainstream of OSCE activities, in particular of its field missions, media representative and of ODIHR;
- ODIHR/Contact Point on Roma and Sinti Issues should continue to co-ordinate with other international actors and continue work on the R&S Action Plan;
- The OSCE should take action against networks engaged in the trafficking in human beings, and ensure the protection of women and children within the Roma community;
- The OSCE should devote a special session of the next Human Dimension Implementation Meeting to Roma and Sinti issues, and participating States should ensure participation of high-level political officials;
- The OSCE Ministerial Council should build on the Resolution on Roma and Sinti passed by the OSCE Parliamentary Assembly in Berlin in July 2002, and call for the implementation of comprehensive desegregation programmes as the basis for educational policies.

### **OSCE HUMAN DIMENSION IMPLEMENTATION MEETING Warsaw, 2001 (Excerpt of Rapporteur's Report)**

Today, discrimination and lack of equal housing, school, employment or other opportunities still characterize the position of Roma and Sinti in the OSCE region. Building on the well attended and action oriented Bucharest meeting from 10 to 13 September 2001 on Roma and Sinti, discussions in this session included OSCE commitments and national implementation, strategies for enhancing Roma participation in public life, and the position of Roma in conflict and post-conflict situations.

*Recommendations from the discussion:*

- The Participating States should support a common policy approach to the complex problems of the Roma. They may draft a Action Plan on Roma and Sinti.
  - Many delegations called upon the participating States to meet their obligations to actively promote and protect the human rights of Roma and Sinti.
  - Participating States were called upon to provide real protection to all Roma in crisis and post-crisis situations.
  - The Participating States should especially address the situation of Roma women and girls since they may be subject to discrimination on multiple grounds or from multiple sources.
  - A program on 'participation of Roma and Sinti in democratic elections' was suggested by many participants.
  - The Stability Pact and other donor organizations should pay sufficient attention to the specific problems of refugee, returnee, and internally displaced Roma and other communities in South Eastern Europe. Reconstruction activities to make return sustainable require adequate funding.
  - Many participants underlined that the existing mandate of the ODIHR on Roma and Sinti issues must include tools for a more pro-active role, including regarding monitor of implementation of OSCE commitments, on-site inquiries, and training of human rights monitors.
  - The Contact Point on Roma and Sinti issues was called upon by several delegations to periodically discuss human rights issues relating to Roma at meetings of the Permanent Council.
  - The OSCE Participating States should give additional funding and staffing to the ODIHR for the work of the Contact Point, including the hiring of a project manager.
- [...]
- [Ombudspersons] should reach out to communities, which are not well integrated in society, such as minorities including Roma.

**OSCE CONFERENCE ON EQUALITY OF OPPORTUNITIES  
FOR ROMA AND SINTI  
Bucharest, 2001**

**Working Group 1:**

Combat of discrimination, effective policy-making for the improvement of living conditions of Roma and Sinti, tackling the roots of East-West migration and asylum-seeking

*Recommendations for the participating States*

(see also the recommendations of the Round table below)

- A systematic review of the measures adopted by the Participating States for the implementation of their OSCE commitments to eliminate discrimination against Roma and Sinti and an assessment of their effectiveness must be carried on.
- Meaningful participation of Roma in the development of the strategy, implementation, monitoring, regular and transparent reporting and dissemination of results should be ensured
- States must be particularly aware of the necessity of realisation of the rights of Romani women and children, including those in situations of crisis and post-crisis.
- States should explore the possibilities of concluding interstate agreements to provide the possibility of legal migration for seasonal work across international borders.
- States must act without delay to end statelessness of Roma on their territories. In this endeavour, States, which have not yet done, so are urged to ratify the two international

conventions against statelessness of 1954 and 1961. States must be proactive in efforts to ensure that Roma have all necessary documents, including birth certificates, identity documents and health insurance certificates.

- States are strongly advised to work in partnership with Romani civil organisations in resolving problems related to Romani statelessness and lack of basic documents.
- Roma should themselves take action against statelessness and actively demand the implementation of their citizenship rights.

#### *Recommendations for the Contact Point for Roma and Sinti Issues*

The CPRSI should:

- urge governments to adopt a comprehensive body of legislation consistent with the principles set in the EC 43/2000 Directive, provide for effective remedies for the victims of discrimination and establish effective enforcement bodies.
- encourage governments to base their efforts to combat racial discrimination on reliable statistical data and other quantitative information reflecting as accurately as possible the situation of Roma and other minorities in society. Such information should be collected in compliance with human rights principles and protected against abuse for purposes other than reversing racial discrimination and improving the overall situation of minorities
- enhance co-operation with other OSCE institutions on Roma and Sinti related affairs, as for example a) the OSCE Representative on Freedom of the Media in campaigns for combating discrimination, monitoring hate speech in media, awareness programmes for non-Romani journalists and professional training of Romani journalists; and b) with the OSCE Forum for Economic Co-operation in order to address the economic conditions of Roma that prevent them from effective political participation.
- continue to pay attention to migration and statelessness issues, and to encourage governments to include specific measures aimed at elimination of discrimination against Roma in the enjoyment of citizenship and residence rights.
- encourage the Participating States to facilitate, to the best of their ability, independent monitoring of all border crossing and the conduct of all border officials, to ensure that persons who may be refugees are ensured their rights.
- encourage States to adopt measures to eliminate statelessness of Roma because without citizenship rights Roma cannot effectively have access to political rights and their basic connections to the society in which they live is called into question

#### **Working Group 2:**

Advancing political rights of Roma and Sinti

#### *Recommendations for the Participating States:*

- States must ensure real participation of Roma in all decisions that affect their lives, and especially in the context of political settlements aimed at resolving conflicts and crises. Governments should include Roma at all levels, and should adopt programmes of action to heighten Romani participation in public life. Working in co-operation with Romani civil society, States must – especially in post-crisis situations – guarantee that Roma can participate fully in elections
- Governments should use CPRSI and its expertise as a resource when they draft and implement policies aimed at ensuring effective participation of Roma in public and political life
- States should include rights protection of Roma in bilateral agreements. This point should be further elaborated.

#### *Recommendations for the OSCE:*

- OSCE should make commitment to set up in each country a large-scale political training program for existing and potential Romani leaders that would prepare them for work in local, national and international offices.

- OSCE should facilitate (i) Roma-to-Roma meetings for experience exchange, (ii) include more Romani officers in the OSCE missions, as well as (iii) supporting meetings with governments and NGO partners from outside the OSCE region (for example with India).
- OSCE must ensure that States send delegations empowered to take real decisions to all OSCE meetings on Romani issues.
- As recommended in the High Commissioner on National Minorities' 2000 Report on the "Situation of Roma and Sinti in the OSCE", the OSCE should extend CPRSI's mandate to include conducting on-site inquiries, especially in areas of crisis and create conditions for more human resources within CPRSI.

*Recommendations for other international organisations:*

- International organisations should support meetings and fora to discuss the possibility of an international agreement on Roma.
- The representative of the Commissioner for Human Rights of the Council of Europe committed himself to explicitly raising with his office the problem that the Bosnian government is frequently absent from meetings such as this one and to rise the situation of the Romani/Sinti Community at the Committee of Ministers, Parliamentary Assembly of the Council of Europe and the authorities of the Member States.

*Recommendations for the CPRSI:*

In order to increase Romani political and electoral participation, CPRSI should:

- help to establish a forum for Romani political leaders to meet, exchange information and discuss strategies,
- continue supporting programmes for mass education of voters in Romani communities,
- review existing constitutional provisions, electoral laws, and provisions for self-governments and come up with guidelines for Roma and suggestions for governments,
- along with the civic principle encourage majority parties to include Romani issues on their party's agendas and be actively involved in solving Romani problems.

**Working Group 3:**

Roma in situations of crises and post-crises rehabilitation in the OSCE region

*Recommendations for the participating States:*

- **Protection/Rule of Law:** States and other authorities must provide real protection to all Roma in crisis and post-crisis situations. States must provide Roma with equal protection of the law.
- **Securing Basic Rights:** States must ensure that even in crisis and post-crisis situations, all fundamental rights – including economic and social rights – are secured without discrimination. Authorities must ensure that Roma -- frequently denied access to education, adequate housing, adequate health care, employment and social services – do not suffer particular deprivations during periods of crisis and post-crisis.
- All OSCE member States should be forthcoming with voluntary contributions to Roma in the Stability Pact in SEE projects. State must ensure that money earmarked for Roma projects under the Stability Pact reaches projects directly benefiting the people affected by the crises in Southeastern Europe.
- **Refugees and IDPs:** Roma from Kosovo who are outside the borders of the Federal Republic of Yugoslavia should be provided with asylum upon request. Roma from other countries of the crisis and post-crisis region who are outside the borders of their country of origin should have access to a real and substantive procedure to determine whether they are refugees, if they so request. Authorities evaluating requests for asylum must be aware that the UNHCR has noted that discrimination may in some instances rise to the level of persecution. States should bring Romani refugees from Kosovo who are presently sheltered in the former Yugoslav Republic of Macedonia to countries capable of providing them with real protection and support.

- **Adequate Housing:** States must act without delay to provide security of tenure to Roma and to stamp out homelessness and problems of inadequate shelter among Roma in crisis and post-crisis situations. The state is the primary body responsible for the right to adequate housing. Where whole Romani settlements are "illegal", States are urged to provide "amnesty" to them and provide individuals in such settlements with legal title to existing structures, such that individuals can take control of the fate of their own housing. States are urged to be made aware that forced evictions are *prima facie* incompatible with their obligations under the International Covenant on Economic, Social and Cultural Rights.

*Recommendations for the OSCE:*

- OSCE is urged to establish a Roma Crisis Fund, to support projects related to Roma in crisis and post-crisis situations.
- The OSCE is urged to adopt UNHCR principles on the right of return/right of stay of Roma from crisis and post-crisis countries who are outside the borders of their country of origin.
- OSCE should put pressure on States to "mainstream" the Romani issue within the Stability Pact in SEE, such that Romani issues can be addressed by all Tables, and such that the backlog of, for example, Roma-specific infrastructure projects can be funded by the Stability Pact in SEE.
- The OSCE, in co-operation with States, should organise a conference on "Roma in the Stabilisation and Peace Process in South-eastern Europe", and take effective measures to ensure that all relevant governments send delegations empowered to make real government commitments.
- CPRSI should continue to advocate for the reassessment and expansion of the educational component of the Stability Pact, particularly for the Kosovo region, including within the framework of the Stability Pact task force on youth and education.

*Recommendations for International Bodies:*

- International bodies should ensure that the Council of Europe/OSCE/UNHCR plan of action on Romani refugees and IDPs (September 2000) is implemented in full and without delay.

**Side event: Round table on efforts of the EU candidate countries for the improvement of the Romani situation**

*General principles and recommendations:*

- There should be a pan-European range of policies and implementation mechanisms for the improvement of Romani situation. Each policy or implementation strategy must include the following principles:
  - I. Responding to the problems, the needs and the priorities of the community identified by the community itself;
  - II. Comprehensiveness to address all areas of Romani life, with the sensitivity to diversity within the Romani communities, local, rural and urban differences, and recognising issues of mobility;
  - III. A balanced approach combining minority/human rights perspective and social policies;
  - IV. Firm anti-discriminatory approach in all domains
  - V. Sustainability: ensuring continuity of the strategies beyond governmental cycles by achieving political consensus; clear distinction between short-, mid-, and long-term objectives;
- The implementation of strategies should move from the state of experiments to national implementation of best practices.
- Local authorities and administration should be involved from the very beginning of the strategy development.

- Social consensus for the governmental policy towards Roma particularly through mass media support should be achieved.
- All Roma-related policies should be mainstreamed into all sectors of governmental responsibilities so that Roma policies are not isolated.

*Recommendations for the CPRSI:*

- CPRSI should enhance its role in assisting governments and civil society in policy making on Roma and Sinti Issues through monitoring, analysing, and evaluating policies of states and international organisations towards Roma and elaborating suggestions for their improvements and lobbying the relevant institutions to adopt and implement these recommendations. To this end it could establish an expert working group which could later develop into a more permanent institution. Also, CPRSI should prepare a register of Romani experts and encourage governments to draw on their advice and expertise.
- CPRSI should be asked to closely follow the EU Accession Process with each individual country with regard to Romani issue
- CPRSI should elaborate monitoring and support mechanisms regarding the implementation of Roma national strategies at a local level.
- CPRSI should convene an expert meeting to compare approaches and further examine the Roma policies of both EU and non- EU countries.
- In the field of education, CPRSI should encourage governments to adopt measures aimed at: 1) eradicating racial segregation in schools, 2) eliminating the practice of placing Romani children in special schools (schools for mentally disabled), and 3) ensuring equal opportunities in education for Romani children.

CPRSI should encourage States to assess periodically their own progress in implementing OSCE commitments.

**OSCE HUMAN DIMENSION IMPLEMENTATION MEETING  
Warsaw, 2000  
(Excerpt of Rapporteur's Report)**

Topics discussed in this session included:

- The importance of the work of the ODIHR Contact Point for Roma and Sinti Issues.
- The inadequate protection for the Roma population against racial discrimination and violence.
- The poor situation of Roma minorities in many European countries as reflected in growing numbers of Roma asylum-seekers.

*Recommendations from the discussion:*

- The ODIHR should continue to monitor the situation of Roma in participating States.
- The OSCE should continue to play a constructive role in eradicating racism and discrimination against Roma and Sinti.
- OSCE participating States that are receiving asylum seekers should develop a common approach on asylum seeking procedures, taking into account the specific situation of Roma.
- The ODIHR should adopt a gender approach, as Romani women suffer from double discrimination.
- The OSCE should pay special attention to a proposal that a conference in follow-up to the 1999 Supplementary Human Dimension Meeting take place in 2001.
- The OSCE should have better co-operation and co-ordination with other international organizations involved with Roma and Sinti issues (Council of Europe, European Union).
- Participating States should give higher political profile to policy making on Roma.

- Participating States should combat and prevent racial violence and discrimination against Roma minorities and ensure that specific civil and criminal measures exist in this field.
- States should be encouraged to adhere to the UN Convention on the Elimination of All Forms of Racial Discrimination.
- States should ensure training for judges, prosecutors and police.

**Sidemeeting: ODIHR International Consultation on Roma Refugees and Asylum Seekers**

*Recommendations for the OSCE participating States:*

- OSCE participating States that are receiving asylum seekers should develop a common approach on asylum seeking procedures, taking into account the specific situation of Roma.
- The focus on refugees and asylum seeking should move from addressing the “pull” factors to the “push” factors.
- The OSCE should continue to play a constructive role in eradicating racism and discrimination against Roma and Sinti.
- More comprehensive, serious policies should be devised and implemented which would allow for diversity and legal migration.
- The incoming Romanian Chairmanship of the OSCE should host a comprehensive European Conference in Romania in 2001, as a follow up of the 1994 Budapest meeting in 1994, in order to discuss and evaluate all the work done over the last five years in the field of Roma and Sinti Issues.
- The participating States should change permanent governmental structures of resources in state budgets to incorporate Roma issues properly and to allow Roma to achieve things within the structures.
- The participating States should allow Roma organizations to have more direct input in policy-making.
- A Roma component should be considered in all European projects.
- The participating States should take their OSCE commitments under the 1990 Copenhagen Document more seriously.
- The emergence of networks of civil advisory bureaux and Roma social and charity organizations, which would for example provide temporary accommodation for asylum seekers and returnees, should be encouraged. Money devoted to training, research, education and other non-investment projects should be complemented with funding to concrete investment projects such as accommodation centres for asylum seekers and returnees.
- Funding for Romani projects should not only be divided according to needs, but should also be used as a model for self-financing.
- Consideration should be given to updating the Geneva Convention to reflect the specific situation of Roma and other asylum seekers, through, for example reinterpreting the term “fear of persecution” to encompass grave and persistent (economic) discrimination, non-violent measures by non-state actors, and sustained or systematic violation of human rights demonstrative of failure of state protection.
- The participating States should adopt a binding European Roma Rights Charter which would ensure social and political rights of Roma and define their legal position.

*Recommendations for the ODIHR Contact Point for Roma and Sinti Issues (CPRSI):*

- The CPRSI mandate should be enhanced as recommended in the “ Report on the Situation of Roma and Sinti in the OSCE Area” of the OSCE High Commissioner on National Minorities.
- The CPRSI should have a mandate, resources and political support from the governments to conduct on-site enquiries, especially in areas of crisis. Greece was mentioned as an example of a country where on-site enquiries were desirable.

- The CPRSI should act as a facilitator between Roma and governments and should assist participating States in policy making on Roma affairs.
- The CPRSI should continue to document the situation of Roma refugees and asylum seekers.
- The CPRSI should continue its work on asylum on the international level through the Informal Contact Group on Roma established by the OSCE, Council of Europe and the European Union and should lobby other international organizations to address the issue of Roma asylum-seeking.
- The CPRSI should lobby for concluding bilateral treaties among States, which would provide for legal movement of migrant workers.
- The CPRSI should help train the OSCE missions staff who work on Roma issues and provide info about the Geneva Convention in the Romani language.
- The CPRSI should be given the capacity to monitor the situation of Roma in member states.
- The CPRSI should adopt an action plan for activities in Western European countries because at the moment it is focussing mainly on Central and Eastern Europe.
- The CPRSI newsletter, which was part of the clearing house function of CPRSI and stopped in 1995, should be re-launched.
- CPRSI should document the distribution of the Holocaust reparations money because Roma feel that they are discriminated against in this process.
- CPRSI programmes should have a gender component, with a special emphasis on political involvement of Roma women.
- CPRSI should help publicise the Council of the European Union Directive on equal treatment between persons irrespective of racial or ethnic origin (Council Directive 2000/43/EC of 29 June 2000).

*Recommendations for Roma NGOs associations:*

- Roma NGOs/associations need to create a dialogue with the governments of the states they live in.
- Roma NGOs/associations should manifest themselves in the various EU fora and lobby for inclusion of Roma issues in general EU programmes.
- Roma NGOs/associations should co-operate with legal experts to articulate in strict legal terms how the Geneva Conventions rights should apply to the Roma.
- Roma NGOs/associations should lobby their governments to adopt into their national laws the EU directive on equal treatment of all people, social protection, and social advantages.

*Recommendations for specific action to be taken in co-operation between Romani organizations, the OSCE participating States and CPRSI:*

- A team composed of Roma and non-Roma should evaluate the funding of projects targeting Roma and review the programmes that have benefited from European financial support. They should work out suggestions for effective projects that are self-sustainable and will have a lasting positive effect – for instance support for Roma entrepreneurs - in several countries.
- A panel of independent journalists should be assembled with the task of investigating, documenting and publishing information about existing discrimination of Roma in various OSCE participating states.
- A central institution should be set up, perhaps in Brussels, to deal with Holocaust reparations money, combating racism and discrimination and promotion of Romani language and cultural affairs.

**OSCE REVIEW CONFERENCE**  
**Vienna, 1999**  
**(Excerpt of Rapporteur's Report)**

The serious problems faced by the Roma and Sinti population in many OSCE countries were recognized and discussed. In some countries, the situation of Roma and Sinti had deteriorated to the extent that they were faced with violence, even murder, and persecution. Their socio-economic conditions were often deplorable. Many States and NGOs stressed that further consideration needed to be given to ways to secure the human rights of the Roma and Sinti people.

Examples were mentioned of situations where Roma and Sinti people were leaving their home countries in large numbers for other participating States. NGOs pointed to the negative responses of some of these receiving States, such as strengthening migration control or imposing sudden visa requirements for the countries the Roma and Sinti were emanating from.

The Representative of the UNHCR called on participating States to give careful consideration to and take individual decisions on Roma asylum applicants. He also emphasized that the most appropriate answer did not lie in migration but in working to ensure that Roma had a stake in their countries of origin and to eradicate discrimination against them.

The current perilous situation of the Roma in Kosovo was described by many as critical. It was proposed that a plan be drawn up urgently in a joint effort by the OSCE, the Council of Europe and the European Union to address the needs of the Roma population in Kosovo before the winter. In addition, those responsible for acts of violence against the Roma and Sinti in Kosovo, or elsewhere, had to be brought to trial.

The ODIHR Contact Point for Roma and Sinti Issues presented his work programme and the results of the Supplementary Human Dimension Meeting on Roma and Sinti that took place in Vienna in September. A representative of the HCNM presented some of the recommendations that would emerge from the report of the HCNM on Roma and Sinti, to be presented prior to the Istanbul Summit. These recommendations addressed such areas as stronger anti-discriminatory measures, concrete measures to ensure equality before the law, including training of law enforcement officials, anti-discriminatory policies in the areas of employment, housing and education, and measures to ensure effective participation. Many participants stressed that measures needed to be taken not only at the national level but also at the local level.

Many speakers stressed the importance of the work done by the ODIHR Contact Point and by the HCNM and welcomed their efforts to address Roma and Sinti issues in a comprehensive manner. A few participants pointed in particular to the suggestions made by the HCNM to increase OSCE activity and render it more proactive, in particular by broadening the mandate of the ODIHR Contact Point for Roma and Sinti Issues.

All speakers voiced their satisfaction with the increased attention the OSCE had paid to the problems facing Roma and Sinti.

A recurrent theme was an appeal to governments to ensure the participation of Roma and Sinti in all matters affecting them. Also, the Roma and Sinti people needed to involve themselves in programmes and policies affecting them in order to promote their own situation and tackle problems within their societies. Many participants pointed to the importance of government leaders and public officials taking a firm stand against all racist and discriminatory treatment of the Roma and Sinti people, for example by reacting when individual cases of misconduct occurred. Several cases were mentioned where this had not happened. One State provided an explanation and an apology in one particular case.

The Deputy Foreign Minister of one State stated that one of the most important priorities for his Government was to improve the situation for the Roma and Sinti population in his country. He and delegates from other States presented a number of measures designed to address the situation of Roma and Sinti in regard to consultative boards for housing, employment and education, and to promote tolerance among the majority population towards

Roma and Sinti. NGOs noted that some of the measures had produced a positive effect in some States while in others no significant impact could be noted. In some States the situation had, instead, further deteriorated.

Recommendations from the discussion:

- Several participants suggested that the OSCE should, in accordance with the recommendations of the HCNM, change the mandate of the ODIHR Contact Point for Roma and Sinti Issues into a more proactive one. Close co-operation between the efforts of the OSCE, the Council of Europe, and Roma organizations themselves was encouraged.
- Several participants voiced their support for the Representative on Freedom of the Media regarding his proposal to arrange a seminar focusing on the portrayal and coverage of Roma and Sinti in the media.
- NGOs called on the OSCE to continue to address the Roma and Sinti issues and to seek ways and means of promoting the recommendations from the Supplementary Human Dimension Meeting on Roma and Sinti, held in Vienna on 6 September 1999.
- Many speakers stressed that the report and recommendations of the HCNM on the situation of Roma and Sinti in the OSCE area, to be delivered prior to the Istanbul Summit, should be given adequate attention in the future work of the OSCE.

## **OSCE SUPPLEMENTARY HUMAN DIMENSION MEETING ON ROMA AND SINTI Vienna, 1999**

### **I. BACKGROUND**

In accordance with new modalities for the OSCE Implementation Meeting on Human Dimension Issues approved in July 1998, the OSCE held the last of three Supplementary Meetings for 1999 in Vienna on 6 September. The meeting was dedicated to issues confronting Roma and Sinti in the OSCE area. The goal was to follow up the 1998 Human Dimension Implementation Meeting and discuss how to move the work of the OSCE on policy making on Roma and Sinti into a new phase of action, with emphasis on the "analysis of effectiveness" of the policy measures enacted by the participating States, as well as by other international organisations.

In recognition of the large registration of Roma and Sinti organisations to this meeting, the discussions were held in English and Romani language with simultaneous interpretation. This was much appreciated by the numerous Roma and Sinti audience, who accounted for almost half of the 249 registered participants. This large and diverse participation, which illustrates the high symbolic value of the OSCE for the Roma and Sinti themselves, was facilitated by financial contributions from some participating States (Austria, Czech Republic, Finland, Liechtenstein, Norway), the Council of Europe and some of the Roma and Sinti NGOs.

To maximise their participation in the meeting, several Roma and Sinti organisations and some Roma affairs-related NGOs held preparatory meetings between 3-5 September both in Bratislava and in Vienna. This provided the opportunity to inform the participants about OSCE activities in general, and on the role of NGOs in the OSCE process. Participants in these meetings stressed the need for more information about the OSCE on a regular basis, as well as about how Roma and Sinti representatives can make better use of OSCE resources to further a dialogue with the participating States.

### **II. EXECUTIVE SUMMARY**

The meeting opened with an introduction by Nicolae Gheorghe, the ODIHR Adviser on Roma and Sinti Issues, who explained the direction and phases of the OSCE work on Roma

and Sinti issues over the last years. Mr. Gheorghe furthermore presented the plan of action for the ODIHR Contact Point for Roma and Sinti Issues for 1999 and 2000.

The OSCE High Commissioner on National Minorities, Mr. Max van der Stoel, gave the keynote speech in which he outlined the main findings and conclusions of his forthcoming major Study on Roma and Sinti in the OSCE. His address also included some suggestions for the future profile and activities of the OSCE Contact Point for Roma and Sinti Issues.

The discussions took place in the working groups, which were divided into to topics:

#### **Working group 1**

Roma and Sinti policies from ideas to implementation: putting 'best practices' in the Human Dimension into operations

#### **Working group 2**

Confronting crisis situation: building and implementing a platform of action to approach new problems in emergency situations

#### **The following main issues were highlighted in both working groups, as well as in the plenary sessions:**

- Participating States, OSCE institutions and missions should give higher political profile, stronger "moral leadership" and solid resources to policy making on Roma. This may include a more refined mechanism to combat the persisting discrimination against Roma and Sinti, and to alleviate tensions and conflicts between Roma and non-Roma communities. The ODIHR Contact Point for Roma and Sinti Issues may be instructed to work in that direction by taking a more pro-active approach, complementary to its present clearinghouse role.
- The OSCE should develop a coherent approach and stronger tools for action regarding Roma, especially in situations of crisis as illustrated by the fate of Roma in the recent Balkan wars.
- A Roma Contact Group should be created in an OSCE framework to bring together representatives of participating States, Roma representatives and officers of international organisations on a regular basis. In the particular case of Roma of Kosovo and in the Balkans such contact group may take the form of a Working Group or a Roma Task Force within the OSCE Mission in Kosovo, making use of the existing resources. The nature of such a Task Force may be discussed during the OSCE Review Conference, and may become operational as a part of the Stability Pact for South Eastern Europe.
- The OSCE should convene a special meeting to focus on issues of refugee and asylum seeking in Western countries by Roma of Central Europe and the Balkans. Furthermore, the issue of Roma refugees should be considered during the EU Summit in Tampere, Finland, 15-16 October 1999.
- The UN, the OSCE and KFOR were urged to ensure security of individual persons and national communities who are still living in Kosovo by accelerating the implementation of internationally agreed provisions for the rights of national minorities, including those pertaining to protection of Roma and Sinti.
- More information, including in Romani language, should be made available on rights of Roma: for the Roma themselves; for public officials to be better educated on recognising and combating racism and discrimination; and for the wider public to become more aware of Roma issues. One suggestion to put more focus on the Roma was to designate the year 2000 as the "Year of the Roma".

### III. ADDITIONAL RECOMMENDATIONS

#### Working Group 1

The participants were encouraged to focus on areas of Roma policy making and best practices relevant to the Human Dimension, rather than taking a comprehensive approach to Roma and Sinti issues.

Overall, the participants noted that it was important for consultative mechanisms on policy making on Roma and Sinti to be genuine and to have the political support of the Government as well as being seen as legitimate by Roma representatives. They also stressed the importance of transparency in such bodies, and for Roma to be involved in the implementation and evaluation of Roma-related programs. It was suggested that more attention should be paid to monitor the effectiveness of such bodies. The point was also made that in order for these bodies to be effective, they must be able to tap into resources. Good intentions and political will can only go so far; financial support is vital.

#### *Recommendations to Governments*

##### *1. On combating and preventing racial violence and discrimination:*

- Governments should first ensure that specific civil and criminal legal remedies exist, which cover the broad range of areas where discrimination can take place (i.e. education, public services, employment, housing, etc.).
- There should be measures to see that legal standards are enforced, such as sanctions for abuses committed by public officials, including police.
- Training of public officials, such as judges, prosecutors and police, in anti-racism and international legal standards, their meaning and applicability should be designed and offered.
- Specialised bodies with the power to investigate and prosecute racial discrimination and violence would aid effectiveness.
- States should be encouraged to adhere to the UN Convention on the Elimination of All forms of Discriminations.

##### *2. On Roma participation:*

- Many governments have central arrangements such as Interministerial Committees or advisory bodies. It is important that these bodies have strategic Roma participation, sufficient funding and competence. A body to monitor how they work with Roma would also be useful.
- Particular stress was made on the need to strengthen Roma participation at the local level and in administrative positions, though some positive steps have been taken in this area. There should also be positive actions to recruit Roma into the other spheres of public life, such as police officers, judges and prosecutors, in addition to increasing the participation in the policy-making processes of Roma women.
- Training activities to increase capacities amongst Roma themselves may aid their active participation in policy-related activities.

##### *3. On Roma and the police:*

- There should be activities to address a deep lack of trust between Roma and police officers, for instance through organised dialogue.
- A (central) registration of incidents of police abuse would be useful in understanding better the problems, in view of defining strategies.
- Arranging local community partnerships with minority representatives would help improve co-operation, communication and identification of solutions to local problems.
- Training of police in human rights, professional ethics, community-based policing and police/minority relations should be organised.

*Recommendations to Roma communities, NGOs and international organisations*

- Roma organisations should mobilise and co-ordinate their efforts and resources both within countries and across borders, and to make full use of opportunities provided by existing policy initiatives for Roma and Sinti. To facilitate international co-operation and networking, the ODIHR database could include more contact information of Roma related organisations.
- The good co-operation between the Council of Europe and the ODIHR was stressed, and hopes for continued steps in expanding this to a tri-partite co-operation with the European Commission was renewed.
- Recognising achievement with the new Advisor on Roma and Sinti issues in the ODIHR, it was expressed that even greater participation of Roma in international organisations is desired.
- The OSCE/ODIHR in its clearinghouse capacity may facilitate information exchange on 'good practices', may provide Roma communities with more information on what the OSCE is, and should increase the focus on the role of the media in Roma issues.

**Working Group 2**

The particular situation of Roma and Sinti frequently makes them victims of violent conflicts triggered by ethnic exclusivism, intolerance and aggressive nationalism. The discussion in working group 2 focussed largely on the experience of Roma populations during the wars in the former Yugoslavia.

Discussions on the concerns about the current situation of Roma in Kosovo introduced a debate on OSCE action for Roma in crisis situations.

*Recommendations to Governments*

- Call on the respective Governments of states affected by the influx of refugees from Kosovo to grant appropriate status and/or residence permit to refugees from Kosovo without any discriminatory considerations.
- Call on the Governments of the OSCE participating States to encourage co-operation with Roma organisations in their respective countries when nominating or seconding members to international missions.
- Praise the stance of the Government of the Former Yugoslav Republic of Macedonia in providing shelter for Roma refugees fleeing Kosovo. Request this Government to consider the extension of the functioning of the refugee camps, especially those with large number of Roma refugees, until the situation in Kosovo is fully stabilised and necessary conditions are created for Roma refugees to return back to Kosovo.
- To conduct mandatory briefings on the Roma situation for military personnel sent to areas where Roma population is present.

*Recommendations to the OSCE*

- The OSCE should establish a functioning procedure by which the acting and future members of the OSCE Mission to Kosovo will receive proper briefing and training on general human rights situation. This should include in-depth briefings on issues pertaining to Roma, including issues of property restitution.
- The OSCE should consider to nominate a Roma representative to the Human Rights Office of the OSCE Mission to Kosovo. This, among others, would improve communication and increase awareness of the Mission on human rights violations against persons belonging to Roma communities.
- The OSCE should ensure that the concerns of Roma are reflected in the Stability Pact for South Eastern Europe by preparing a working table on Roma in the Balkan region.
- The OSCE Permanent Council should keep the situation of Roma in Balkans under close monitoring.

- The 1999 OSCE Review Conference and Summit is encouraged to take note of these recommendations.

*Recommendations to international organisations*

- International organisations should conduct consultations with representatives of local Roma communities before taking any action that could be of concern to the Roma population of Kosovo and other conflict areas.
- International organisations should be called upon to ensure that the humanitarian aid reaches the Roma communities affected by the conflicts in Kosovo
- The international community/international organisations should assure the status of national minority for Roma in Kosovo as part of the reconstruction process and as a condition for the return of Roma refugees to the region.
- The international community should include Roma in the discussion of the future political status of Kosovo.
- The international community should encourage the mass media to play a closer attention to the situation of Roma in conflicting areas. This is particularly valid for Kosovo, where the substantial Roma community that was greatly victimised during the conflict is largely ignored by the international media. Information has to be provided also by involving Roma interpreters, publications and broadcasts in Romani.
- International organisations should guarantee that Roma refugees will not be trapped in danger before requesting them to return to Kosovo and other conflict-prone/affected areas.

*Recommendations to Roma communities and NGOs*

- Roma communities and organisations should co-operate with the international agencies in proving/verifying the numbers and whereabouts of the Roma from Kosovo and other conflict-prone areas.
- Roma NGOs should be actively involved in self-help initiatives, grass-root community organisation, confidence building with local population and local authorities.
- Proposals from some Roma NGOs to volunteer for reconstruction works in the Kosovo and other post-conflict areas are welcomed.

**OSCE HUMAN DIMENSION IMPLEMENTATION MEETING  
Warsaw, 1998  
(Excerpt from Rapporteur's Report)**

Participants noted that manifestations of prejudice, discrimination, racially motivated crimes, and violence against Roma and Sinti persist, and in some cases have increased, within the OSCE area. They expressed deep concern over racist attacks by individuals or groups, school segregation, police brutality and refusal to investigate and redress police brutality, identification of Roma by their race in official documents, as well as other forms of widespread discrimination in education, employment, housing, military service and public places. A particular concern over the situation of Roma in Kosovo was expressed.

Several participating States gave detailed information on the various actions and initiatives they have taken to address problems. These include awareness-raising activities among civil servants and the public at large to change the generally negative stereotypes that exist with regard to the Roma and Sinti, improved educational and employment opportunities, the establishment of inter-ministerial commissions or different forms of national councils on Roma and Sinti affairs, the creation of public foundations with governmental or NGO funds, as well as the launching of different social measures. Some regretted, however, that economic crises have prevented them from fully implementing all these programs and declared their readiness to accept technical and financial support. The intention of one country to coordinate

Roma policies with other neighboring countries was noted with particular interest. It was hoped that Roma representatives will be involved in this effort.

Many NGOs regretted nevertheless that OSCE countries have not done enough to protect Roma and Sinti. Some NGOs sought to provide a fuller understanding of the current situation of Roma and Sinti by describing past experiences, including the Romany holocaust and some governments' policy of forced sterilization that continued, in some cases, even after the second World War. Some NGOs emphasized their desire for increased teaching of and in the Romany language. In this regard, some NGOs called for governments to provide opportunities for Roma and Sinti to integrate -- but not at the expense of Romany language and culture.

Although it was acknowledged that governments should take more decisive actions, it was also noted by many participants that Roma and Sinti also have to promote their own situation and interests.

Many NGOs gave information about collaborative efforts by Roma communities to develop policy papers and programs to resolve their problems. While noting in some cases a cooperative response from governments, they regretted that some States have not yet -- at least officially -- admitted the existence of discrimination against Roma and Sinti.

While a few participants regretted a decrease in the activities of the ODIHR's Contact Point on Roma and Sinti, many participants underlined its important role. They welcomed cooperation between the Contact Point and the Council of Europe's Coordinator of activities on Roma and Sinti and paid tribute to the important work on Roma and Sinti issues that is being done by the Council of Europe. Several participants welcomed the intention of the High Commissioner on National Minorities to undertake a major study on the situation of Roma and Sinti in the OSCE area.

Many participants strongly welcomed the roundtable on Roma and Sinti issues, organized by the ODIHR as a side event during the Meeting. The two sessions included presentations by the ODIHR, the COE, and the Project on Ethnic Relations. The background paper prepared by the ODIHR on public policies concerning Roma and Sinti was also welcomed.

*Recommendations from the discussions:*

- Several participating States recommended that one of the supplementary meetings on the Human Dimension to be held in Vienna in 1999 be devoted to issues regarding Roma and Sinti.
- Some participating States and many NGOs urged the ODIHR's Contact Point for Roma and Sinti to increase its profile and to establish direct contacts with the main Roma and Sinti associations. They also endorsed the OSCE Parliamentary Assembly's resolution to nominate a senior appointee in the ODIHR to concentrate solely on this issue.
- Two NGOs asked for a European Charter on Roma Rights. Some NGOs called on governments to adopt comprehensive anti-discrimination legislation.
- One NGO encouraged participating States not only to share information on measures they have taken to address Roma and Sinti issues, but also to provide an analysis of the effectiveness of these measures.
- One NGO requested some participating States to develop television channels in the Romany language.

**Side event: OSCE/ODIHR, Council of Europe and Project on Ethnic Relations  
Roundtable on Roma and Sinti National Policies**

**Opening comments**

In opening the roundtable, Ambassador Gérard Stoudmann expressed ODIHR's continued concern for discrimination. In view of this situation, the OSCE is determined to keep Roma and Sinti issues on the agenda, while continuing its awareness-raising activities, especially in regards to social discrimination and racial violence. Ambassador Stoudmann underlined that

national policies call for serious attention, and protective legislation should be enacted to impede manifestations of violence.

### **Topic 1: Development of national policies in favour of minority rights of Roma and Sinti, in particular the prevention of violence and discrimination**

- The Council of Europe representative described the encouraging developments in the adoption of policies in some of the countries with the largest Roma population. The Czech Republic, Slovakia and Hungary prepared comprehensive strategies on Roma issues, whereas similar processes in Romania and Bulgaria are presently under discussion.
- Several speakers representing State Delegations stated that it would be useful if there was more unity among the Roma organisations and selected persons could be delegated to represent Roma interests at national level. These statements led to a series of comments from the Roma participants who have faced difficulties while dealing with the governments in their own countries. Roma NGOs pointed out that the lack of unity within Roma communities is being used by some government institutions to justify their unwillingness or passiveness in co-operating with Roma.
- The Roma representatives held that the national authorities should not expect unity, which does not exist in other ethnic or national groups, and instead should learn to deal with diversity and the broad spectrum of Roma organisations. At the European level it was suggested that Roma, governments and international organisations consider starting a process for creating an international representative body such as Roma European parliament to defend and promote Roma rights.
- A number of specific cases in particular countries were raised by Roma participants, such as discriminatory administration of justice, police raids, beatings of Roma men, women and children, and the forced expulsions of Roma.

### **Topic 2: European Commission 'Agenda 2000' and its impact on Roma and Sinti in accessing countries**

- The second session of the roundtable discussed the criteria for accession to EU, one of them being treatment of minorities. It was stated that in general, integration of minorities is satisfactory in the countries seeking EU membership, except for the situation of Roma.
- The European Commission developed a financial scheme, which includes 2 million ECU to assist the Romanian government in developing a policy focusing on strategies for integration of Roma. Roma participation was part of the terms of reference and implementation. Similar initiatives will be taken for all Central-East European countries.
- Roma participants expressed their desire for Roma becoming partners instead of subjects of scientific studies. In terms of monitoring the situation in EU candidate countries, participants stressed that there is clearly a need to associate Roma in the monitoring process for fulfilling political criteria of accession, and that the main question for both Roma and the governments is not *if* Roma should participate, but *how* Roma should participate.

### **Topic 3: Co-operation of international institutions: OSCE, Council of Europe and European Commission**

- Speakers in this session pointed out that since the OSCE Human Dimension Meeting on Roma in 1994, the ODIHR Contact Point on Roma and Sinti Issues and the Council of Europe have developed a good working relationship. However, there is a need to expand this bipartite co-operation by working with other international institutions, especially the European Commission.
- The recommendation of the OSCE Parliamentary Assembly on establishing a senior position at ODIHR to deal specifically with Roma and Sinti issues was discussed and

largely supported. It was pointed out that the mandate of this advisor could include some functions performed by ombudsman and human rights protection institutions.

- Participants also identified some particular areas in which the ODIHR and other international organisations may assist. One of these concerns working with local authorities in the area of education on anti-discrimination and anti-racism, since much resistance is often met at lower levels of governance. A number of participants raised again the need for beginning work on a European Charter on Roma Rights.

**The following recommendations were put forth in the course of the discussions:**

- To advise ODIHR to establish a senior position to deal on a regular basis with Roma issues;
- To strengthen the profile of the Contact Point to enable it to provide advice and assistance to governments, especially in the areas of racial violence and discrimination;
- To advise the OSCE on upgrading the profile of Roma within a broader context of European security. The OSCE to investigate the mode by which the Roma's own concept of personal and group security could be incorporated into OSCE security model;
- ODIHR Contact Point on Roma and Sinti Issues was requested to provide an inventory of organisations working on Roma related issues;
- ODIHR was requested to organise training for young Roma persons.

**OSCE HUMAN DIMENSION IMPLEMENTATION MEETING  
Warsaw, 1997  
(Excerpt of Rapporteur's Report)**

**SUBSIDIARY WORKING BODY 1**

While participants noted that the situation of Roma and Sinti had received increased attention both at the international and national level over the last few years, manifestations of prejudice, discrimination and violence against Roma and Sinti persisted and in some cases increased within the OSCE area.

Many participants expressed deep concern over the continued violence and racist attacks by individuals and group; harassment or ill-treatment at the hands of the police, including the failure to take seriously complaints made by individuals belonging to Roma and Sinti groups; child abuse and child prostitution; discriminatory administration of justice; as well as other forms of discrimination related to education, employment, housing and access to places of entertainment.

It was noted that generally the integration of other national minorities into the social and economic life of a state had at times been rather successful, but the relevant cultural and social indicators of Roma and Sinti tend to deviate significantly from the national average.

A number of participants made references to specific measures that could contribute to the improvement of the situation of Roma and Sinti; awareness raising activities among public servants and society at large; establishment of departments for the protection of national minorities; formation of self-governments at both local and national level; improved educational opportunities; creation of a parliamentary ombudsmen for ethnic and national minorities; setting up advisory inter-ministerial commissions; as well as initiatives intended to improve the living standards of Roma and Sinti.

Many participants stressed that the multifaceted problems related to the difficult situation of Roma and Sinti, required a comprehensive approach on the part of national governments. In

this context, participation of Roma and Sinti in elections, both national and local, was also stressed.

Many participants underlined the important role of the ODIHR's Contact Point on Roma and Sinti issues, both as a documentation centre for the gathering of information about the current situation of Roma and Sinti within the OSCE area, and as contributing to an increased awareness among governments of the specific problems facing this vulnerable ethnic minority. Participants welcomed the co-operation between ODIHR's Contact Point and the Council of Europe's Co-ordinator of activities on Roma and Sinti.

The OSCE roundtable on Roma and Sinti issues, which was held in the margin of the OSCE Implementation meeting, was described by many participants as a very useful initiative.

On the basis of the discussion, the following informal recommendations can be made:

- OSCE participating States should consider developing a comprehensive approach to issues relating to Roma and Sinti. These comprehensive programmes or plans should develop in close co-operation with representatives of Roma and Sinti, and should draw upon the expertise of NGOs and relevant international organizations, such as the Council of Europe;
- The ODIHR's Contact Point for Roma and Sinti Issues should continue its valuable work, particularly as regards its advisory role and awareness raising activities.

#### SUBSIDIARY WORKING BODY 2

All participants supported the work of the ODIHR's Contact Point for Roma and Sinti issues. Many participants called for the additional strengthening of the Contact Point. Participants agreed that this mechanism played an important role in raising awareness of Roma and Sinti issues in Participating States, by serving as a clearing house, by collecting and disseminating accurate information, by addressing different forms of violence against Roma, and by encouraging the development of, and co-ordination among, Roma and Sinti organizations.

ODIHR was encouraged to continue its current activities in this area and not reuse resources devoted to minority issues, especially Roma questions.

Many participants underscored that this was particularly important since the position of Roma and Sinti was worsening within the OSCE region and needed to be addressed systematically. Participant stressed that Roma across the entire OSCE region were still the subject of racist discrimination, intolerance and violence and were a community confronted with serious economic and social problems.

Nevertheless, some positive developments in the treatment of Roma in the OSCE region could be noted. A number of states had enacted practical and effective measures at various levels to combat discrimination against Roma. In addition, the basis for an excellent working relationship between ODIHR and the Council of Europe on Roma issues had been established.

Future work of the Contact Point should go beyond serving as a clearing-house and should strive to identify the most appropriate means for Roma and Sinti's integration in modern society. The view was expressed that work be concentrated on the cultural, educational and socio-economic aspects of the integration of the Roma and Sinti communities, keeping in mind their unique situation in every country. In this regard, further work by Roma groups and the Contact Point on policy design and implementation would be helpful. Additional Contact Point activities could include the circulation of accurate information and stimulating co-operation, while at the same time maintaining a comparative advantage and avoiding duplication with other international organizations. It was finally noted that the Contact point had an important symbolic meaning for Roma and Sinti.

### *Recommendations*

- The position of the ODIHR Contact Point should be strengthened.
- Roma and Sinti issues should be fully integrated into work of Permanent Council in Vienna.
- Regular internship at ODIHR should be established for Roma and Sinti representatives, instead of the presently established short-term internship programs.
- ODIHR should train Roma and Sinti in election preparation and monitoring, as well as civic education, to enhance Roma participation in elections, increase their political participation, and further develop their administrative skills.
- Legal assistance for Roma and Sinti should be expanded, with particular emphasis on training directed at preparing for representation of Roma and Sinti issues before courts and tribunals.
- The Contact Point should develop a close relationship with the future OSCE Media Representative in an effort to combat expression of ethnic hatred and discrimination against Roma and Sinti and minority groups in general. The media should be sensitised to Roma and Sinti issues.

## **OSCE REVIEW CONFERENCE Vienna, 1996 (Excerpt from Rapporteur's Report)**

The work of the ODIHR Contact Point for Roma and Sinti was praised by many delegations and NGOs and support was expressed for its further development. A group of States proposed regular internship programmes for Roma in the ODIHR, and the expansion of legal assistance efforts at the Contact Point. It was noted that the situation of Roma, as a minority distributed throughout the OSCE area, and without a national state, was unique. The delegations and the NGOs gave numerous examples of intolerance against Roma in all parts of the OSCE area. In response, delegations outlined the policies and structures in place to respond to such problems. Both delegations and NGOs stressed the need for co-operation between the ODIHR and the Council of Europe in this field. One NGO suggested that work on a European Charter on Roma should be desirable.

## **OSCE HUMAN DIMENSION IMPLEMENTATION MEETING Warsaw, 1995 (Excerpt from Rapporteur's Report)**

### **SUBSIDIARY WORKING BODY 1**

Awareness of the vulnerable situation of Roma and Sinti has increased, but intolerance, discrimination and racial violence against them continue to exist. A low level of education, high illiteracy rates, economic hardship and a low degree of participation in political life were noted. It was emphasised that the States concerned should co-operate in helping to foster co-operation. Appreciation for the activities of the ODIHR Contact Point was expressed, together with the hope that it would operate even more efficiently in the future.

Two particular problems were discussed: one relating to citizenship and the other to the designation of Roma. Several delegations expressed the strong hope that citizenship legislation in one OSCE State would not leave Roma stateless. The lack of consultation by one OSCE State with its Roma group about their official designation was seen by many

delegations as discriminatory. The wish was expressed that Roma groups should be allowed to identify themselves by names of their own choice.

It was suggested that a country-by-country study with regular follow-up should be undertaken. Relevant OSCE bodies should continue to pay attention to Roma issues. It was also suggested that the question be examined whether Roma issues could be integrated into framework of the Stability Pact. Advice by the OSCE as well as financial assistance to the States most concerned was also requested. The Council of Europe stated that it had established an advisory group of specialists. It is to be hoped that governments will also nominate Roma representative for this group.

#### SUBSIDIARY WORKING BODY 2

Participants agreed that the ODIHR's s Contact Point for Roma and Sinti (Gypsies) Issues represented a good example of the how governments and NGOs can work together. The Contact Point has been a central focus for the discussion of Roma issues, and the ODIHR's practical approach to the issue was praised. The excellent working relationship between the Council of Europe and the Contact Point was also commended, as well as the fact that the OSCE activities in this area have influenced the policies of both governmental organizations and governments. The Contact Point newsletter reports on the activities of NGOs as well as other governmental organizations such as the Council the Europe, and should be commented for the its broad approach. The Roma internship programme has also served as an excellent means of bringing Roma issues into the work of the OSCE. The contributions of NGOs to the internship program were also praised.

The following informal recommendations were made during discussions on the Contact Point for Roma and Sinti Issues:

- The Contact Point can only work if all interested parties make use of it, and therefore the OSCE should publicise the Contact Point's existence;
- The Contact Point should increase co-operation with other NGOs and government institutions on Roma and Sinti issues, and co-ordinate where appropriate;
- The Contact Point should consider working with development assistance organizations and serve as a clearing-house for information on economic and social programmes.

## **HUMAN DIMENSION SEMINAR ON ROMA IN THE CSCE REGION, Warsaw, 1994 (Excerpt of Rapporteur's Report)**

### **Discussion Group 1**

Domestic and International Legal and Policy Issues

*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.

[...]

*Additional selected topics raised in DG I 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.

### **Executive summary of the working proposals advanced by the Roma associations**

[...]

The CEAR (Conference of the European Association of Roma) is reiterating:

- that the CSCE OIDHR 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 OIDHR, 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.