



## **Public policies concerning Roma and Sinti in the OSCE region**

**OSCE Human Dimension  
Implementation Meeting  
October 1998  
Background Paper 4**

*The delegations of the non-governmental organisations gave numerous examples of intolerance against Roma in all areas covered by the OSCE. In response, the (governmental) delegations have come with the policies and structures implemented to answer to these problems.*

Rapporteurs' Report of the OSCE Review Meeting, 1996 (Vienna)

**OSCE/ODIHR  
Warsaw, Poland**

**By Nicolae Gheorghe and Jennifer Tanaka,  
Romani CRISS and**

## **The Project on Ethnic Relations**

This report is one of a series of papers prepared under the auspices of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe for the benefit of participants at the 1998 Implementation Meeting on Human Dimension Issues. Every effort has been taken to ensure that the information contained in this report is accurate and impartial. We are grateful to a number of experts for their valuable contributions to this series.

These papers are intended to highlight key issues and to promote constructive discussion; the opinions and information they contain do not necessarily reflect the policy and position of the Office for Democratic Institutions and Human Rights or of the Organization for Security and Co-operation in Europe. Any comments or suggestions should be addressed to the ODIHR.



## CONTENTS

<b>Executive Summary .....</b>	<b>4</b>
<b>1. OSCE commitments pertaining to Roma and Sinti</b>	
<b>2. Breaking with the past? Consolidating Roma and Sinti minority rights in public policies .....</b>	<b>5</b>
• Public policies on Roma before 1990.....	5
• Political recognition as national minorities in the early 1990s.....	5
• Toward a comprehensive approach to Roma and Sinti policies.....	6
<b>3. Emerging approaches to Roma and Sinti issues in Central and Eastern Europe</b>	<b>8</b>
<b>3.1. Roma as a national minority, ethnic and cultural issue.....</b>	<b>8</b>
<b>3.2. Roma issue mainly as a social problem , a problem of social integration .....</b>	<b>9</b>
<b>3.3. Roma as an issue in the context of combating discrimination in all public institutions; combating racism, xenophobia, and intolerance. ....</b>	<b>9</b>
<b>4. The Human Dimension of Public Policies - risks and challenges to the human security of Roma and Sinti.....</b>	<b>11</b>
<b>4.1. Toward a checklist of public policy concerns regarding Roma and Sinti.....</b>	<b>11</b>
• Whose realities? Whose security? - The perverse effects of formalised prejudice through public policy	11
• Social policy or Roma policy?.....	11
• The ethnic interpretation of social policy - case of housing and residence .....	12
• Statistics, recordings, personal data – who defines whom? .....	13
• A need to counterbalance political ‘trade-off’ of a potential Roma policy?.....	13
• Paper planning with little or no implementation .....	14
<b>4.2. Roma Empowerment - toward a higher, consolidated profile of Roma and Sinti involvement in the policy processes.....</b>	<b>15</b>
<b>5. Roma East-West migration and West-East repatriation.....</b>	<b>15</b>
<b>6. International perspectives on Roma policies toward a new phase of enhanced co-operation and co-ordination .....</b>	<b>16</b>
<b>7. Recommendations and Concluding Remarks .....</b>	<b>19</b>

## EXECUTIVE SUMMARY

Since the initial phase of awareness-building on Roma and Sinti issues at the beginning of the 1990s, the debates within the context of OSCE meetings have seen the development of a clearer understanding of the complexities of the problems, along with specific tools to deal with these issues. The reporting on violence, discrimination and prejudice against Roma and Sinti by diverse organizations, both governmental and non-governmental, has become more accurate and better disseminated.

An awareness has been achieved that such phenomena are pervasive, persistent, recurrent and patterned. The OSCE States have acknowledged that the anti-Roma and Sinti violence and discrimination has increased since 1990, and that **... the position of Roma and Sinti was worsening within the OSCE region and needed to be addressed systematically** (1997).<sup>1</sup> Meanwhile, the institutional responses of participating States have also become more diversified, better articulated and better resourced in addressing the issues.

Currently, some participating States are in a phase of enhanced policy formation concerning Roma. Such initiatives are positive signs of governments' political will and action. At the same time, it is also important to note that present-day policies are also part of an historical process of government actions, especially social policy, concerning Roma and Sinti groups. What's new are the political changes, especially in Central and Eastern Europe, which have created an opportunity for more open dialogue and debate on public policies, in the context of constructing pluralistic societies where human and minority rights are inalienable.

Already we may identify emerging approaches toward Roma and Sinti issues, namely a national and ethnic minority approach; Romani issues as a 'social problem' or problem of 'social integration'; and Romani issues in the context of combating discrimination, racism, xenophobia and intolerance. We may also identify some 'comparative advantages' among international organizations, such as the OSCE, the Council of Europe, the European Union and the United Nations specialized agencies. Some of these developments are outlined in this report.

While recognizing that the increased awareness and attention on Roma and Sinti issues are encouraging signs with regards to the commitments made by participating States, we also point to a number of policy-related aspects representing possible risks and challenges confronting policy makers and Romani persons. In doing so, we hope that further discussion around the possible tools to address such risks or challenges may be identified, before there come to be negative repercussions of what may be considered well intended policies.

Of particular concern are the emerging tendencies of policies concerning Roma which seem to 'rediscover' the rather narrow *social* approaches and methods of the past, while downplaying or neglecting the problems of chronic prejudice, renewed racism and widespread discrimination and violence. Other policy considerations include possibilities that existing prejudices are formalised through policy measures; ethnic and racial discrimination in the implementation of social policies, especially at the local level; increased recording and statistical data on Roma, without protective legislation concerning personal data; and heavy emphasis on planning and studies, with little attention and resources devoted to implementation and review. However, some positive developments concerning provisions for combating discrimination and racism are also mentioned.

In outlining trends regarding Roma and Sinti-related issues, at both the international and national levels, we may point to some key areas, which may come to represent part of a "new stage" along the

---

<sup>1</sup> OSCE Implementation Meeting, Warsaw, 1997, Working Body 2

trajectory. **The "new stage" related to public policies concerning Roma and Sinti involves a better articulated security perspective, encompassing socio-economic aspects together with civil and political aspects, especially those related to discrimination, racism and the underlying attitudes which contribute to such manifestations.** A "comprehensive approach" or "package measures" are among the policy tools by which States, international organizations and NGOs attempt to translate enhanced political will into real action aiming to reach ordinary Roma and Sinti persons in their everyday life.

The report ends with some recommendations for the OSCE and other international organizations, as well as participating States. Co-operation with diverse civil society organizations in such activities is also preferred whenever possible. These include:

- Participating States, aided by international organizations, are encouraged **to pursue the identification, condemnation, control and prevention of conflict-producing components in the every-day circumstances and attitudes of Roma-nonRoma relations:** prejudice, hostility, hate speech, and tendencies for segregation and discrimination. Particular attention should be accorded to the enactment and implementation of **protective legislation:** comprehensive anti-discrimination laws; personal data protection; anti-racism measures; ombudsman institutions; citizenship laws and residence rights.
- Participating States are also encouraged to **place greater focus on the public officers and state apparatuses** most directly and frequently in contact with Roma and Sinti issues. Among such we may mention some 'critical points' such as the police, justice, and local administration, in areas such as public order; public spaces; 'criminality', areas of integrated residence; entrance of Roma and Sinti in local communities, temporary (caravan sites) or permanent (housing).
- Roma and Sinti issues should **receive a regular and higher profile within the OSCE organizational structure as a whole.** Recommendations so far include, among others, possible integration of Roma and Sinti issues in the Stability Pact;<sup>2</sup> and the need for Roma and Sinti issues to be fully integrated into work of the Permanent Council in Vienna<sup>3</sup>. Similarly, Roma and Sinti issues may be introduced in OSCE documents: 'Platform for Co-operative Security'; 'The European Security Model', and the 'Common Concept for the Development of Co-operation between Mutually Reinforcing Institutions'.
- The creation of a **special position of Adviser on Roma and Sinti Issues at the ODIHR**, as suggested by the OSCE Parliamentary Assembly. The Adviser may take up functions of the CPRSI and co-ordinate the increased workload related to Roma and Sinti.
- In aiding a higher profile for Roma and Sinti, the ODIHR, through its regular activities, may contribute to **better management of communities with high Roma populations** by focusing on issues such as elections; representation in councils and public administration; methods for dealing with (critical) social issues; and training for crisis management. In this context, the promotion of ways in **which Roma and Sinti and other national minorities may have an active and strategic role** should be another area of focus.

In looking at the process through which Roma and Sinti issues have passed, at both the national and international levels, we may see some positive developments in terms of an increased awareness and political recognition of the problems, and the implementation of some specific policies to address them.

---

<sup>2</sup> OSCE Implementation Meeting, Warsaw, 1995, par. 37

<sup>3</sup> OSCE Implementation Meeting, Warsaw, 1997, Working Body 2.

At the same time, in attempting to address some of the social and economic dynamics in participating States, there is a need to reinforce efforts and activities related to combating anti-Roma and Sinti prejudice, hostility, discrimination, and violence. Such activities should be an integral, even central part, of policies concerning Roma and Sinti.

The wide experience and emerging specialisation among international organizations may undoubtedly play an important role in the identification of appropriate governmental mechanisms, while continued support toward civil society initiatives may further the democratic processes and citizen's initiatives in the region, especially those among Roma and Sinti.

## **Public policies concerning Roma and Sinti in the region**

The political changes in the East have added a new stimulus to Romani-related issues in the OSCE region, and we may now identify a process of the 1990s, through which various organizations, both private and public, have articulated problems and, eventually, developed institutional responses. In this sense, we refer to the concept of a **trajectory** as a way to look at different dimensions of Romani-related issues over time, and how the interplay between recognition of ‘particular problems’ confronting Roma and Sinti and the political and institutional responses to these come to represent part of an ongoing process, at both national and international levels.

Focusing on public policy issues<sup>4</sup>, the report highlights some emerging trends among approaches to Roma and Sinti concerns, while pointing to possible risks and challenges posed to and by Roma which warrant further discussion. Similarly, we indicate a number of areas and directions where international and national, governmental and non-governmental organizations may pursue concrete actions.

### **1. OSCE COMMITMENTS PERTAINING TO ROMA AND SINTI.**

Over the years, the Human Dimension of the OSCE has played a key role in raising awareness among the participating States on the problems Roma and Sinti face in the OSCE region. This awareness-raising and clear provisions on Roma and Sinti were enhanced by OSCE commitments and have brought a better understanding of the complexities of the problems faced by Roma and Sinti.

The OSCE provisions concerning Roma and Sinti have been elaborated over the years to become more specific both in terms of identified areas of concern and the actions on the part of its institutions. The Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990) was the first sound attempt to raise awareness and recognize the “particular problems” related to racial and ethnic hatred, xenophobia and discrimination confronting Roma and Sinti. It was followed in 1991 by the report of the CSCE Meeting of Experts on National Minorities (Geneva) in which the participating States “stressed their determination to condemn, on a continuous basis,” any acts of racial, ethnic hatred and discrimination against Roma. The Geneva meeting also reiterated the readiness of the participating States 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.” In the report, the participating States committed themselves “to collect, publish on a regular basis, and make available to the public” information concerning racially and ethnically motivated crimes on their respective territories.

In the Document of the Moscow Meeting (1991) the participating States recognized the need for effective human rights education for combating intolerance, racial and ethnic prejudice and hatred against Roma. The Helsinki Document of 1992 further promoted this provision by advocating the development of “appropriate programmes addressing problems of ... nationals belonging to Roma and other groups traditionally identified as Gypsies...”.

---

<sup>4</sup> In this paper, due to time and space limitations, the concept of ‘public policies’ refers mainly to policies (and eventually programmes) by state authorities, especially governments and parliaments.



The Budapest document of 1994 made further progress in enhancing the role of the OSCE in monitoring and reporting on situation of Roma and Sinti in the OSCE area. This document expanded the mandate of the ODIHR, giving the Office the additional task of serving as a contact point for Roma and Sinti (Gypsies) issues. More specifically, the mandate of the contact point included performance of the functions of a clearing-house, which would inform the participating States about the implementation of commitments pertaining to Roma and Sinti. It also tasked the ODIHR to promote and maintain contacts between participating States, CSCE institutions and other international organizations and NGOs in order to discuss issues pertaining to Roma and Sinti. The ODIHR seeks to monitor the situation of Roma and Sinti and reports as necessary on the status of implementation of the commitments of the participating States with regard to Roma and Sinti.

Excerpts from OSCE documents relating to Roma and Sinti are attached to the present report as annexes.

## **2. BREAKING WITH THE PAST? CONSOLIDATING ROMA AND SINTI MINORITY RIGHTS IN PUBLIC POLICIES**

### **Public policies on Roma before 1990**

Policies on Roma are a recurrent theme in the ideology and political processes in the OSCE region. Throughout the history of the region, one may trace periods of ignorance and periods of institutionalized action ranging from benevolence to mass persecution. **The dominant trend has been that of assimilation of Roma, either by forced administrative measures or by softer, milder ways such as assimilation plus social integration**, especially in Central and Eastern Europe (CEE). The settlement of nomadic Roma, after the 1950s, brought controversial results, drastically altering the lives of many Roma throughout the region.

The semi-‘successful’ policies were a combination of social programmes aimed at improving the situation of Roma communities in the areas of housing and residence, employment, education, and welfare. These policies were backed by consistent (substantial) financial means, as for example in Hungary, 1965-1975 or in Czechoslovakia, 1960s – 1970s.

Similarly, these were moments of combined awareness-raising of the real or alleged ‘risks’ posed by the Roma: the demographic increase; rise of prejudice and violence expressed by the majority; reports on increasing criminality imputed to Roma; uncontrolled movement of Roma groups (including international mobility); assertion of Roma ethnicity and claims, as expressed by its active, although thin strata of intellectuals, activists, and ‘bourgeoisie’.

In Western countries as well, numerous inter-ministerial bodies were set up, often *ad hoc* in response to urgent situations, though analysis was restricted primarily to social issues, with little or no regard for cultural and historical aspects, and there was a **lack of participation among Roma and Sinti themselves**. It wasn’t until the 1980s that acknowledgement and respect for minority languages and cultures gained influence, as both Roma and Sinti organizations became better organized and international organizations, such as the Council of Europe and European Community, provided guidance for Member States.<sup>5</sup>

### **Increased political recognition as national minorities in the early 1990s**

---

<sup>5</sup> In Jean-Pierre Liegeois, Roma, Gypsies, Travellers, Council of Europe Press, 1994: 168.

So, what is happening in the 1990s it is not completely new, in that we find ourselves in a new phase of a process, which has historical dimensions and patterns. **The increasing recognition of Roma as a national minority is one of the most remarkable achievements of these years**, and part of a broader process of acknowledging more rights to minorities, as a result of both internal pressures from more actively involved minorities, and external pressures.

However, **this recognition, in some states, also incorporates the previous debates on this issue**, including the hesitations, the essays in playing out distinctions about Roma as a 'social strata', or an 'ethnic group'.<sup>6</sup> In this sense, the debates are ongoing about the "special situation of Roma", about their "unique status", owing to the accumulation of numerous complex social issues.

For instance,

#### Slovakia:

*"At present the issue of the Romanies is **not characterized by an appartenance (sic) to a national minority (national principal)**. The issues associated with the Romany national minority are perceived as a mater of social, cultural and educational position and assistance, based on a universal civic principle of integration into the society"*<sup>7</sup>

#### Romania:

*"In post-decembrist Romanian society the Roma-issue is considered to be one of the unsolved questions. Although at first sight this problem seems to have ethnic accents, a closer look shows that **in fact its essential dimension is the socio-economic side**: not Roma as a whole is the real problem but the poor, unqualified, unemployed, criminal Roma ; also Roma issue is not an ethnic issue but a socio-economic one with ethnic aspect ."*<sup>8</sup>

#### Slovenia:

*Article 65 of the Slovene Constitution, adopted in 1991, stipulates that the status and special rights of Romani communities living in Slovenia shall be such as determined by statute . This provision laid down the legal basis for special measures to assist Romanies, at the same time indicating that **the status of Romanies, owing to their specific nature, could not be made equal to that of other minorities living in Slovenia** ."*<sup>9</sup>

#### Hungary:

Here we may mention the distinction in the Hungarian Law on Minorities between national and ethnic minorities, where **Roma are categorized as an ethnic minority**, although the rights granted are similar to that of 'national minorities'.

## **Towards a comprehensive approach to Roma and Sinti policies**

---

<sup>6</sup> For an historical outlook see, Jean-Pierre Liegeois, Roma, Gypsies, Travellers, Council of Europe Press, 1994: 147-151. also David M. Crowe, A History of the Gypsies of Eastern Europe and Russia, St. Martin's Press, New York. 1994

<sup>7</sup> 'Brief Information on the Protection of the Romany National Minority in the Slovak Republic', OSCE, Implementation Meeting, 1997, Doc. no.78. See also the 'Conceptual intends of the Government of the Slovak Republic for solution of the problems of the Romany population under current social and economic conditions', Ministry of Labour, Social Affairs and Family, 1997

<sup>8</sup> Position taken by the Romanian Department for the Protection of National Minorities in one of its papers in its search for a "vision" on Roma issues, within the strategy to protect the national minorities in the country

<sup>9</sup> 'The Romany Community in Slovenia – summary', Government of the Republic of Slovenia, Nationalities Office. Ref. no. 018-06/97. March 1997

Following a period of national minority recognition of Roma, by the mid- and late 1990s, some debates on Roma seems to be pointing to a rediscovery of the 'social approaches', the issues of 'social integration', being a problem of assisting people with 'special needs'. These were words and corresponding social policies already spelled out in the past. In this, there is **a risk that recently recognized dimensions of combating racism, discrimination; of hostility, intolerance and xenophobic attitudes will be neglected.**<sup>10</sup>

Some new types of policies addressed to Roma and Sinti emerging in the mid 1990s include:

- The Hungarian Government Resolution on the Medium-term Package for the Improvement of Life Circumstances of Romany, No 1093/1997;
- The Resolution of the Czech Government, No.686/1997;
- The Conceptual intends of the Slovak Republic for solution of the problems of Romany population under current social and economic condition, 1997;
- The Swedish policy measures following the Report on Roma in Sweden, 1997, and the decisions to implement the provisions of the European Charter on Regional and Minority languages;
- The announced project for "the improvement of the situation of Roma" designed by the Romanian Department for Protection of National Minorities and the PHARE programme of the European Commission, 1999-2000.

The general format of these policy measures indicates that the mainstream (or "traditional") areas of administrative action (schooling, vocational training, housing, social welfare) are being incorporated in more comprehensive policy measures, including implementation of minority rights, combating discrimination and the prevention of ethnic conflicts. **Institutional schemes are also designed for a more regular and effective consultation and participation of Roma representatives in various stages of policy elaboration and implementation.**

Similarly, national policies propose and explore new dimensions and innovative tools to address the complexity of Roma and Sinti affairs and to articulate an overall European approach on Roma and Sinti. The Czech programme proposes the hiring of a rather large number of Roma advisers, assistants ("mediators" in another countries) in connection with main local administrations. The Hungarian programme builds a complex web of public foundations, local bodies, Roma self-governments, and NGOs. The Review of the Implementation of the OSCE Human Dimension acknowledges the recent developments on Roma and Sinti policy. In adopting such comprehensive programs or plans, the OSCE Human Dimension equally recommends to participating States to work '...in close co-operation with representatives of Roma and Sinti.'<sup>11</sup>

**Review and evaluation of past policies has led to some responses to their negative side-effects.** Here we may mention those put forth by the Hungarian and Czech governments to review testing processes resulting in the streaming of Roma children into 'special schools' for the mentally disabled are encouraged. Still, more comprehensive anti-discrimination mechanisms should inform all policy areas. Also, the Slovak "Conceptual intends" of 1997 acknowledge shortcomings of the policy measures explored during early 1990s<sup>12</sup> while proposing new types of measures, such as the ones ". . . to solve the Problems of Citizens who Need Special Care", in which Roma are explicitly singled out.<sup>13</sup>

---

<sup>10</sup> For an overview of human rights concerns confronting Roma in the OSCE region, see OSCE ODIHR background report, 'Looking at Human Security in a Regional Context – The Situation of Roma and Sinti in the OSCE', Warsaw, 1997.

<sup>11</sup> OSCE Implementation Meeting on Human Dimension Issues, Warsaw, November 1997, Working Body 1, par. 12).

<sup>12</sup> see the Governmental policy in relation to Romany Population, Decree No 153/1991

<sup>13</sup> Decision No. 668/1995

We may also mention the Finnish Anti-racism Committee and the programme to combat racism<sup>14</sup> as innovative new developments in this direction. The publication of 'The Gypsy People. A guide for journalists.' (1998), edited by the Romani Union – Spain, with the support of the European Commission, DG V and the Spanish Ministry of Labour and Social Affairs, is another positive example in the region.

The latter half of the 1990s has also seen the increasing specialisation of international organizations in the identification and promotion of specific mechanisms to deal with racism, discrimination and intolerance, tools which can provide important insights into emerging policies concerning Roma and Sinti throughout the OSCE region. Therefore, in the context of increased policy making on Roma and Sinti issues, it is hoped that participating States may also move **to a new stage, seeking innovative policy perspectives, where human and minority rights form an integral part of various programmes and measures**, including those addressing the complex social and economic situations confronting Roma and Sinti.

### **3. EMERGING APPROACHES TO ROMA AND SINTI ISSUES IN CENTRAL AND EASTERN EUROPE**

In looking at public policies concerning Roma and Sinti we may distinguish between several approaches: the 'social problem'/'social integration' approach; the protection of national minorities; and the combating of discrimination, racism, intolerance, xenophobia and ethnically motivated violence. Similarly, we may also consider possible roles, or comparative advantages of international organizations, in relation to these approaches.

#### **3.1. Roma as a national minority, ethnic and cultural issue.**

In this case, Romani issues are approached largely from the perspective of the protection of national minority rights, where minority rights are treated as a distinct category of human rights, eventually stressing the collective, group rights. Among the main issues are **identity preservation and affirmation through language, culture, and tradition**. Formally, the recognition of Roma as a national and ethnic minority in different Central and Eastern European countries was part of a political process rooted in the early 1990s, where a variety of **mechanisms, posts and departments** for national minorities have been introduced in various governmental bodies.

#### Options:

- Roma policy as being mainly an issue of political participation at national and local government, via electoral mobilization on a nationality/ethnic ticket.
- Participation of Roma representatives in institutions representing minorities' interests, parliamentary and/or governmental; with consultative and/or decision-making roles.
- Formation of ethnic minority parties or political parties representing minorities' interests.<sup>15</sup>

---

<sup>14</sup> February 1996, June 1997.

<sup>15</sup> See the two meetings organized by the Council of Europe's Specialist Group on Roma /Gypsies together with the OSCE ODIHR Contact Point for Roma and Sinti Issues, on 'National Consultative Bodies between Roma/Gypsies and Governments', Budapest, 21-22 November 1996 and Helsinki, 30 October – 1 November 1997; MG-S-ROM (97) 7 rev and MG-S-ROM (98) 6.

### **3.2. Roma issues mainly as a social problem , a problem of social integration**

Within this approach, the core problem confronting Roma and Sinti is of a social nature, calling for corresponding institutional responses, of **a social assistance or welfare type**. Some concerns have been raised with regards to the concept of 'social integration', which has been identified as carrying the assimilationist tendencies of past policies concerning Roma<sup>16</sup>. In formulating such state policies, we may identify two general trends with regards to the process or methodology adopted by governments:

- a) policies conceived 'rationally' by an institutional centre, to be implemented through central channels, ministerial or inter-ministerial.
- b) policies prepared by extensive social and sociological research, where social indicators are outlined, aimed at bringing Romani social life to the "standard" level of such indicators, usually referring to some related values/ norms to be pursued among Romani persons and communities.

#### Options:

- 'Social problem with an ethnic colour/characteristic' (Romania)
- 'Socially disadvantaged group', 'citizens in need of special care' (Slovakia)

### **3.3. Roma as an issue in the context of combating discrimination in all public institutions; combating racism, xenophobia, and intolerance.**

Over the past few years, increasing attention has been accorded to political consciousness raising over problems of racism, discrimination, xenophobia and intolerance, and the need to institutionalize appropriate mechanisms to prevent and eliminate such manifestations.

#### Options:

- Adoption of legislation and comprehensive codes, against racism and racist acts (UK; Belgium, the Netherlands and France); state policies to monitor and combat racially and ethnically motivated violence (Finland, other EU member states); mechanisms for legal enforcement; ombudsman.<sup>17</sup>
- 'Piecemeal' statutes or measures in different laws or criminal code provisions (some EU countries, Hungary, Czech Republic, among others).
- Civil society approach, private minorities associations, active at state/ local levels.
- Rehabilitation and compensation for the victims of racially motivated persecution (Germany, Swiss Fund).

Public policies may be focused specifically on one approach, or may represent a composite of different approaches, in different periods of time, and in different phases of the policy process. The institutional measures which they entail may be successive or simultaneous, mutually reinforcing, diminishing or exclusive, representing at times the "trade-offs" between these dimensions, between their supporters and opponents, and between social forces in competition and co-operation.

---

<sup>16</sup> See also Report on the Roundtable 'Strategies for Implementing Minority Rights of Roma and Sinti' OSCE Implementation Meeting on Human Dimension Issues, November 1997. Doc. No. 211, pg. 3.

<sup>17</sup> For an inventory on Ombudsmen and Human Rights Institutions in participating States see ODIHR background report for the OSCE Human Dimension Implementation Meeting, November 1997 and the current Background Report for the OSCE Human Dimension Implementation Meeting, 1998.

In Austria, the formal recognition of Sinti and Roma as an ethnic minority is rather recent, limited to cultural aspects, and sharpening divisions in access to rights between the 'autochthonous' Sinti and Roma, and the large Romani groups formed from recent migrations, mainly from the Balkans.

Spain presents the case of a policy of 'development of Gitanos people', focused on the 'social intervention of integral character' at local levels, combined with elements to combat prejudice and racism at the societal level.

In a long-term perspective we may see that in some countries these alternatives are tested in successive periods of time; one "dimension" of Roma policy is "added" to others as in the case of Finland. Here the Advisory Board on Romani Affairs has largely dealt, since 1956, with housing and schooling issues of local Romani families, while a considerable number of provisions with a perspective on Romani language and culture have been enacted since the beginning of the 1990s.<sup>18</sup>

Some governments, or particular governmental departments, are open to criticism and changing their perspectives on complexities concerning Roma and Sinti policies and on **Roma and Sinti s own sensibilities and visions in defining their place in the overall society and corresponding policies**. This is the case in Germany which has been successful in changing the status of Sinti and Roma by affording them recognized minority status under the relevant European Conventions.

In Romania, the Department on Protection of National Minorities is on the way to changing its definition of a Roma policy from a 'mainly social one with ethnic colour', toward a strategy for protection of national minorities and a strategy for the protection of the Roma minority.<sup>19</sup> At the same time, the Ministry of Foreign Affairs has yet to repeal its recommendation for the use of the ethnic designation of 'Tsigane', inside of 'Roma'.<sup>20</sup>

In other countries, different alternatives may be tried simultaneously, as in Hungary, combining aspects such as minority self-governments, public foundations and diverse social policies such as those outlined in the Medium Term Measures on Gypsies, adopted in 1997. Other countries remain rather "single-focused" in their approach, displaying other dimensions formally, though lacking substantive implementation. Here one may consider the case of social integration approaches in Bulgaria and Slovakia.

However, recent indications from the Bulgarian Prime Minister point to a possible change in government aid strategies, as the Premier stated that previous programmes 'not only demotivate recipients, they may also lead to isolation'. The removal of 'education, cultural and other communication barriers' were noted as being necessary to allow for 'integration of minorities into Bulgarian society'.<sup>21</sup> A noteworthy NGO contribution in this direction is the Programme for Equal Participation in the Public Life of Bulgaria, initiated by the Human Rights Project (Bulgaria) together with national and regional Roma organizations. The programme is part of a Council of Europe Confidence Building Programme, and has been forwarded to the Bulgarian government.

---

<sup>18</sup> See 'The Role of the Advisory Board on Romani Affairs in Finnish Administration', October 1997. Doc. No. 112 of OSCE Implementation Meeting, November 1997.

<sup>19</sup> Governmental Decision for the establishment of the Inter-ministerial Commission on National Minorities, August 1998.

<sup>20</sup> Memorandum H (03) 169/1995), although the way of adopting this decision was considered as "discriminatory" by the Human Dimension Implementation Meeting on Human Dimension Issues, October 1995, Consolidated Summary, par. 13.

<sup>21</sup> Radio Free Europe/Radio Liberty, September 8, 1998.

#### 4. THE HUMAN DIMENSION OF PUBLIC POLICIES - RISKS AND CHALLENGES TO THE HUMAN SECURITY OF ROMA AND SINTI

In this section we point to a number of policy-related aspects representing possible risks and challenges confronting policy makers and Romani persons. In doing so, we call attention to the need to address public policy review as part of an *ongoing process of analysing the diverse effects of actions* aimed at upgrading the status of Roma and Sinti in the region. We hope that further discussion may lead to the **identification of possible tools to address such risks or challenges**, before there come to be negative repercussions of what may be considered well-intended policies.

At the same time, it is recognized that the formulation of specific policies to deal with the complex issues confronting Roma and Sinti mark an important development among governments, especially in terms of **translating the political will to address the situation into concrete actions**. Among those governments which are in the process of formulating or implementing policies concerning Roma and Sinti, we may mention Austria, Finland, Portugal, Spain, Sweden, Hungary, Bulgaria, the Czech Republic, Hungary, Romania and Slovakia.

##### 4.1. Towards a checklist of public policy concerns regarding Roma and Sinti

Whose realities? Whose security? - The perverse effects of formalised prejudice through public policy

One risk in the policy process is that existing prejudice and biases inform policy design concerning Roma and Sinti. When envisioning policies to address Romani-related issues, there is a possibility that the nature of the problems remain rooted in negative conceptions of Roma and Sinti perceived as a people with chronic, widespread, or typical 'anti-social behaviour': lazy, dirty, mentally disadvantaged, untrustworthy, criminal and violent. Such attitudes may lie behind the rationality of state programmes such as the prevention of criminality, schooling, health and family planning, where actions seem designed more to provide 'security' from the perspective of majority populations in the respective localities or regions.

Along these lines, segregated residential 'colonies', streaming of Romani children into 'special schools', violent police raids in Romani settlements, publication of crime statistics singling out Roma, declaring of 'health risks' or 'unhygienic living', and over population 'risks' are themes present in some public discourse and actions concerning Roma in the region. In particular we draw attention to reports and debates concerning the Law Regarding Citizenship in the Czech Republic, Prevention of Criminality and Violence programmes in Bulgaria and Romania, and the Criminal Code provisions in the UK concerning Caravan Sites.

Social policy or Roma policy?

As noted above, public policies concerning Roma and Sinti may be either an ethnic or social approach, or a combination of the two, depending on the issue or situation. Roma-specific policies may provide for an approach which encompasses culture, identity and protective measures against anti-Roma prejudice, bias and discrimination. It may also create a negative reaction among non-Roma, as non-beneficiaries. On the other hand, strictly social policies may fail to account for intermediary institutions and persons who, owing to deep-rooted prejudice and stereotypes, may act in ways which impede full participation of Roma in societal relations.

Indeed, governments, especially those in Central and Eastern Europe, are faced with the **challenge of preventing new forms of Roma exclusion through dependence on social welfare**, and the

shortcomings and tensions related to the costs and distribution of welfare assistance at the local level. Such tensions have been illustrated in Lom, Bulgaria (May, 1998), when some Roma threatened to set themselves on fire in protest at prolonged delays in the distribution of social assistance.

There is also a **risk that resources provided by various institutions, including international support for Romani issues, are channelled towards public policies predominantly of a social character, while strategic structural problems related to racism and discrimination remain rooted in the societies and some branches of public administration.** In particular, there is a risk that forthcoming EU PHARE support, as recommended by the Agenda 2000, will be diverted internally to such 'social integration' policies, according to existing language, mentalities and practices among the majority population, and especially among public officers, particularly those at the local level.

Underlining that such support provides vital new opportunities for improving the situation of Roma, it may also serve the purpose of feeding some existing appetites and practices in the region. These include, 'scientific research', recordings of the Roma population, and recourse to explanations on 'sociological factors of Roma situation', rather than highlighting the violence against Roma and deep-rooted prejudice and hostility as being a core problem of Roma-nonRoma relations and 'the Roma problem'.

Likewise, an EU dimension to Roma policies may provide and strengthen the opportunity **to reinforce the civil society approach, with large-scale, grass-root Roma participation.** Here, investment in the early stages for multiplication of local initiatives, including local authorities, Roma and majority populations, may help stimulate such an approach. One example may be the Spanish policy, where the Ministry of Labour and Social Affairs (Order 3718/18 Feb.) will grant nearly 2.5 million USD in 1998 for programmes related to the Spanish Roma community. Finances come from 0.52% of IRPF tax, assigned for social programmes.<sup>22</sup> Those qualified to receive the funds are NGOs and non-profit organizations that are working on social and cultural promotion of Roma.

In view of this risk, it is recommended that a minority rights component of Roma policy be deeply embedded, avoiding a "cosmetic", "export-oriented" approach. **The enactment of comprehensive anti-discrimination legislation and its enforcement** would contribute to providing the necessary framework for action, while further stress should be placed on policy measures promoting multiculturalism, education for tolerance, and anti-racism.

Here, there may be an important role for the OSCE in maintaining the 'awareness-raising' process on these aspects, as illustrated by the monitoring of civil and political rights, and the implementation of actions directed toward the enforcement of anti-racist measures, anti-discrimination laws, and the prevention of violence. In this regard, the importance of a **legal strategy in connection with the political strategy** may form part of the follow-up to earlier commitments made in the context of the OSCE and other international bodies, particularly the criteria regarding accession of Central and Eastern European countries to the European Union.<sup>23</sup> We may note in this context the initiative of the OSCE ODIHR to document the status of protective legislation on Roma and Sinti in the participating States. The Czech Republic, the Slovak Republic and Bulgaria have promptly replied to the Note Verbale, indicating their interest in this area.

The ethnic interpretation of social policy – the case of housing and residence

---

<sup>22</sup> Romnews

<sup>23</sup> see European Roma Rights Centre: 'Bi-annual Report 1996 –1997' also Romani CRISS - Bucharest and Centre de Recherches Tsiganes /Universite Renee Descartes – Paris: 'The situation of Roma and Sinti in Central and Eastern Europe',1997. A study commissioned by the European Commission, DG IA.



Another observation relates to the implementation of social policy which in practice becomes a form of **ethnic and racial discrimination**. For example, in recent years, increased reporting and attention has been drawn to residence and housing policies, which often involve the resettlement of Roma families/persons as part of urban renewal plans or are specifically directed at Roma under social housing policies. The result can be residential segregation and ghettoisation of Romani groups. Among such situations, we may mention:

Hungary:	Attempts to re-settle Romani families in metal containers as temporary shelters in Szekesfehevar.
Slovakia:	The urban renewal plan of the Lunik IX neighbourhood of Kosice is perceived as an attempt at discriminatory resettlement and isolation of many Roma families of the city.
Czech Republic:	Plans to build a wall around the Roma community in Usti nad Labem; and to resettle Roma in a collection of fenced-in temporary shelters on the city periphery of Pilsen.
Spain:	Resettlement of Roma from Camino Viejo Los Toros (Madrid) to the Valdemingomez site 14 kilometres away, without any facilities. <sup>24</sup>
Greece:	Refusal of the local council to allow a Rom to build a home on land he legally owns in Ano Liosia (Athens).

The publicity accorded to some of these incidents and the protests by various civic organizations, especially Roma, have played an important role in preventing their implementation and in seeking solutions.

#### Statistics, recordings, personal data – who defines whom?

Another area of concern is related to the defining and numbering of Roma and Sinti by state agencies and local authorities, especially when this is done according to popular, biased notions of who is a ‘Gypsy’/Roma. While policy-making may serve as a justification for assessing more accurately the ‘real’ Roma numbers, there is a **risk that such practices will have discriminatory effects, reinforcing a stigma of Romani identity**. One example is the publishing of crime statistics where only the Romani identity of perpetrators is specified, and in some cases, illegal migrants abroad. It still remains unclear how ethnic identity in such cases is determined.

It is recommended that protective legislation related to personal data be enacted and enforced, as one way to prevent such effects. Similarly, guidelines on recording census data of national minorities and for police reporting may be useful tools, as well as guidelines for the application and monitoring of the Council of Europe Framework Convention for the Protection of National Minorities.

#### A need to counterbalance political ‘trade-off’ of a potential Roma policy?

The fact is that the Romani population today faces attitudes of hostility among majority populations, especially in the socio-economic contexts of transitional economies. Many top level politicians do not see the ‘benefit’ of supporting Romani-related issues, fearing they may lose votes, therefore leading to a **perception that there will be a high political and financial cost to pay for Romani issues**. Similarly, state authorities may be confronted with an obstructive lack of political will to push Romani-related

---

<sup>24</sup> Cases reported in Phralipe – Gypsy Literary and Public Review. Vol. 9. January 1998; Roma Rights – Newsletter of the European Roma Rights Centre, Winter and Spring 1998; International Herald Tribune, June 20-21, 1998; Professor Dominique, Rosenberg, ‘Report on a study visit to Valdemingomez’ (Madrid), Council of Europe – Specialist Group on Roma/Gypsies. April 1997.

policies and agreements through the necessary political channels or a resistance to the implementation of policies and agreements by some local functionaries and members of the majority population.

Some reported examples of this took place in Slovenia, where local governments were confronted with open protests from local non-Roma inhabitants when attempting to provide Romani families with housing in villages, or to legalize some Romani settlements. Similar events were also reported in Spain and Croatia.<sup>25</sup>

One possibility to consider is how different governments and intergovernmental institutions may increase the perceived 'benefits' of policies addressing the situations of Roma and Sinti, while at the same time, governments implement actions aimed at raising general awareness of the need for Romani-related policies in their own countries.

#### Paper planning with little or no implementation

In the process of envisioning and designing policies aimed at improving the situation of Roma and Sinti, there is a risk that the majority of time and resources are accorded to preparing studies, reports, academic research and the creation of new bureaucratic structures, while **implementation, monitoring and review remain weak**. Here the OSCE's focus on implementation of standards, norms and commitments may provide an important political culture stressing the need for concrete actions.

---

<sup>25</sup> in Roma Rights – newsletter of the European Roma Rights Centre, Winter 1998: 14

#### **4.2. Roma Empowerment - towards a higher, consolidated profile of Roma and Sinti involvement in the policy processes.**

Much of the Romani and Sinti population is still approached as an object of policy making by others, as 'beneficiaries' of the policies and programmes, and at best to be 'represented' or 'consulted' formally. **A clear, strategic role and profile should be accorded to Roma and Sinti**, contributing both to an increased organizational capacity among Roma and Sinti persons and groups, and reinforcing a sense of cultural and political identity. One important contribution in this direction has been the Project on Ethnic Relation's organization of discussions among Romani political figures and representatives of major political parties prior to elections in Central and Eastern Europe.<sup>26</sup>

Considering the diversity in representation and organization among Roma and Sinti themselves, governments are encouraged to seek out innovative ways to work with different Romani groups and persons. Along these lines, it should be considered how Romani civil society organizations, elected representatives and traditional (endogenous) community leaders may participate substantively in different stages of policy processes. In this context **different mechanisms may be required to reach different social categories, according to age, kinship, income, wealth and gender.**

One positive note is the recent organization internationally of Romani women and youth, with a view to identifying issues of concern, exchanging experiences and creating European networks. Here, the support of the Council of Europe has played an important and regular role, while new initiatives such as those supported by the Regional Roma Participation Programme have also added new impetus to mobilization and civil rights initiatives among Roma and Sinti.

#### **5. ROMA EAST-WEST MIGRATION AND WEST-EAST REPATRIATION**

In this section we point to some trends concerning Romani migration in terms of international and national politics and policies, while taking an open approach to ongoing debates regarding a real or fictitious connection between Roma international migration and Roma policies in Central and Eastern European countries.

For some observers, there seems to be a connection between the rhythms of Romani migration to target countries and the "commitments" and actions of the participating States and international organizations to address Roma and Sinti affairs (the Roma "trajectory"). Among the discussions, we may mention:

- Repatriation of illegal (Roma) migrants/refugees, versus West-East financial "reintegration schemes", community development etc; suspicion and denunciation of the repatriation arrangements.<sup>27</sup>
- Tighter control of migration flows (including potential Roma migrants) versus West-East financial assistance for "improving the economic and social situation of Roma in countries of origin, and countries in the accession process to EU."<sup>28</sup>

---

<sup>26</sup> Meetings have taken place in Bankia, Bulgaria - September 1997; Budapest, Hungary - March 1998; and Kosice, Slovakia - July 1998.

<sup>27</sup> Resolution of the European Parliament A3 -0124/94 'On the situation of Gypsies in the European Union', Par. J and point 9.

<sup>28</sup> Republique Francaise, Ministere de l'Emploi et de la Solidarite - Direction de la Population et des Migrations ': Les dynamiques migratoires Roumaines: Le cas des deamndeurs d'asile en France', Juin 1998, CRESI - CRARDA.

- Perceptions among the public and the media that stricter visa restrictions for citizens of some Central and East European countries are connected to real and/or potential Romani migrants, illegal Roma migration, and criminality of Romani migrants in Western countries (Czech-Canada; Czech-Great Britain; Romania/Bulgaria and EU; etc. - see recent media images on Roma from Romania in Ireland).

The perception that **cross-border migration is part of a trade-off in connection with Romani-related policies, national and international, can create a difficult situation in relation to participation of Romani political leaders, activists and associations in the Roma-policies designed by States or intergovernmental organizations.** Roma 'integration', and its supporters, (labelled as 'integrationists') are suspected as parties to, or opportunists of inter-state arrangements for enhanced control and restriction of Roma transnational movements. While 'non-co-operation' is contemplated as bringing more and better rewards for Roma well-being (both individual and group).<sup>29</sup> Therefore, the debate on Roma migration is both a political challenge and a dividing issue among Roma and Sinti associations.

One topic of discussion may concern how different international organizations may co-operate in addressing the above-mentioned suspicion that the some inter-state arrangements are *alien and/or adverse* to Roma interests.

## 6. INTERNATIONAL PERSPECTIVES ON ROMA POLICIES TOWARDS A NEW PHASE OF ENHANCED CO-OPERATION AND CO-ORDINATION

Over the years, the Human Dimension of the OSCE has played a key role in awareness-raising among participating States, especially with regard to regional security issues such as extreme nationalism, discrimination and the prevention of violence. The political culture of ongoing review should inform public policies concerning Roma and Sinti in the region.

The legitimization of 'particular problems' related to racism, discrimination and violence, first recognized by participating States, is by now fully elaborated by more specialized international bodies, both intergovernmental, such as the Council of Europe Expert Group on Roma/Gypsies, and non-governmental, such as the European Roma Rights Centre and other national NGOs.<sup>30</sup> Similarly, governments have prepared, or are in the process of preparing, social policies and programmes aimed at improving the situation of Roma in their countries.<sup>31</sup>

At the level of the 'review of implementation', one area of progress has been toward an increased awareness of the 'the multifaceted problems related to the difficult situation of Roma and Sinti, which . . . required a comprehensive approach on the part of national governments.'<sup>32</sup> This awareness was not achieved without hesitation and controversy in the debates, over the priorities of the civil and political rights (and corresponding legal and institutional machinery to enforce these rights) and the need for social and economic provisions, and resources for achieving integration of Roma and Sinti in the respective societies.

<sup>29</sup> See Report by Dr. Yaron Matras, University of Manchester, 'Problems arising in connection with the international mobility of the Roma in Europe' Council of Europe - European Committee on Migration (CDMG) Strasbourg 20 March 1998, Mig/cdmg/98/docs/cdmg/(98) 14°.

<sup>30</sup> In particular we may mention the Massag Foundation (Hungary), the Human Rights Project – Bulgaria, Legal Defence Bureau for Ethnic Minorities – Slovakia, Greek Helsinki Monitor.

<sup>31</sup> See Annex 1: Governmental Policies on Roma and Sinti - A Preliminary Inventory

<sup>32</sup> OSCE Implementation Meeting, Warsaw 1997 Working Body1

The 'two trends' in the OSCE thinking on Roma and Sinti may eventually merge into an encompassing perception of the peculiar situation of the Roma, as expressed in the formulation that *Roma across the entire OSCE region were still the subjects of racist discrimination, intolerance and violence and were a community confronted with serious economic and social problems*.<sup>33</sup>

Indeed the OSCE Human Dimension has provided an unique annual forum in which civil society representatives may meet with governmental delegations regularly to discuss emerging issues throughout the region. Through such meetings, Roma and Sinti issues have been introduced in national and international politics as a security issue through the OSCE's concerns for human and minority rights. Similarly, the implementation of commitments on Roma and Sinti by each participating State represents a legitimate interest for all involved, and diverse range of representatives may learn about different mechanisms and approaches aimed at guaranteeing human rights.

The global human and minority rights concerns of different international organizations should also form part of an approach to Roma and Sinti-related concerns. **Areas of expertise or comparative advantage of various international organizations are developing.** For example, the Council of Europe with its Framework Convention on the Protection of National Minorities, along with other human rights issues has played a major role in raising political awareness and developing commitments in this area. Similarly, through various bodies, expert guidance in terms of providing standards is especially noted in the areas of education, culture and social issues, while some innovative practices and methodologies have been highlighted through various pilot projects, especially confidence-building measures. The Council of Europe's Specialist Group on Roma/Gypsies is currently working on a complex agenda on Roma, based on the 'comprehensive approach' of inter-community relations, involving minorities issues from migration.<sup>34</sup>

The European Union has the experience, a solid institutional basis and the resources (financial and human) to deal with issues such as integration and combating social exclusion, or in the more specific area of schooling and education of Gypsies and Travellers in Member States. The process of European Union expansion towards Central and Eastern Europe has also given a higher 'visibility' to Roma and Sinti issues. The EC Agenda 2000 stresses the need for improvement of the situation of Roma in countries such as Bulgaria, the Czech Republic, Hungary, Slovakia, and Romania through measures to combat discrimination and promote equal opportunities in everyday life. Governments are also recommended to up-grade the indicators of Roma in specific area such as housing, employment, and education.

The United Nations High Commissioner on Refugees (UNHCR) has recently elaborated an analysis on the situation of Roma in the Czech Republic and Slovakia, offering its advice on the eligibility of Roma for asylum and refugee status in other countries.

Concluding observations of United Nations Committee on the Elimination of Racial Discrimination (CERD) also recognized persistent problems of racial hatred and acts of violence and the need for more comprehensive civil and administrative laws outlawing racial discrimination in the Czech Republic. Similarly, serious acts of violence related to racial discrimination were reported in Poland, while there is a need for a comprehensive programme to promote and protect the rights of Roma.<sup>35</sup>

Co-operation among international organizations requires co-ordination among participating States and relevant organizations and institutions in which they are also members. In this respect, the OSCE has an important comparative advantage of its own. The OSCE may help prevent unnecessary duplication of

---

<sup>33</sup> OSCE Implementation Meeting, Warsaw 1997 Working Body 2

<sup>34</sup> see the report on Inter-community and interethnic relations, 1995 and the specialized Committee on this issue.

<sup>35</sup> CERD/C/304/Add.47 and CERD/C/304/Add.36

activities, and may encourage groups of states to use, in proper and useful ways, the resources provided by different international organizations, while facilitating the channelling of these resources to Roma and Sinti issues.

By assisting States in their bilateral or multilateral relations, the OSCE may also contribute to increasing the perceived 'benefits' of Roma and Sinti policies, counter-balancing what some may consider the political 'trade-offs' or 'losses' in pursuing Roma and Sinti related issues.

In projects or programmes of regional co-operation within its area, the OSCE may add its own dimension or security measures on Roma and Sinti, such as early warning, prevention and control of inter-group violence, crisis management, and post-conflict rehabilitation. In addition the OSCE may consider the Roma and Sinti's own concerns of security, personal and collective, and ways and means to defend and promote this security.

The developments in the 1990s within the OSCE and other international organizations offer new avenues for **a co-operative, mutually reinforcing synergy of resources and actions**. Positive developments are acknowledged in this area, as for example the good, even 'excellent', co-operation established between the OSCE Office for Democratic Institutions and Human Rights and the Council of Europe, among others, and between the Contact Point on Roma and Sinti Issues (CPRSI) and the Co-ordinator for Roma/Gypsies activities of the Council of Europe.

It may also be considered how different international organizations, together with participating States, may continue to see that effective protective legislation and mechanisms are enacted and operationalized, while civil society organizations are encouraged in their activities such as legal defence, human rights education and community organization.

## 7. RECOMMENDATIONS AND CONCLUDING REMARKS

In outlining trends regarding Romani-related issues, at both the international and national levels, we may point to some key areas, which may come to represent part of the ‘new stage’ along the trajectory. Co-operation with diverse civil society organizations in such activities is also preferred whenever possible. Recommendations and actions that might be undertaken by the OSCE include:

- Participating States, aided by international organizations, are encouraged to **pursue the identification, condemnation, control and prevention of conflict-producing components in the every-day circumstances and attitudes of Roma-nonRoma relations**: prejudice, hostility, hate speech, and tendencies towards segregation and discrimination. Particular attention should be accorded to the enactment and implementation of **protective legislation**: comprehensive anti-discrimination laws; personal data protection; anti-racism measures; ombudsman institutions; citizenship laws and residence rights.
- Participating States are also encouraged to **place greater focus on the public officers and state apparatuses** most directly and frequently in contact with Roma and Sinti issues. Among such we may mention some ‘critical points’ such as the police, judiciary and local administration, in areas such as public order; public spaces; ‘criminality’, areas of integrated residence; entrance of Roma and Sinti in local communities, temporary (caravan sites) or permanent (housing).
- Roma and Sinti issues may **receive a regular and higher profile within the OSCE organizational structure as a whole**. Recommendations so far include, among others, possible integration of Roma and Sinti issues in the Stability Pact;<sup>36</sup> Roma and Sinti issues to be fully integrated into work of the Permanent Council in Vienna<sup>37</sup>. Similarly, Roma and Sinti issues may be introduced in OSCE documents: ‘Platform for Co-operative Security’; ‘The European Security Model’, and the ‘Common Concept for the Development of Co-operation between mutually Reinforcing Institutions’.
- The creation of a **special position of Adviser on Roma and Sinti Issues at ODIHR**, as suggested by the OSCE Parliamentary Assembly. The Adviser may take up functions of the CPRSI and co-ordinate the increased workload related to Roma and Sinti.
- In aiding a higher profile of Roma and Sinti, the ODIHR, through its regular activities, may contribute to **better management of communities with high Roma population** by focusing on issues such as elections; representation in councils and public administration; methods for dealing with (critical) social issues; training for crisis management. Within this context, the promotion of ways in **which Roma and Sinti, and other national minorities, may have an active and strategic role** should be another area of focus.

In looking at the process through which Roma and Sinti issues have passed, at both the national and international levels, we may see some positive developments in terms of an increased awareness and political recognition of the problems, and the implementation of some specific policies to address them. At the same time, in attempting to address some of the social and economic dynamics in participating States, there is a need to re-inforce efforts and activities related to combating anti-Roma and Sinti prejudice, hostility, discrimination, and violence. Such activities should be an integral, even central part, of policies concerning Roma and Sinti.

---

<sup>36</sup> OSCE Implementation Meeting, Warsaw, 1995, par. 37

<sup>37</sup> OSCE Implementation Meeting, Warsaw, 1997, Working Body 2.

The wide experience and emerging specialisation among international organizations may undoubtedly play an important role in the identification of appropriate governmental mechanisms, while continued support toward civil society initiatives may further the democratic processes and citizens initiatives in the region, especially those among Roma and Sinti.



## **ANNEX 1**

### **OSCE PROVISIONS CONCERNING ROMA AND SINTI**

#### **EXCERPTS FROM CONCLUDING DOCUMENTS OF OSCE SUMMITS AND REPORTS OF EXPERT MEETINGS (1990-1997)**

DOCUMENT OF THE COPENHAGEN MEETING  
OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE  
(Copenhagen, 29 June, 1990)

IV.

(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).

REPORT OF THE CSCE MEETING OF EXPERTS ON NATIONAL MINORITIES  
(Geneva, 19 July, 1991)

VI.

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 continuous 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 encourage research and studies regarding Roma and the particular problems they face. Moreover, in order to heighten public awareness of prejudice and hatred, to improve enforcement of laws against hate-related crime[ ], they will make efforts to collect, publish on a regular basis, and make available to the public, data about crimes on their respective territories that are based on prejudice as to race, ethnic identity or religion, including the guidelines used for the collection of such data. These data should not contain any personal information.

DOCUMENT OF THE MOSCOW MEETING  
OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE  
(Moscow, 3 October 1991)

III.

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

## THE HELSINKI DOCUMENT: THE CHALLENGES OF CHANGE

(Helsinki, 10 July 1992) Helsinki Decisions

### VI. The Human Dimension

(34) [The participating States] 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.

## THE BUDAPEST DOCUMENT:

### TOWARDS A GENUINE PARTNESHIP IN A NEW ERA

(Budapest, 6 December 1994)

### VIII. The Human Dimension

#### Roma and Sinti

(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.

## **ANNEX 2**

### **EXCERPTS FROM REPORTS OF OSCE HUMAN DIMENSION IMPLEMENTATION MEETINGS (1995-1997)**

IMPLEMENTATION MEETING ON HUMAN DIMENSION ISSUES  
(Warsaw, 2-19 October 1995)

RAPPORTEURS' REPORTS  
SUBSIDIARY WORKING BODY 1  
Review of Implementation

....

13. Roma and Sinti

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

Review of the human dimension of the OSCE with a special focus on monitoring and enhancing compliance with commitments and on use of existing mechanisms and procedures.

8. Review of the activities of the Contact Point for Roma and Sinti (Gypsies) Issues

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.

## 1996 REVIEW MEETING

### REPORT OF THE CHAIRMAN-IN-OFFICE TO THE LISBON SUMMIT (including the Reports of the Rapporteurs of the Working Groups) (Lisbon, 29 November 1996)

#### Report of the Working Group 1(c) Rapporteur Mr. Keith Morrill (p. 20)

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."

## IMPLEMENTATION MEETING ON HUMAN DIMENSION ISSUES (Warsaw, 12-28 November 1997) CONSOLIDATED SUMMARY

### SUBSIDIARY WORKING BODY 1 Review of Implementation

...

#### 12. Roma and Sinti

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 OSQCE 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

Review of the Human Dimension of the OSCE with a special focus on monitoring and enhancing compliance with commitments and of the use of existing mechanism and procedures

### 7. Review of the activities of the Contact Point for Roma and Sinti Issues

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 particular 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.