

## **HDIM 2007 – “EUROPEAN ROMA RIGHTS CHARTER” – A GUIDING GROUND FOR ERTF ROMA RELATED POLICIES**

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### **Open question about the destiny of Kosovo Roma**

The Roma population is identified in almost every European country and in 1993 in the Resolution 1203 of the Council of Europe (text adopted by the Assembly on 2 February 1993, they were declared to be "a true European minority", but as a specific entity they are faced with issues related to my violations of basic human rights and needs as human beings. The European Parliament's adoption of the historic "Resolution on the Situation of Roma in the European Union"<sup>1</sup>, on April 28, 2005, is heralded as a landmark event in the Roma movement struggle for recognition of Roma rights on an EU level.

But on the other hand we are facing grave situation regarding Roma rights in Europe, especially vulnerable are Roma refugees and IDP's victims of the Kosovo war. Today, after 66 years from the Holocaust hundreds of thousands of Roma have had to flee from the wars in the former Yugoslavia. Since the beginning of the Balkan Wars, thousands of Roma have become victims of ethnically-motivated violence. More than a hundred thousand Roma from Kosovo have either fled from the cruelties or have been forced to leave their homeland. They are victims of a war they had nothing to do with. Some of now as in Germany, are threatened by deportation. None of the 'International Community' feels responsible for these people; no western 'democratic constitutional state' - is open to the victims of human rights crimes, violence and ethnic cleansing. Yet - every international human rights organization (incl. COE, UNHCR, OSCE,) agrees that for the Roma, there is no return possible to their home countries; in any case there is no possible return for all of them. They do not have proper conditions to go back on Kosovo, they do not have homes with basic infrastructure, water, electricity and etc. **About 100.000 Roma are still refugees from Kosovo.**

So far, nothing was prepared on solid basis for Roma refugees to have normal lives on Kosovo or as asylum in European countries, nothing has been prepared to deal seriously with the fate of the Roma. Instead, despite the international human rights organizations agreement that the Roma cannot return, plans are being made - not only for the Roma to return – but for them to return through the creation of special 'Collective Camps' in Kosovo under the direction of the IOM, in which Roma should be placed until their deportation...and history repeats itself.

The European Roma and Travellers Forum has co-initiated the “**Skopje Group**” as a Roma expert body for the status negotiations process. In March 2006, a meeting in Skopje brought together key representatives of the Roma from Kosovo

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<sup>1</sup> European Parliament resolution on the situation of the Roma in the European Union, P6\_TA(2005)0151, Brussels, 28 April 2005.

as well as representatives of ERTF and IRU as well as representatives of the CPRSI. The participants of this meeting called for ERTF to participate in the status negotiations.<sup>2</sup> The so called Skopje Group was formed.

**The purpose** of the creation of Skopje Group was to have a structure and a body of Roma representatives that can monitor the Roma refugee's situation, that can work together on finding ways how to urge for improvement, and first of all to organize the Roma refugee representatives among them and constantly to inform the Roma refugee community.

Skopje Group has initiated concrete dialogue between Roma refugees and IDP's in the Balkan region, transfer of information, joined initiatives urging for improvement and more serious consideration of Roma refugee reality. Although ever since the end of the war eight years ago, Kosovo has been under the jurisdiction of the UN, Roma are the most affected population till today.

With regards to the refugee's issues, and Kosovo Roma refugee's status, the Skopje Group notes:

**Roma voice and Romani community** were not considered as subject in the Kosovo status negotiation process, in that context Roma as minority on Kosovo are not included, and international community and Kosovo authorities are expecting Roma to return on Kosovo, which remain main political concern.

**Roma IDPs/refugees** within and outside Kosovo live in unstable and often unacceptable conditions in locations other than their place of origin, facing with many difficulties and problems that are endangering their existence and future. In order to improve their situation we need more concrete measures and actions plans to deal with discrimination, poverty, lack of personal documentation, infrastructure and housing conditions regarding Roma families, safe living conditions on Kosovo and many others.

Skopje Group is urging for effective Roma assistance in the Kosovo status settlement, strategic policy development for Roma rights protection on Kosovo, to set out clear legal framework and financial assistance to enable decent life for Kosovo Roma refugees.

Given the continuing political fragility of Kosovo, the divergent expectations surrounding the political negotiations on its future status and the continuity of the negotiations processes, have made space to intensify the efforts to strive for Roma participation and assistance. The Roma occupy marginalized position in the Kosovo status negotiation processes.

If there is a new phase of negotiations for the Kosovo status, ERTF and Skopje Group should be included as valuable assistance, because the negotiations so far have failed to produce any significant compromises and we must seek to protect Roma minority.

Skopje Group is urging to be recognized at international level as subject that will assist the international authorities and to the state officials as much as possible to solve the position of Roma refugees and IDP's, and to urge for sustainable and long term solution based on the current reality.

Skopje Group has constantly distributed information in order to raise the level of advocacy creating network of communication and information.

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<sup>2</sup> Political Platform of Kosovo Roma. Common statement of the participants to the meeting on Kosovo Roma, jointly organized by the OSCE ODIHR Contact Point for Roma and Sinti Issues and the European Roma and Travellers Forum (ERTF), Skopje, 25 March 2006

A part of other difficulties which Roma are facing migration, asylum issues, IDP's issues, remain still an issue of concern, because human rights are not enough respected and implemented regarding Roma migration and Roma refugees issues are still an obstacle in post-war regions. Kosovo continues to be dominated by the fact of not addressed and indeed as yet not solved status of the Roma, and the threat of future violence toward minority communities on Kosovo, among them on Roma as well. Roma communities in Kosovo live in substandard or extremely substandard housing. Despite a number of years of discussion, little has been achieved to date to remedy this problem. A series of internally displaced persons in Serbia are in extremely difficult condition. In many cases Roma lack registration documents for their now-destroyed housing. They may also lack documents of title for land on which they may have factually lived for years or decades, or for housing they may continue to inhabit. Many Roma have never obtained birth certificates, a fact which may trigger failure to secure any form of personal documentation and lead to a phenomenon whereby persons may have literally no administrative existence.

Generally, few Roma received asylum based on the criteria of the 1951 Geneva Convention, which says refugees must have been persecuted or have a well-founded fear of persecution due to race, nationality, religion, political opinion, or membership in a particular social group. The Roma had come from "safe" countries, and did not present sufficient evidence to support a Geneva Convention claim. The process started with readmission agreements between countries is pushing Roma in very difficult position, they must return on Kosovo.

**So we need:**

- Without delay, provide real, effective and durable protection to all Roma individuals and communities on Kosovo and IDP's in Serbia.
- To investigate and bring to justice all issues related to human rights issues, property issues, damage issues and etc, regarding Roma individuals and communities.
- To establish procedures to provide comprehensive survey in the matter of the Roma minority protection on Kosovo, such that all subject will be brought to justice, and Roma members and their families have access to due remedy.
- Ensure that, in compliance with UN Security Council Resolution 1244, refugees and displaced Roma enjoy unimpeded, safe and secure return to their homes in Kosovo if they are willing to return to.

**We need to offer to the Roma true participation and inclusion**, but first of all protection on all community levels, providing them conditions to start a substantive inclusion. We should look on important differences in a wider civil, political, economic, and cultural context in order to find the right path to resolve the overwhelming question -how to do that? How to ensure equality for Roma minority, not only by accepting international mechanisms such as declarations, because they have declaratory, not obligatory nature, we must strive to ensure obligatory and binding instruments for the Roma population in Europe. In order to secure Roma rights we must strive to enforce Roma rights through legally binding instruments, to provide a legal framework for creating substantive protection of Roma as equal human beings in all aspects. Roma are declared as a true European minority, but Roma are stateless minority not having their own state, Roma are stateless nation. The challenge is an immense step which we must start at least, because Europe is growing together with us. Let be constructive in a proper manner and see all the difficulties we must fight against and join our efforts.

We have **reasonable** and **legitimate right** to ask for European Roma Rights Charter. Creation of a European Roma Rights Charter is an excellent opportunity to fill the gaps in the present system of protecting Roma rights in Europe.

Humanitarian issues and other commitments migrants, refugees, displaced persons or asylum seekers are still complex for Roma, because they are not protected neither respected as citizens and human beings. There is noticeable tendency towards increasing discrimination and the passing of more restrictive legislation in several receiving States, where Roma are not welcomed; very often they are deported from European countries to Kosovo or Serbia.

**We need to urge the authorities:**

- To honour their commitments under international law and refugee standards to provide asylum seekers with access to a fair, independent and transparent asylum procedure, and not to return any person to a country or territory where they may face serious human rights violations or place barriers in the way of international protection for those who need it.
- To ensure that asylum seekers are only detained when absolutely necessary in compliance with international standards and that asylum seekers and irregular migrants are not detained in cruel, inhuman and degrading conditions.
- To ensure that respect for human rights is a precondition of any cooperation with countries of transit of origin, and that both short and long term strategies on irregular migration are grounded in respect for the basic rights of migrants
- Effective government enforcement is insufficient in some areas, and societal and cultural discrimination based on gender, race, religion, social class, and disability exists Concrete Plan and Strategy for the Roma refugee and IDP's community should be adopted and implemented as well, developing the following issues:
- Implementation of adopted documents and regulations with international character on a national and local level, because although various conventions, resolutions and agreements are signed, they must be reviewed in practice
- Effective monitoring of human rights issues should be realized and accomplished by the international community, and Roma NGO's, in order to detect violations and mistreatments towards the Roma community.
- Political participation and representation of Roma in decision making bodies and to establish other equality bodies for minorities on Kosovo
- Civil registration and lack of personal documentation among the Roma community must be solved due to the proper statistic database for census or elections on Kosovo, and the fact that personal documentation is condition for performing other civil rights.
- Special programmes for return and reintegration of Roma, on Kosovo, based upon free will and real opportunity to integrate in the society.
- To assist to IDP's and returnees to repossess their real estate and personal property on Kosovo as pre-condition for normal living or to secure for them normal living standards and housing if needed in other possible areas.
- without access to justice there can be no justice, which isa core component of the rule of law. We need to urge for effective implementation of OSCE commitments concerning both the rights of

persons belonging to national minorities and the right to equality and non-discrimination;

One of the creators of the idea of creating EU, Robert Schuman has declared that: "It is necessary for each one to be aware that we need each other, with no difference of our status or power that we have. Isolation become not only reason for weakness, but also a reason for destruction".

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