

COMPILATION OF WRITTEN RECOMMENDATIONS

(Covering Working Sessions 6 - 7)

This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by Working Sessions and by what was submitted by Delegations / International Organizations / NGOs to participating States and, separately, to OSCE Institutions / Field Missions or other International Organizations. Recommendations are compiled in original language.

Please note that the deadline for submitting Recommendations to the HDIM Documentation Centre is Thursday, 04 October 2007.

Thursday, 27 September 2007

WORKING SESSION 6 & 7: OSCE Action Plan on Roma and Sinti: participation in political life, overcoming discrimination

Recommendations to Participating States:

Council of Europe:

- Further steps must be taken to put an end to the anti-Roma discrimination. Comprehensive anti-discrimination legislation must be adopted and enforced. Further efforts to raise awareness among officials and the general public are necessary. There should be clear reactions against any tendency of xenophobic discourse and jargon.
- More needs to be done in order to recruit Roma into civil service on both local and national level. It is particularly important that Roma are invited into the police profession and as staff in schools.
- The attempts with reserved seats in political bodies should be developed. I noticed that the practice in Slovenia with one such seat in the local assemblies has created a channel in some municipalities between the Roma communities and the authorities.
- The non-governmental organizations should be further encouraged to organize programs in civic education in Roma communities. Such programs should include human rights and practical aspects of the election system. It is important that they reach women. Written information for such education and about the elections should be available in Romani language.
- More outreach efforts are needed to secure voter registration. Again, it is important to reach also women. The widespread problem of lacking personal identification documents must be resolved with high priority. This will have to include a solution of the problem for those who are stateless.
- Public life is not only about elections. Participation is about a possibility to influence on a daily basis. More organized consultation is needed, for instance, in the municipalities, between the local authorities and the Roma population on housing and other concrete

problems. Advisory bodies could be set up to give such consultations more continuity and promote the legitimacy of the Roma representatives. Authorities should be open to support Roma cultural centers – where this have been tried it has had positive effects also for inter-Roma communications.

Council of Europe – European Roma and Travellers Forum:

- 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.
- 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.
- 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 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 co-operation 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 is a 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;

Amnesty International (jointly with European Roma Rights Centre and Roma Educational Fund:

The organizations call on the participating States to:

- Ratify and implement Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which contains a general prohibition of discrimination in the enjoyment of any right in law (Article 1);
- Ratify and implement the Revised European Social Charter;
- Ensure that all children complete compulsory education, as required under the International Covenant on Economic, Social and Cultural Rights. Such a plan should prioritize the integration and attendance of Romani children in mainstream education, through a combination of desegregation, and of special measures to encourage attendance and reduce drop-out rates, as required under the UN Convention on the Rights of the Child;
- Ensure the genuine participation of Romani communities in determining policy which affects their lives, including consultation for inclusion in the education systems;

- Ensure that their national legislation is amended to include a prohibition of segregation in education, where such prohibition does not yet exist;
- Adopt compulsory and comprehensive temporary special measures to facilitate the entry of Romani children into mainstream and integrated education and ensure that national authorities are bound by law to undertake such measures.

The organizations call on the European Union to:

- Ensure that the EU does not support projects which are associated with human rights violations, including forced evictions and that do not lead to segregation in the fields of education, housing, healthcare.
- Ensure that participating States actively fight discrimination against Roma in education and promote the full inclusion of Romani children in education.
- Encourage participating States to undertake awareness-raising campaigns.
- Monitor the correct transposition and implementation of the anti-discrimination directives into the national legislation.
- Pursue an integrated approach through developing an EU Framework Strategy on Roma inclusion, which would provide coherence and complementarity in policies, systematic and sustainable initiatives and a coordination instrument. This framework would ensure an effective mainstreaming (i.e. Roma issues are addressed in EU policies) and specific (i.e. affirmative) actions targeting Roma when required. And for the EU member states it would offer guiding principles and exchange of best practices.

European Roma Rights Centre (ERRC):

- Initiate and undertake research within the national child protection system to fully understand the situation of Roma children in such institutions.
- Reconsider the general position on the collection of ethnic data and start gathering information in the context of how ethnicity influences the placement of Roma children in state care institutions while fully complying with existing data protection laws.

Movimiento por la Paz el Desarme y la Libertad (MPDL):

The recommendations to the territories of Montenegro, Serbia, Kosovo and Bosnia-Herzegovina referred to the RAE population living under their jurisdiction, could be read as follows:

- Effective education campaigns, as many members of the RAE community are not aware of their rights.
- To facilitate the civil registration of the members of the RAE community, as first and necessary step for the access to other additional rights.
- To facilitate the access to these other additional rights, especially, those referred to social services, health, employment and education.
- An effective implementation of the International Covenant on Economic, Social and Cultural Rights.

To the State of Montenegro:

- to properly attend, without any delay, the serious and inhuman situation of the camps known as “Konik 1” and “Konik 2” (where about 2.000 displaced persons from Kosovo are living in extreme vulnerable conditions, lacking 70% of them personal documentation), facilitating the basic needs that as human beings the habitants of those camps are entitled to.

Roma Civic Alliance:

- Strongly recommends to our political parties and politicians to actively involve in providing equal opportunities to young Roma activists trough an *extensive minority outreach policy*.

Recommendations to the OSCE:

European Roma Grassroots Organisation:

- We would encourage a revision of the Action Plan which to lead to a chapter focused on grassroots and an urgent adoption of a implementing budget and measurable indicators as a solution to transposing words into reality.

European Roma Rights Center (ERRC):

For Contact Point on Roma and Sinti issues:

- Support further research on Roma children in state care institutions in other OSCE countries to be in the position to fully understand the scope of the issue.
- Cooperate with the ERRC in advising participating States of the OSCE in what measures should be taken to guarantee the rights of the child in particular of Roma children in state care institutions.