



High Commissioner on National Minorities

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Introductory Remarks

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Cooperation in Europe
CSCE Human Dimension Seminar on "Roma in the CSCE Region"
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Madame Ambassador,
Mr. Deputy Secretary General,
Ladies and Gentlemen,

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

[Importance of the Seminar]

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

We should not, however, content ourselves with the mere holding of this meeting. This brings me to the third and most important reason for the significance of this Seminar: the topic itself. Quite simply, the vast majority of Roma and

others commonly identified as Gypsies continue to find themselves in an extremely vulnerable position within the countries of the region. This vulnerability manifests itself in economic, social, legal, and political terms, and the situation of many Roma communities has largely become worse in the last few years. I will not go into any great detail on this point, as many of you are more familiar with the data than I.

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

[Two major issues: citizenship and violence]

At this point, I would like to limit myself to a few issues of great concern with regard to the position of the Roma in the legal and political fields. This assessment comes precisely one year after the report I submitted to the CSCE on the situation of the Roma in the region, and I regret to say that very little progress, if any, has been made in the areas which I will discuss. For the meantime, I will leave consideration of economic and social issues for those who are better qualified to address them, although I recognize how urgently important they are for Roma.

I would like to preface my remarks on legal-political issues with an observation: human rights guarantees must apply equally and without prejudice to all persons, including Roma or others identified as Gypsies. States are politically and legally bound to recognize this inviolable principle: the equal enjoyment of rights. At the same time, states are also bound by the principle of non-discrimination; that is, individuals must be afforded protection against discrimination on the basis of racial, ethnic, cultural, linguistic or religious grounds. Within the context of the 1992 Helsinki Follow-Up

Meeting of the CSCE, the participating States decided that they "[w]ill consider taking appropriate measures within their constitutional framework and in conformity with their international obligations to insure to everyone on their territory protection against discrimination on racial, ethnic and religious grounds, as well as to protect all individuals ... against acts of violence, including on any of these grounds" [Chapter VI, para. 35]. Many states have entered into even further-reaching commitments against discrimination in the context of United Nations instruments in particular, and I would urge all states that have not already done so to consider accession to such instruments.

There are, however, still some very serious lapses in the application of the principles of equal rights and non-discrimination with regard to Roma. These lapses are manifested in certain laws or other measures that are discriminatory. Further lapses are also evident when law-enforcement and judicial systems fail to afford Roma protection against racially motivated attacks on their persons and property, or fail to provide legal remedies in cases of such attacks.

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

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

The second issue I would like to highlight today is the problem of racially motivated attacks against Roma and their

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

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

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

Preventing racially motivated violence is of course far better than responding to its aftermath. Allow me to stress, however, that in cases when prevention was not possible, the only remedy for such violence is a prompt and thorough investigation of the causes of the attack and a prompt and fair trial of suspected wrongdoers. This course of action will bring justice to the victims and help restore popular confidence in the public authorities. Regrettably, however, various

recent cases of racially motivated attacks against Roma and their property have not been speedily and properly investigated and prosecuted, and in other cases the public authorities themselves have been implicated in the violence. This state of affairs should be remedied as soon as possible, and I should note that considerable expertise in the governmental, inter-governmental, and non-governmental communities is available for assisting officials in preventing or at the very least combatting such violence.

[The role of the CSCE and other inter-governmental organizations]

These comments bring me finally to a consideration of how regional inter-governmental organizations can best assist states in meeting their human rights commitments vis-à-vis Roma and others identified as Gypsies. Here I will refer specifically to some ideas concerning the CSCE, but much of the following will have some relevance for the Council of Europe and the other inter-governmental organizations as well. Our colleagues from those institutions can perhaps share some thoughts on what the emphasis of their work could be. Clearly, the need for proper communication, coordination, and if possible, cooperation between the inter-governmental organizations should also be discussed in this context.

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

Similar modalities exist within other inter-governmental organizations, particularly the Council of Europe, and this

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

[Mutual understanding and acceptance]

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

Thank you.